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CITY OF SACRAMENTO  
CALIFORNIA

PLANNING AND BUILDING DEPT.

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March 13, 2001

Law and Legislation Committee  
Sacramento, California

Honorable Members In Session:

**SUBJECT:** AN ORDINANCE AMENDING CHAPTER 15.124 OF TITLE 15 OF THE SACRAMENTO CITY CODE, RELATING TO HISTORIC PRESERVATION, LANDMARKS, AND HISTORIC DISTRICTS WITHIN THE CITY OF SACRAMENTO AND REPEALING ORDINANCE NOS. 2000-031 AND 2001-01.

**LOCATION AND COUNCIL DISTRICT:** Citywide

**RECOMMENDATION:** The Design Review Preservation Board and Staff recommend adoption of the proposed Historic Preservation Ordinance. Preservation Staff requests that the Law and Legislation Committee of the City Council review the proposed Ordinance during their meeting on March 20, 2001. Staff will be at the meeting to answer questions and to recommend that the Committee adopt the proposed Ordinance and forward it to the City Council (City Council meeting is scheduled for April 3, 2001).

**CONTACT PERSON:** Vincent Marsh, Preservation Director (264-8259)  
Don Smith, Associate Planner (264-8289)

**FOR COMMITTEE MEETING OF:** March 20, 2001

**SUMMARY:** The Historic Preservation Ordinance provides for the protection and encouragement of historic landmarks and historic districts within the City of Sacramento. The proposed Ordinance is also intended to clarify procedures and responsibilities, change some nomenclature, establish some new procedures and regulations related to development and demolition review of projects. The proposed Historic Preservation Ordinance has been reviewed by numerous neighborhood and business organizations, historic property owners and others at public meetings. The proposed Ordinance was taken specifically to the City Planning and SHRA Commissions, and was the topic of a Public Hearing by the Design Review Preservation Board (DRPB). The DRPB and Preservation Staff have completed the revision of the Historic Preservation Ordinance and recommend approval of the document as defined in Attachment B.

**BACKGROUND INFORMATION:** In 1997, the City Manager, on behalf of the late Mayor Joseph Serna, invited over forty preservation, civic, neighborhood, professional and business organization representatives to serve on the Mayor's Select Committee on Historic Preservation. The Select

Committee concluded its work with a report outlining a number of recommendations and improvements to the City's preservation program, some of their recommendations have been enacted.

One of the key recommendations of the Select Committee was to comprehensively update the Preservation Ordinance. This proposed Historic Preservation Ordinance, would entirely supercede the existing Chapter 15.124, Historic Preservation Ordinance which was originally adopted in 1975 (Attachment A).

#### Meetings:

An Administrative Draft of the proposed Preservation Ordinance for the City of Sacramento was first circulated on May 11, 1998 under File No. MF98-014. Previous Workshops/ Public Hearings at DRPB on the proposed Historic Preservation Ordinance have occurred on August 4, 1999, May 3<sup>rd</sup>, June 7<sup>th</sup> 2000 and September 6, 2000. In addition, a Capitol Station District Workshop, (serving the Richards Boulevard/ Railyards Community), was held on the proposed Preservation Ordinance at the Depot Model Room on August 23, 2000.

In advance of the September 6, 2000, DRPB Public Hearing on the Ordinance, a one page flyer/ mail notice was mailed to approximately 130 individuals, businesses, organizations and select property owners in the City announcing the availability of a Draft Historic Preservation Ordinance for Public Review.

During the Summer of 2000 a DRPB Subcommittee was established to work with Planning Staff and the City Attorney to further refine code language in the proposed Ordinance. Staff/Subcommittee recommendations are reflected in the draft Ordinance (Attachment B).

In late December, 2000 and early January 2001, a Planning Department newsletter entitled Draft Preservation Ordinance Summary was sent to approximately 4,000 addressees including property owners who have properties listed on the City's existing Official Register. This newsletter described the existing and proposed Ordinance provisions and informed readers about scheduled meetings.

Public Workshops/Informational Presentations recently completed on the proposed Historic Preservation Ordinance are as follows:

- Boulevard Park Neighborhood Association meeting at the Hart Senior Center on January 10<sup>th</sup>, 2001;
- Downtown Property Owners Workshop at the City Council Chambers on January 11<sup>th</sup>, 2001;
- Central City Property Owners Workshop at the Hart Senior Center on January 18<sup>th</sup>, 2001;
- Sacramento Heritage Board of Directors Informational Presentation on January 22<sup>nd</sup>, 2001;
- City Planning Commission on February 1, 2001;
- Sacramento Housing and Redevelopment Agency Commission meeting on February 7<sup>th</sup>. Their comments are provided (Attachment C);
- Sacramento Downtown Partnership meeting, February 21, 2001;
- Design Review Preservation Board Public Hearing for recommendation to the City Council, March 7, 2001;
- Old Sacramento Management Board meeting, March 8, 2001; and
- Capitol Area Development Authority Board, tentatively scheduled for March 16, 2001.

Prior to the Design Review Preservation Board meeting on March 7, 2001, public notices were sent to over 4,000 addressees including property owners who have properties listed on the City's existing Official Register. Public notice of the meeting was also advertised in a local newspaper 10 days prior

to the DRPB Hearing on March 7, 2001.

In addition, Preservation staff, has met with Neighborhood and Business Associations and Preservation Organizations throughout the City including: Curtis Park, and East Sacramento Neighbors and two meetings with officials from the Blue Diamond Corporation.

Ordinance Changes:

The updated Ordinance differs from the existing Ordinance in a number of ways. It is intended to clarify procedures and responsibilities, it changes the nomenclature, and establishes some new procedures and regulations. Some of the proposed changes are summarized in the following chart:

**Summary of Differences Between the  
Existing Preservation Ordinance and Proposed New Ordinance**

| <b>Topic</b>   | <b>Existing Ordinance</b>   | <b>New Ordinance</b>   |
|--|---|--|
| <i>Changes in Terminology</i>                                  | Preservation Areas  | Historic Districts   |
|  | Official Register   | Sacramento Register  |
|  | Essential & Priority Structures   | Landmarks  |
|  |   | Many new definitions that are reflective of state or federal programs, or to more clearly describe processes and procedures.   |
| <i>Demolition Requests</i>                                     | DRPB can suspend demolition of a listed structure for 180 days and the City Council for an additional 180 days. | DRPB can deny demolition of a listed structure. New ordinance provides for consideration of reasonable economic use in determination about demolitions.  |
| <i>Nomination to add a resource to the Sacramento Register</i> | Only DRPB and City Council can nominate a structure.  | Any person may nominate a resource for inclusion on the Sacramento Register. The person or group nominating the resource is responsible for identifying its significant features or characteristics.   |
| <i>Applicability of Preservation Review</i>                    | Preservation review only applies to modifications or alterations that require a building permit.                | Review centers around features of the landmark identified as significant during the nomination process. Could include modifications that do not require a building permit if these features were identified as significant (e.g., landscaping, fencing). |
| <i>Minimum maintenance standards</i>                           | Does not include any minimum maintenance standards.   | Establishes minimum maintenance requirements for listed historic resources.  |

It should be stated that the proposed Ordinance applies to City owned development projects, including public projects within the Old Sacramento National Historic District with the provision that the City Council may, by resolution or ordinance exempt such projects from the ordinance.

#### Review Process/ Public Comments:

As part of the work program for the updated Ordinance, two public workshops were held on January 11<sup>th</sup> and 18, 2001. During those meetings, staff presented the proposed Ordinance to property owners, businesses and neighborhood groups for review and Comment. Comments received during these meetings pertained to: a concern that processing time for applications would be greater than current time frames; general inquiries about preservation incentives; maintenance requirements; and, the process of nominating buildings to the Sacramento Register.

The Updated Ordinance was presented to the City Planning Commission on February 1, 2001, the Sacramento Housing and Redevelopment Agency Commission on February 7, 2001 for review and comment, and the Design Review/ Preservation Board on March 7, 2001 for a recommendation to the City Council. Their comments are summarized as follows:

#### Planning Commission Comments:

Some Commissioners thought the criteria for nomination was considered very broad and subjective. It was indicated that the proposed nomination process could be used as a tool by unscrupulous people to add development restrictions to a site. Time constraints should also be placed on the process so as not to restrict development longer than necessary. Some Commissioners also thought the appeal process of the DRPB should be taken to the Planning Commission rather than to the City Council.

#### Sacramento Housing and Redevelopment Agency Commission Comments.

Some Commissioners were concerned that the nomination process would unfairly restrict property owner's use of their property. They suggested developing a notice to be incorporated into real estate transactions which would notify buyers of structures over fifty years old that their building may be nominated as a historic landmark (detailed comments are provided in Attachment C).

#### Design Review/ Preservation Board (DRPB)

On March 7, 2001, the Revised Preservation Ordinance was taken to the DRPB for approval and recommendation to City Council. Public Testimony included comments from Blue Diamond Growers and from Railyards/ Richards Boulevard property owners. Blue Diamond Growers are concerned with any impact the revised ordinance may have on their operation should they have a project that would need to comply with the Preservation Ordinance (See letter, Attachment D). The Railyards/ Richards was concerned about the ability of a "third party", or any person being able to nominate a structure as a Historic Landmark, and for the Preservation Section to provide adequate staffing to ensure expedient processing. Representatives from the Fainted Ladies Task Force, Heritage Alliance, Art Deco Society, and other preservationists spoke in support of the revised Ordinance. The vote of the DRPB was 6 ayes, 1 no and 1 absence. The motion carries a message to the City Council which expresses their strongest support and thanks, and requests City Council endorsement and approval of the Revised Historic Preservation Ordinance. One change in the Ordinance was recommended by the DRPB to Section 15.124.180 (d) which would require the Preservation Director to notify a property owner within 30 days that their property was being nominated to the Sacramento (Official) Register.



## **FINANCIAL CONSIDERATIONS:**

The proposed Historic Preservation Ordinance is, at present, essentially a Central City program. Adoption of the proposed Ordinance will result in a Citywide program. The adoption of the Ordinance along with other recent City Council actions, such as the adoption of the Preservation Element and Preservation Incentives document, Interim Demolition/Relocation controls and current Survey and Planning activities has resulted in increased responsibilities for the Preservation Section of the Planning Division. Staffing needs associated with the implementation of a comprehensive Citywide Preservation program will be addressed in future presentations to the City Council during the review and approval of the Planning Department's 2001-2002 budget.

The revised Ordinance helps the city to maintain its status as a Certified Local Government (CLG). A CLG is eligible to receive grants from the State Office of Historic Preservation, and to Review and Comment on projects under the National Historic Preservation Act, including those within the Old Sacramento Historic Landmark District.

## **POLICY CONSIDERATIONS:**

The updated Preservation Ordinance is consistent with General Plan Preservation Element and stated objectives of the Select Committee.

### **A Summary of Preservation Element Goals and Policies**

Specifically, the following Preservation Element Goals and Policies apply:

Goal A of the Comprehensive, Citywide Program contains eleven policies that promote the recognition, preservation, and enhancement of historic and cultural resources throughout the city. Implementation for these policies require the City to revise its Preservation Ordinance (1.A).

Goal B of Resource Preservation is "to protect and preserve important historic and cultural resources that serve as significant, visible reminders of the city's social and architectural history." There are 11 policies that support this goal. Policy B.1 states: "The City shall update and enforce the Preservation Ordinance to conform to state and federal guidelines and to meet the objectives of the Preservation Element". An identified implementation measure (1.B) is to establish minimum maintenance standards for historic properties and identify other options and programs to provide for maintenance and upkeep of historic properties and resources. Another implementation measure requires the review of demolition permits (3.B).

Goal C of Inventory and Information seeks "to maintain and expand an inventory of important historic and cultural resources and their setting and retain information important to their understanding". Policy C.1 thereunder states that the "City shall update and expand the city's Historic Resources Inventory and a regular basis". The proposed Preservation Ordinance sets up a framework to identify, evaluate and nominate cultural resources to the Sacramento Register for the first time on a Citywide basis. The Preservation Ordinance at present , limits the designation to properties to the Central City only.

### **Stated Objectives of the Select Committee**

The draft Ordinance also follows stated objectives of the Select Committee as summarized in the following by:

- identifies a wide range of economic and procedural incentives;
- develops a comprehensive preservation program which incorporates a broad range of elements and components;

- establishes a Citywide preservation program that involves the broad based citizen participation, provides for leadership in the field of preservation and seeks to improve the quality of life in the City;
- establishes criteria and requirements for the placement and/or deletion of properties on the Sacramento Register;
- preserves cultural resources including archaeological resources, historic landscapes, and neighborhood features, public infrastructure and other significant sites and buildings Citywide;
- strengthens and improves Staff support for a Citywide Preservation Program and enhances interdepartmental coordination and cooperation on preservation issues;
- incorporates the Secretary of the Interior's Standards for the Treatment of Historic Properties as the review mechanism for development projects; and
- improves coordination of funding mechanisms and organizational structures to best achieve goals and objectives of the preservation program.


#### **ENVIRONMENTAL DETERMINATION:**

The Environmental Coordinator has determined the Preservation Ordinance is Categorically Exempt under California Environmental Quality Act (CEQA), Section 15308 (Class 8). This exemption includes actions taken by regulatory agencies for protection of natural resources.

Class 8 consists of actions taken by regulatory agencies as authorized by the state or local ordinance, to assure that the maintenance, restoration, enhancement, or protection of the environment where the regulatory process involves procedures for protection of the environment. Construction activities and relaxation of standards allowing environmental degradation are not included in this exemption.

**MSBD CONSIDERATIONS:** No goods or services are being purchased under this report.

Respectfully Submitted,

  
 GARY L. STONEHOUSE  
 PLANNING DIRECTOR

RECOMMENDATION APPROVED:

  
 BETTY MASUOKA  
 DEPUTY CITY MANAGER

#### **Attachments:**

|               |   |
|---------------|---|
| Attachment A: | Existing Preservation Ordinance                                   |
| Attachment B: | Proposed Historic Preservation Ordinance                          |
| Attachment C: | SHRA Commission Comments  |
| Attachment D: | Letter from McDonough, Holland and Allen for Blue Diamond Growers |
| Attachment E: | Letter from Criminal Justice Legal Foundation                     |

# TO BE SUPERCEDED

(EXISTING)

Chapter 15.124

ITEM 0:2  
DATE:            ATTACHMENT A  
PAGE: 7

## HISTORIC PRESERVATION

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- 15.124.310 Preservation area plan.
- 15.124.320 Listed structures plan.

#### Article VI. Scope of Regulation

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- 15.124.340 Immediately dangerous buildings.
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- 15.124.360 Review procedure—Director.
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- 15.124.400 Hearing decision.
- 15.124.410 Expiration of right.
- 15.124.420 Term extension and modification.
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#### Article VII. Appeals

- 15.124.450 Appeal procedure.
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#### Article VIII. Regulation and Nature of Decision

- 15.124.480 Demolition of listed structures or structures on the California or National Register.
- 15.124.490 Demolition of structure in preservation areas.
- 15.124.500 Suspension period—Commencement.
- 15.124.510 Standards for board action—Approval.
- 15.124.520 Relocation.
- 15.124.530 Alternatives to demolition—Board action.
- 15.124.540 Architectural review.
- 15.124.550 Expiration of suspension.

#### **Article IX. Substandard Buildings**

- 15.124.560 Application of article.**
- 15.124.570 Notice to director.**
- 15.124.580 Advisory report by board.**
- 15.124.590 Report to board.**

#### **Article I. General Provisions**

##### **15.124.010 Definitions.**

For the purposes of this chapter, the following words and phrases shall have the meaning respectively ascribed to them by this section unless otherwise specifically provided:

"Board" means the design review and preservation board.

"California register" means "California register" as defined in Section 5020.1(a) of the California Public Resources Code.

"Central city" means all the property lying between the Sacramento River on the west, the Southern Pacific main line railroad levee on the north, Alhambra Boulevard on the east, and Broadway on the south. The properties fronting upon the eastern side of Alhambra and the southern side of Broadway are within the central city.

"City" means all the area within the boundary of the city of Sacramento.

"Dangerous structure" means "dangerous building" as defined in Section 8.96.110 of this code.

"Director" means the design review and preservation director.

"Essential structure" means one or more buildings or structures on a single lot or parcel having the most significant historic or architectural worth and designated as such by the council pursuant to the provisions of this chapter.

"Immediately dangerous structure" means "immediately dangerous building" as defined in Section 8.96.120 of this code.

"Listed structure" means any designated essential structure or priority structure.

"National Register" means the "National Register of Historic Places" as defined in Section 5020.1(l) of the California Public Resources Code.

"Official register" means the inventory of structures and areas designated by the council as essential structures, priority structures, priority structures and preservation areas listed by common address.

"Preservation area" means a district within the city having special historic and architectural worth and designated as such by the council pursuant to the provisions of this chapter.

"Priority structure" means one or more buildings or structures on a single lot or parcel having significant historic and architectural worth and designated as such by the council pursuant to the provisions of this chapter.

"Proposed designation" means building, structures or areas tentatively nominated for essential structure, priority structure or preservation area status by the board. (Prior code § 32.01.101)

##### **15.124.020 Judicial review—Limitation.**

Any decision of the council with respect to designations, amendments or deletions to the official register or appeals shall be final for all purposes unless a judicial review thereof is sought within thirty (30) days after such decision becomes final. (Prior code § 32.01.102)

##### **15.124.030 City council—Finality of decision.**

Unless otherwise specified herein any decision of the council with respect to designations, amendments or deletions to the official register or appeals shall be final within ten (10) days from the date said decision is rendered. (Prior code § 32.01.103)

##### **15.124.040 Finality of decision—Board.**

Any decision or order of the board under this chapter shall become final if no appeal is taken from such order or decision within the time limits prescribed by the applicable appeal provisions of this chapter. No permit regulated by the provisions of this chapter shall issue, nor shall any rights therein vest, until the decision of the board is final or any appeal therefrom is disposed of the manner prescribed by this chapter. (Prior code § 32.01.104)

##### **15.124.050 Notice.**

Excepting public notice and notice by publication and unless otherwise specified herein any notice or service of notice may be effected by personal delivery in writing or by mail, postage prepaid and shall be deemed communicated as of mailing. Failure to receive notice shall not affect in any manner the validity of any proceedings thereafter taken. (Prior code § 32.01.105)

#### **Article II. Preservation Board**

##### **15.124.060 Design review and preservation board.**

There is created a design review and preservation board of the city. (Prior code § 32.02.201)

**15.124.070 Design review and preservation board—Appointment.**

The board shall have nine members, appointed by the mayor subject to the approval of the city council, as follows:

- A. One member who is a licensed landscape architect;
- B. One member who is a licensed architect;
- C. One member who is a licensed structural engineer;
- D. One member who is active in property development within the central city;
- E. One member who is knowledgeable in local history, architecture and cultural development, the list of applicants to be reviewed by the city-county museum and history commission;
- F. One member who is qualified by reason of training or experience in design;
- G. One member who is knowledgeable in architectural history; and
- H. Two at large members; if none of the above members is a resident within the central city, then one of the at large members shall be a central city resident. (Prior code § 32.02.202)

**15.124.080 Design review and preservation board—Term of office.**

- A. The term of office for each member of the board shall be a period of four years and until his or her successor has been appointed and qualified.
- B. In order to establish staggered terms for members of the board, the nine members first appointed to the board shall at their first regular meeting determine by lot which four of their membership shall serve two-year terms. The remainder shall serve four-year terms. (Prior code § 32.02.203)

**15.124.090 Design review and preservation board—Removal from office.**

Members of the board shall serve at the pleasure of the mayor and so long as they remain qualified as defined in Section 15.124.070 of this chapter. The mayor may, with the consent of the council, remove any member from the board with or without cause. (Prior code § 32.02.204)

**15.124.100 Design review and preservation board—Vacancies.**

A vacancy in membership on the board shall be filled by appointment for the remainder of the term of the former member. The appointment shall be made by the mayor and shall be subject to approval by the council.

Each appointee shall possess the same required qualifications as his or her predecessor. (Prior code § 32.02.205)

**15.124.110 Design review and preservation board—Compensation.**

Each member of the board shall receive as salary the sum of fifty dollars (\$50.00) for each meeting attended, provided, that the total salary of each member shall not exceed two hundred fifty dollars (\$250.00) in any one month. (Prior code § 32.02.206)

**15.124.120 Design review and preservation board—Rules and procedures.**

The board shall select a chairman from its membership annually. The board shall adopt its own rules of procedure. The board shall act by a majority vote of its members present who have not been required to abstain due to a conflict of interest. (Prior code § 32.02.207)

**15.124.130 Design review and preservation board—Powers and duties.**

Unless otherwise specified herein the powers and duties of the board shall be as follows:

- A. Adopt criteria for the identification of essential structures, priority structures and preservation areas;
- B. Prepare or cause to be prepared a comprehensive inventory of essential structures, priority structures and preservation areas within the central city;
- C. Review and recommend to the council the adoption of buildings, structures and preservation areas located outside the central city but within the city for listing as listed structures or preservation areas on the official register;
- D. Approve or disapprove applications for permits pursuant to Articles VI, VII and VIII of this chapter;
- E. Make recommendations to the council concerning the acquisition of development rights, facade easements, and the imposition of other restrictions and the negotiation of historical property contracts for the purposes of historic preservation;
- F. Increase public awareness of the value of historic, architectural and cultural preservation by developing and participating in public information programs and by recommending the update of the preservation program;
- G. Make recommendations to the council concerning the utilization of grants from federal and state agencies, private groups and individuals and the utilization of budgetary appropriations to promote the preservation of historic or architecturally significant structures in the central city;
- H. Promulgate standards for architectural review;

I. Evaluate and comment upon decisions by other public agencies affecting the physical development and land use patterns in the central city;

J. Recommend to the council that the city purchase a listed structure where private preservation is not feasible;

K. Those powers and duties granted or imposed pursuant to the provisions of Chapter 17.132 of this code; and

L. Any other functions which may be designated by resolution or motion of the council.

Nothing herein shall be construed to limit the powers or duties of the board when acting pursuant to Chapter 17.132 of this code. (Prior code § 32.02.208)

**15.124.140 Design review and preservation director—Meetings.**

The board shall meet not less frequently than once each month. (Prior code § 32.02.209)

**Article III. Preservation Director**

**15.124.150 Design review and preservation director—Office established.**

To assist the board in the performance of its duties there is created the office of design review and preservation director. The design review and preservation director shall be designated by the city manager. (Prior code § 32.03.301)

**15.124.160 Design review and preservation director—Duties.**

The director shall be the secretary to the board and shall perform those functions required under the provisions of this chapter or any other applicable provisions of law. (Prior code § 32.03.302)

**Article IV. Designation and Official Register**

**15.124.170 Standards for designation.**

The board shall promulgate specific standards and criteria for the identification of buildings, structures, or areas within the central city for designation as essential structure, priority structures or preservation areas. The board may use the standards and criteria for identification of buildings, structures or areas outside of the central city but within the city. (Prior code § 32.04.401)

**15.124.180 Proposed designation.**

A. Consistent with the standards established pursuant to Section 15.124.170 of this chapter, the board shall conduct or cause to be conducted a comprehensive survey

within the central city. Thereafter the board shall prepare and adopt a listing of those buildings and structures which it proposes to recommend to the council for designation as essential structures and priority structures. In addition, the board shall prepare descriptions of all districts proposed for designation as preservation areas, together with a listing of all parcels of property contained within said districts. The board may use these standards to recommend to the council buildings and areas outside the central city but within the city for listing on the official register.

B. Any building or structure which is proposed by the board for designation as an essential structure or priority structure pursuant to subsection A of this section and any parcel of property which is contained within an area proposed by the board for designation as a preservation area pursuant to subsection A of this section shall, during the pendency of proceedings commenced under this chapter, be subject to the provisions of Articles VI, VII and VIII of this chapter to the extent that such provisions would be applicable to such structure or parcel within a preservation area.

C. Notwithstanding subsection B of this section, the board shall not review entitlements enumerated in Sections 15.124.330(A)(1) and 15.124.330(B) until a listed structures plan authorized by Section 15.124.320 or preservation area plan as authorized by Section 15.124.310 applicable to the property for which said entitlements are sought has been adopted. (Prior code § 32.04.402)

**15.124.190 Notice.**

Following the adoption of the board's proposed recommendations on designations, notice shall be given by the director to all owners of buildings, structures or property contained in the board's listing using for this purpose the names and addresses of the owners as shown on the latest equalized assessment rolls.

In addition, the director shall cause notice of the board's recommendations on designations to be published once in the official newspaper of the city within thirty (30) days from the board's action. (Prior code § 32.04.403)

**15.124.200 Notice—Contents of notice.**

Notice sent to property owners pursuant to Section 15.124.190 of this chapter shall include, but need not be limited to, the following:

A. Common address, if any, of the affected property;

B. The proposed designation of the building, structure, or property;

C. A general explanation of the proposed designation and the restrictions it imposes upon the building or structure and the development of the property;

D. The reasons for the proposed designation, in terms of the historic, architectural, and cultural significance of building, structure or property involved;

E. The date and place of the public hearing before the board on the proposed recommendations on designations. (Prior code § 32.04.404)

#### **15.124.210 Hearing by board.**

The board shall conduct a public hearing or hearings not less than twenty (20) days following the mailing of notice to property owners as required by Section 15.124.190 of this chapter. At the conclusion of the hearing or hearings, the board may affirm, modify or rescind its proposed recommendations or designations. A notice of decision and recommendations in support thereof shall be filed in the office of the director. (Prior code § 32.04.405)

#### **15.124.220 Notification of decision—Posting.**

A. Upon receipt of a notice of decision and recommendations the director shall send notice thereof to the owner of the proposed designated property.

B. The director shall also post a copy of the decision and recommendations of the board in a conspicuous place in the city. (Prior code § 32.04.406)

#### **15.124.230 Adoption by council.**

A. The board shall cause to be transmitted to the council its recommendations on designations.

B. Upon receipt of the recommendations on designations the council shall hold a public hearing thereon and may adopt, modify or reject the designations recommended by the board. In the alternative, the city council may refer the proposed designation to the board for further hearings, consideration or study. Adoption of any designation shall be made by uncodified ordinance which shall contain findings of fact in support of each designation.

C. Notice of hearing pursuant to this section shall be sent to all property owners not less than ten (10) days prior thereto. In addition, notice shall be published once not less than ten (10) days before the hearing in the official newspaper of the city. (Prior code § 32.04.407)

#### **15.124.240 Official register—Filing, posting.**

The ordinance adopting designations of essential structures, priority structures and preservation areas shall be known as the official register. The official register and any subsequent amendments or deletions thereto shall be on file with the city clerk, the planning director, the

design review and preservation director, the director of building inspections, the director of the Sacramento city-county museum and history commission, and the main branch of the Sacramento city-county library. (Prior code § 32.04.409)

#### **15.124.250 Demolished structure—Deletion, restrictions.**

When a listed structure has been demolished pursuant to any provisions of this code, the city clerk upon notice thereof, shall cause such listed structure to be deleted from the official register. Upon such deletion the provisions of this chapter shall not be deemed to encumber or otherwise restrict the use of the subject remaining property. (Prior code § 32.04.410)

#### **15.124.260 Amendment to official register—Additions.**

Any amendment to the official register proposing the designation of structures as essential structures or priority structures or the creation of preservation areas or the expansion or alteration of the boundaries of any preservation area may be initiated by the board on its own motion or on request by the city council and shall be treated as a proposed designation subject to the procedures set forth in Sections 15.124.190 through 15.124.230 of this chapter. (Prior code § 32.04.411)

#### **15.124.270 Amendment to official register—Deletions.**

Any amendment to the official register proposing deletion of an essential structure or priority structure, or deletion of property from the boundaries of any preservation area may be initiated by the board on its own motion or on request by the council. The procedure governing an amendment under this section shall be as follows:

A. The board shall hold a public hearing on any amendment to the official register initiated under this section;

B. Not less than ten (10) days prior thereto notice of such hearing shall be published once in the official newspaper of the city; and

C. In addition to the notice provided in subsection B of this section, if the proposed amendment deletes property from a preservation area, notice of such hearing shall be set not less than ten (10) days prior thereto to all property owners within said preservation area as shown on the latest equalized assessment roll; or

D. If the proposed amendment deletes an essential structure or priority structure from the official register then in addition to the notice required under subsection B of this section, notice of such hearing shall be sent not

less than ten (10) days prior thereto to the property owner of the structure as shown on the latest equalized assessment roll. (Prior code § 32.04.412)

**15.124.280 Council action—Deletion.**

A. Unless the proposed amendment for deletion of designations was initiated and subsequently disapproved by the board, the board shall cause to be transmitted to the council its recommendations concerning the proposed amendment for the deletion of designations.

B. Upon receipt of such proposed amendment and recommendations thereon the council shall hold a public hearing thereon and may adopt, modify, or reject the amendment. In the alternative the city council may refer the amendment to the board for further hearings, consideration or study. Adoption of the amendment shall be by uncodified ordinance which shall contain findings of fact in support thereof.

C. Notice of a hearing pursuant to subsection B of this section shall be given in the manner provided in subsection C of Section 15.124.230 of this chapter. (Prior code § 32.04.413)

**15.124.290 Amendment of official register.**

Upon passage of an ordinance amending the official register pursuant to Sections 15.124.260 and 15.124.280 of this chapter the clerk shall amend the official register to reflect such additions or deletions and shall distribute copies of the amendments to all interested departments and agencies. (Prior code § 32.04.414)

**Article V. Architectural Review**

**15.124.300 Architectural review.**

The board or the director shall exercise review authority over those entitlements specified in Section 15.124.330 exclusively under the provisions of this chapter and subject to the requirements of this article. (Prior code § 32.05.501)

**15.124.310 Preservation area plan.**

In order to implement the authority granted under Section 15.124.300 of this chapter and prior to the exercise thereof, the board shall promulgate a preservation area plan for each preservation area, which shall contain, but is not necessarily limited to, the following elements:

- A. A statement of the goals for architectural review;
- B. A representation of existing land uses;
- C. A statement of findings, including the following:
  - 1. The historical period to which the area is significant,

2. The predominant architectural periods or styles of the buildings therein, and

3. The specific features of said architectural periods or styles, as represented in the preservation area, including, but not limited to, building height, bulk, distinctive architectural details, materials, textures, and landscaping; and

D. A statement of the standards and criteria to be utilized in determining the appropriateness of any proposed building or structure or alteration thereof within the preservation area. (Prior code § 32.05.502)

**15.124.320 Listed structures plan.**

In order to implement the authority granted under Section 15.124.300 of this chapter and prior to the exercise thereof, the board shall promulgate a listed structures plan which shall contain, but is not necessarily limited to, the following:

A. A statement of the goals for architectural review of proposed renovations or alterations to listed structures.

B. A statement of the standards and criteria to be utilized in determining the appropriateness of any proposed renovations or alterations of a listed structure. (Prior code § 32.05.503)

**Article VI. Scope of Regulation**

**15.124.330 Approval of permits.**

A. Approval of permits for listed structures and structures within preservation area. No permit or entitlement listed hereafter shall issue for any work on a listed structure, its site, or within any preservation area unless and until the board, or director, has approved the issuance thereof pursuant to the procedures set forth in this chapter.

1. Building permits for the following:

a. New construction and the exterior alteration of existing buildings or structures, excepting, however, building permits issued under this title for work and repairs required as a matter of law;

b. Rehabilitation or modification of historic interiors of essential structures when those interiors are commonly used as public spaces such as lobbies, meeting rooms, gathering rooms, public hallways, great halls, bank lobbies or any other public space area which has strong historicity;

c. Relocation of any structure;

d. Demolition or wrecking of any building, or structure;

e. Sewer disconnection excepting those disconnections ordered by the health office or the manager of the division of water and sewer and further excepting those



disconnections for repair or maintenance of existing sewer connections.

2. Sign permits for the erection of a sign not otherwise exempt under Section 15.148.600 of this chapter of this title; and

3. Demolition permits.

B. Demolition permits for structures on the California register or the national register. No demolition permit shall be issued for any demolition work on a structure which is on either the California register or the national register, or both, but which is not a listed structure or a structure within a preservation area, unless or until the board or director has approved the issuance thereof pursuant to the procedures set forth in Article VIII of this chapter. (Prior code § 32.06.601)

#### **15.124.340 Immediately dangerous buildings.**

A. The provisions of this chapter shall not be construed to regulate, restrict, limit or modify the authority of the city and the building official, the code enforcement manager or his or her designee as specified below, to issue demolition or other permits under this title for the abatement of immediately dangerous listed structures or structures on the California or national register, pursuant to the summary procedures set forth in Article X of Chapter 8.96 of this code; provided that, prior to approval of a demolition permit for the demolition of a listed structure or structures on the California or national register determined to be immediately dangerous, the building official, the code enforcement manager or his or her designee as specified below, shall comply with the review and consultation process specified in subsections B and C of this section.

B. The person serving as building official shall personally issue any permits authorizing the demolition of a listed structure or a structure on the California or national register determined to be immediately dangerous after complying with the review and consultation process specified in subsection C of this section; provided that if the person serving as building official is absent or otherwise unavailable, then the code enforcement manager or in the absence or unavailability of the code enforcement manager, his or her designee, shall be responsible for issuing any permits authorizing the demolition of a listed structure or a structure on the California or national register determined to be immediately dangerous after complying with the review and consultation process specified below.

C. The building official, code enforcement manager, or designee specified in subsection B of this section, may issue a permit authorizing the demolition of a listed structure or a structure on the California or national

register determined to be immediately dangerous; provided that prior to issuing the demolition permit, the building official, code enforcement manager, or designee shall first consult with the director of historic preservation and the chairperson of the design review and preservation board for the purpose of discussing (i) whether the condition of the structure is immediately dangerous within the meaning of this code; and (ii) whether there are any feasible alternatives to demolition that will protect adequately the health and safety of the public, including but not limited to abatement of the immediate threat through repair as specified in Chapters 8.96 and 8.100 of this code, securing the premises through security fencing or other measures, and limited demolition; and provide further that if the building official, code enforcement manager or his or her designee determines that the structure is immediately dangerous and that there is no feasible alternative to demolition to abate the immediate and present threat to life, health or safety of the public, the building official, code enforcement manager, or his or her designee may issue a permit authorizing the demolition of the structure without complying with the consultation process, although the building official, code enforcement manager, or his or her designee, shall make all reasonable efforts to comply with the consultation process before issuing such permit. (Prior code § 32.06.602)

#### **15.124.350 Function of building division.**

The director of building inspections shall forward all applications for those permits regulated pursuant to Section 15.124.330 of this chapter (hereinafter regulated permits) and not exempt from regulation under Section 15.124.340 to the board for action thereon and shall so inform the applicant. (Prior code § 32.06.603)

#### **15.124.360 Review procedure—Director.**

Upon receipt of an application for a regulated permit pursuant to Section 15.124.350 of this chapter the design review and preservation director shall inform the applicant of the nature of the proceedings and the authority of the board. The director may require the submission of additional plans, specifications and data by any applicant if in the opinion of the director such additional plans, specifications, and data are reasonably necessary for proper review of the regulated permit by the board. (Prior code § 32.06.604)

#### **15.124.370 Hearings.**

The director shall schedule a public hearing before the board on the application for a regulated permit. Said hearing shall be scheduled not more than sixty (60) days from the date of the release of the required environmental

documents from the environmental section of the city department of planning and development, or not more than sixty (60) days from the date of the director's receipt of additional information required by the director pursuant to Section 15.124.360 of this chapter, whichever date is later. (Prior code § 32.06.605)

**15.124.380 Notice.**

The director shall give notice of the hearing on the regulated permit to the applicant not less than ten (10) days prior to the date of the hearing. In addition, notice of the hearing shall be published once in the official newspaper of the city not less than ten (10) days prior to said hearing date. (Prior code § 32.06.606)

**15.124.390 Director's report.**

The director shall prepare a written report on the application based upon a field investigation of the site, and consultation with any interested agencies or persons. This report shall be made available to the public prior to or at the beginning of the hearing. (Prior code § 32.06.607)

**15.124.400 Hearing decision.**

The board shall hold a public hearing on said application. At the conclusion thereof it shall render its decision approving or disapproving the issuance of the regulated permit in accordance with the provisions of Article VIII of this chapter. The board shall cause to be prepared and adopted a written notice of decision and findings of fact in support thereof. Upon adoption such notice and findings shall be served on the applicant. (Prior code § 32.06.608)

**15.124.410 Expiration of right.**

Whenever the board approves the issuance of a demolition permit or a building permit for demolition and rights thereunder have not been exercised for a period of one year from the effective date of issuance, said approval is deemed to have expired and said permit is void notwithstanding any other provision of this code to the contrary. For purposes of this section the term "exercise of rights" means substantial expenditures in good faith reliance upon said permit. (Prior code § 32.06.609)

**15.124.420 Term extension and modification.**

A. Approval for any project subject to the review of the board other than demolition shall be deemed automatically revoked unless required permits have been issued within three years of the date of such approval. Prior to such expiration, however, the director has the authority

to grant an extension of up to three years upon written request of the applicant or a successor in interest.

B. Upon written request of the applicant or a successor in interest, modifications in the approval plan may be permitted or required by the director if it is determined that said modifications are consistent with the provisions of this article. (Prior code § 32.06.610)

**15.124.430 Prohibition.**

No building permit, or other approval or entitlements shall be issued or given by the city or any department or employee thereof with respect to any improvement or use subject to review of this board until the design of the improvement or use has been approved as provided in this article. No certificate of use and occupancy or similar approval shall be issued or given for any improvement subject to architectural review hereunder unless, and until, the design review and preservation director has certified that the improvement has been completed in accordance with the design approved pursuant to this chapter. (Prior code § 32.06.611)

**15.124.440 Exemptions.**

Notwithstanding provisions of Sections 15.124.300 and 15.124.330 of this chapter to the contrary, required permits for the following may be reviewed and approved by the design review and preservation director provided that the applicant, any aggrieved third party or the director may request or require a project be subject to a public hearing before the design review/preservation board:

A. Any restoration or rehabilitation project which continues the historic detail and character based on clearly documented historic research provided the value of the work as documented by building permit valuation is less than one hundred thousand dollars (\$100,000.00) in any twelve (12) month period.

B. Any project which consists of minor revisions, alterations or repairs due to building code requirements. (Prior code § 32.06.612)

**Article VII. Appeals**

**15.124.450 Appeal procedure.**

Any person dissatisfied with the decision of the board with respect to the board's action under Article VI of this chapter on any regulated permit may appeal to the city council not later than ten (10) days of the posting of the board's notice of decision and findings. Such appeal is taken by filing a notice of appeal with the director who shall forthwith transmit to the city clerk all papers and documents on file with the director relating to the appeal. (Prior code § 32.07.701)

**15.124.460 Hearing—Notice.**

The clerk shall cause the appeal to be set for hearing before the council within thirty (30) days of receipt of the papers and documents enumerated in Section 15.124.450 of this chapter. Not later than ten (10) days prior to date of the hearing on the appeal, the clerk shall notify the appellant thereof and the applicant if not the same person. The clerk shall also notify all persons appearing before the board and requesting in writing such notification. (Prior code § 32.07.702)

**15.124.470 Action by council.**

Upon consideration of the appeal the council may take whatever action the board was authorized to take, or may refer the appeal to the board for further consideration. (Prior code § 32.07.703)

**Article VIII. Regulation and Nature of Decision****15.124.480 Demolition of listed structures or structures on the California or National Register.**

In review of permits enumerated in paragraphs (c) and (d) of subsection (A)(1) of Section 15.124.330 and subsection (A)(3) of Section 15.124.330 sought in order to wholly or partially remove or demolish a listed structure, or a structure on the California or National Register, the board may approve the issuance of said permit or permits or may suspend action on it for a period not to exceed one hundred eighty (180) days; provided that prior to the expiration of the original suspension period the council may by resolution and for good cause shown, extend the suspension for an additional period not to exceed one hundred eighty (180) days. (Prior code § 32.08.801)

**15.124.490 Demolition of structure in preservation areas.**

In review of permits enumerated in paragraphs (c) and (d) of subsection (A)(1) of Section 15.124.330, subsection (A)(3) of Section 15.124.330, and subsection (c) of Section 15.124.330 sought in order to wholly or partially remove or demolish either a structure within a preservation area which is not a listed structure or a structure on the California or National Register, the board may approve the issuance of said permit or permits or may suspend action on it for a period not to exceed ninety (90) days provided that prior to the expiration of the original suspension period the council may by resolution and for good cause shown extend the suspension for an additional period not to exceed one hundred eighty (180) days. (Prior code § 32.08.802)

**15.124.500 Suspension period—Commencement.**

Any suspension period imposed by the board on the issuance of a regulated permit pursuant to Sections 15.124.480 or 15.124.490 of this chapter shall commence from one of the following dates whichever is later:

- A. The date of application for a regulated permit; or
- B. The date the director receives such plans, specifications and data requested from the applicant pursuant to Section 15.124.360 of this chapter. (Prior code § 32.08.803)

**15.124.510 Standards for board action—Approval.**

In the exercise of its authority pursuant to Sections 15.124.480 and 15.124.490 of this chapter the board shall approve the issuance of permits where it finds:

- A. That removal of a listed building or structure within a preservation area is not inconsistent with the intent and purpose of this chapter; and
- B. That there exists no reasonable expectation that the structure will be preserved.

Notwithstanding subsections A and B of this section, the board shall approve the issuance of any permit where the subject structure is an immediate hazard to public health, safety and welfare. (Prior code § 32.08.804)

**15.124.520 Relocation.**

In review of permits enumerated in paragraph 2 of subsection A of Section 15.124.330 of this chapter sought for the relocation of a listed structure or structure within a preservation area, the board shall approve the issuance thereof where it finds:

- A. That relocation of the subject structure is not inconsistent with the intent and purpose of this chapter; and

- B. That such relocation is the only feasible alternative to demolition; and

- C. That the proposed relocation is appropriate for and consistent with the effectuation of the listed structures plan or the preservation area plan or both. (Prior code § 32.08.805)

**15.124.530 Alternatives to demolition—Board action.**

In the event action on an application to remove or demolish a structure is suspended as provided in this article, the board shall take such steps as it determines are necessary to preserve the structure concerned. The board may among other things:

- A. Consult with local trusts and other financial sources willing to purchase the structure or restoration;

B. Publicize the availability of the structure for purchase for restoration purposes;

C. Make recommendations to the council concerning the acquisition of development rights, facade easements and the imposition of other restrictions or the negotiation of historic property contracts;

D. Investigate possible sites for relocation of the structure;

E. Recommend to the council that the city purchase an essential structure where it does not appear that private preservation is feasible. (Prior code § 32.08.806)

**15.124.540 Architectural review.**

In review of permits enumerated in paragraph 1 of subsection A of Section 15.124.330 and subsection B of Section 15.124.330, the board shall approve issuance thereof if it finds:

A. That the proposed sign or work is appropriate for and consistent with the effectuation of the listed structures plan or the preservation area plan whichever is applicable.

B. That the proposed sign or work is consistent with the purpose and intent of this chapter. (Prior code § 32.08.807)

**15.124.550 Expiration of suspension.**

At the expiration of any suspension period imposed by the board or extension thereof imposed by the council pursuant to Sections 15.124.480 and 15.124.490 of this chapter the subject permit or permits shall be deemed to have been approved by the board and restrictions on said permit shall terminate without further action by the board or council. (Prior code § 32.08.809)

**Article IX. Substandard Buildings**

**15.124.560 Application of article.**

The provisions of this article shall apply to the review by the board of the repair or demolition of a listed structure or structure within a preservation area when such a structure has been declared a substandard building by the director of building inspections pursuant to Section 8.100.700 of this code. (Prior code § 32.09.901)

**15.124.570 Notice to director.**

The director of building inspections shall notify the director whenever he or she declares a listed structure or structure within a preservation area to be a substandard or dangerous building. (Prior code § 32.09.902)

**15.124.580 Advisory report by board.**

Upon receipt of notice from the director of building inspections, the board shall evaluate the historic and architectural merit of the structure, and shall submit an advisory report to the housing code advisory and appeals board within thirty (30) days, stating whether the board deems the structure to be of sufficient merit for an order that it be repaired or secured instead of demolished. (Prior code § 32.09.903)

**15.124.590 Report to board.**

If the housing code advisory and appeals board issues a repair or demolish order for a structure designated on the official register, the housing code advisory and appeals board shall so inform the design review and preservation board in writing of the reason that it found necessitating the repair or demolish order. (Prior code § 32.09.904)

**PROPOSED FOR ADOPTION****ORDINANCE NO.**

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF \_\_\_\_\_

**AN ORDINANCE AMENDING CHAPTER 15.124 OF TITLE 15 OF THE SACRAMENTO CITY CODE, RELATING TO HISTORIC PRESERVATION, LANDMARKS AND HISTORIC DISTRICTS WITHIN THE CITY OF SACRAMENTO AND REPEALING ORDINANCE NO. 2000-031 and ORDINANCE NO. 2001-001**

**BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:****SECTION 1.**

Chapter 15.124 of Title 15 of the Sacramento City Code is hereby amended and restated in its entirety to read as set forth in Exhibit "A".

**SECTION 2.**

Ordinance No. 2000-031 and Ordinance No. 2001-001 are hereby repealed.

DATE PASSED FOR PUBLICATION:

DATE ENACTED:

DATE EFFECTIVE:

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK

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\_\_\_\_\_  
FOR CITY CLERK USE ONLY

ORDINANCE NO. \_\_\_\_\_

DATE ADOPTED: \_\_\_\_\_

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## EXHIBIT "A"

### Chapter 15.124-HISTORIC PRESERVATION

#### Article I-General Provisions

##### 15.124.010 Findings

The City Council finds and declares that:

- A. The City of Sacramento has a rich history. Significant aspects of that history need to be recognized and preserved.
- B. Preservation of historic resources is important to promote the public health and safety and the economic and general welfare of the people of Sacramento.
- C. Well-preserved and retained historic resources are essential to maintain and revitalize the City and its neighborhoods and stimulate economic activity, and, further, the preservation and continued use of historic resources are effective tools to sustain and revitalize neighborhoods and business districts within the City.
- D. The City's historic structures, sites and other resources are irreplaceable and need to be protected from deterioration, inappropriate alterations, demolition and archeological site damage.
- E. Preservation of Sacramento's historic resources enhances the City's economic, cultural, and aesthetic standing, its identity, and its livability, marketability, and urban character.

##### 15.124.020 Purpose

The purpose of this Chapter shall be to:

- A. Identify, protect, and encourage the preservation of significant architectural, historic, prehistoric, and cultural structures, sites, resources and properties in the City.
- B. Provide a mechanism, through surveys, nominations and other available means, to compile, update and maintain an inventory of historic resources within the City.

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DATE ADOPTED: \_\_\_\_\_

- C. Ensure the preservation, protection, enhancement, and perpetuation of historic structures, sites, and other resources to the fullest extent feasible.
- D. Encourage, through both public or private action, the maintenance or rehabilitation of historic structures, sites and other resources.
- E. Encourage development that sensitively incorporates the retention, preservation and re-use of historic structures, sites, and other resources.
- F. Safeguard the City's historic resources, both public and private projects.
- G. Provide for consistency with state and federal preservation standards, criteria, and practices.
- H. Protect and enhance the City's attraction to tourists and visitors.
- I. Foster civic pride in the character and quality of Sacramento's historic resources and in the accomplishments of its people through history.
- J. Encourage new development that will be aesthetically compatible with historic resources.

#### **15.124.030 Definitions**

"Board" means the Design Review & Preservation Board as designated in Article II of this Chapter.

"Building Official" means the Building Official designated in Chapter 15.04 of Title 15 of the Sacramento City Code, and his or her designee(s).

"California Environmental Quality Act " means the California Public Resources Code Section 21000 et seq. as it may be amended. The California Environmental Quality Act may also be referred to in this Chapter as "CEQA".

"California Register" means the California Register of Historical Resources as defined in California Public Resources Code Section 5020.1 as it may be amended from time to time.

"California Register Resource" means any resource designated on the California Register as it may be amended from time to time.

"Certificate of Appropriateness" shall mean the certificate required pursuant to Article VI herein prior to undertaking any of the following work or improvements on a

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Landmark, Contributing Resource or Non-Contributing Resource, or pursuant to Sections 15.124.190, on a Nominated Resource.

- (i) installation or replacement of exterior windows or doors;
- (ii) construction of new fencing or walls, or alteration of existing fencing or walls;
- (iii) replacement or alteration of exterior paint or other exterior architectural coating or treatment on a Landmark, where the exterior paint or other exterior architectural coating or treatment has been identified as a significant Feature or Characteristic of a Landmark;

"Certified Local Government" (CLG) means a local government that has been certified by the National Park Service to carry out the purposes of the National Historic Preservation Act of 1966 (16 U.S.C. Sec. 470 et seq.) as amended, pursuant to Section 101(c) of that Act and the regulations adopted under the Act, which are set forth in Part 61 (commencing with Section 61.1) of Title 36 of the Code of Federal Regulations.

"City" means the City of Sacramento.

"Contributing Resource" means a Resource designated as a Contributing Resource by the City Council in accordance with Article IV this Chapter.

"Council" means the City Council of the City of Sacramento.

"Dangerous Building" means a dangerous building as that term is defined in Section 8.96.110 of the Sacramento City Code.

"Development Project" means and includes the following:

- (i) the alteration, modification or rehabilitation of the exteriors of Landmarks, Contributing Resources and Non-Contributing Resources;
- (ii) the alteration, modification or rehabilitation of interiors of Landmarks and Contributory Resources where the interiors constitute "Features or Characteristics" as defined herein; or

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(iii) new construction within a Historic District;

"Feature or Characteristic" means fixtures, components or appurtenances attached to, contiguous with or otherwise related to a structure or property including landscaping, setbacks, distinguishing aspects, roof attributes, overlays, moldings, sculptures, fountains, light fixtures, windows, and monuments. "Feature or Characteristic" may include historically and/or architecturally significant interior areas that are accessible to or made available to the public, including, without limitation, areas commonly used as public spaces such as lobbies, meeting rooms, gathering rooms, public hallways, great halls, bank lobbies or other similar spaces. Interior areas that generally are not accessible to or made available to the public, but which occasionally may be visited by business invitees or members of the public, including those on a tour of a facility, do not constitute a "Feature or Characteristic" for purposes of this Chapter.

"Historic Resource" and "Cultural Resource" mean, for the purposes of environmental reviews related to CEQA and the City's compliance with CEQA, those properties listed in the Sacramento Register and the City's Inventory, as defined herein. "Historic Resource" and "Cultural Resource" shall also include those properties specified as a Historic Resource or Cultural Resource by CEQA, by the CEQA Guidelines, or by any other provision of California law.

"Immediately Dangerous Building or Structure" means an immediately dangerous building or structure as defined in Section 8.96.120 of Title 8 of the Sacramento Code.

"Historic District" means a geographic area designated as a Historic District by the Council in accordance with Article IV of this Chapter.

"Historic District Plan" means a plan adopted by the Council pursuant to Article IV this Chapter or the prior versions of this Chapter.

"Landmark" means all Historic Resources designated as Landmarks by the Council in accordance with Article IV of this Chapter.

"Listed Historic Resource" means any Resource listed in the Sacramento Register in accordance with this Chapter. "Listed Historic Resource" includes any Resource designated by the City Council as a Landmark or as a Contributing Resource. "Listed Historic Resource" does not include a non-contributing resource in a Historic District. "Listed Historic Resource" shall include National Register Resources other than the Old Sacramento Historic District.

"Mills Act" means California Government Sections 50280 et seq., as it may be amended from time to time.

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"National Environmental Protection Act" means 42 U.S.C. Secs. 4321 et seq., as it may be amended from time to time. The National Environmental Protection Act may be referred to in this Chapter as NEPA.

"National Historic Preservation Act" means 16 U.S. Secs. 470 et seq., as it may be amended from time to time.

"National Register of Historic Places" means the official inventory of districts, sites, buildings, structures and objects significant in American history, architecture, archeology and culture which is maintained by the Secretary of the Interior under the authority of the Historic Sites Act of 1935 and the National Historic Preservation Act of 1966 (16 U.S.C. 470 et seq., 36 C.F.R. Sections 60, 63).

"National Register Resource" means any Resource listed in the National Register of Historic Places.

"Nominated Resource" means a Resource nominated for placement on the Sacramento Register as provided for in Article IV of this Chapter.

"Nomination" means a nomination for placement of a Resource on the Sacramento Register pursuant to Article IV of this Chapter.

"Non-Contributing Resources" means all Resources within a Historic District that are not identified as Contributing Resources.

"Old Sacramento National Historic Landmark District" means the national historical park located in the Sacramento Central City roughly bounded by the Sacramento River on the west, Capitol Mall on the south, the Interstate 5 freeway on the east, and I Street and the I Street Bridge on the north.

"Preservation Director" means the Preservation Director as designated in Article III of this Chapter.

"Resource" means any building, structure, site, area, place, feature, characteristic, appurtenance, landscape, landscape plan, or improvement.

"Richards Boulevard Area Architectural and Historical Property Survey" means the "Richards Boulevard Area Architectural and Historical Property Survey" prepared for the City by Historic Environment Consultants, as updated and revised in September 2000.

"Sacramento Register" means the Register created by Article IV of this Chapter.

"Secretary of the Interior Standards" means the Secretary of the Interior Standards for Treatment of Historic Properties found at 36 C.F.R. 68.3, as it may be amended from time to time.

"Significant Feature or Characteristic" means a Feature or Characteristic identified by the City Council as significant from a historical standpoint pursuant to Article IV of this Chapter.

"State Historical Building Code" means the State Historical Building Code as contained in Part 8 of Title 24 (California Building Standards Code) of the California Code of Regulations, as it may be amended from time to time.

"Structure" means a Resource created principally to shelter or support human activity.

"Supportive Structures" means those structures identified as "Supportive Structures" within Preservation Areas under City Ordinance No. 85-076.

"Survey" means a process by which Resources are documented for Landmark or Historic District consideration.

"Zoning Code" shall mean Title 17 of the City Code, as it may be amended from time to time.

## **Article II    DESIGN REVIEW AND PRESERVATION BOARD**

### **15.124.040    Board— Name**

The "Design Review and Preservation Board" shall be constituted and shall have the powers and duties as specified herein.

### **15.124.050    Board— Appointment**

- A.        The Board shall consist of nine (9) members.
- B.        Pursuant to Section 232 of the City Charter, members of the Board shall be appointed by the Mayor, with the consent of the City Council.
- C.        All members of the Board shall be residents of the City at the time of their appointment, except that the Mayor may nominate non-resident member(s) if the Mayor determines that no qualified resident individual(s) have applied for

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an available opening on the Board.

- D. Each member of the Board shall have demonstrated interest in historic preservation, the cultural resources of the City, urban design, landscape or architectural design, or the physical development of the City.
- E. Seven (7) of the members of the Board shall be qualified by reason of training or professional experience as follows:
1. Seat 1: a Member who is a Landscape Architect.
  2. Seat 2: a Member who is a Licensed Architect.
  3. Seat 3: a Member who is a Registered Structural Engineer.
  4. Seat 4: a Member who has training or experience in real estate development, real estate brokerage, real estate financing, real estate law, or real estate property management.
  5. Seat 5: A member who has training or experience in Sacramento area regional history, Sacramento area ethnic history, or Sacramento area cultural development history, and who meets the Secretary of the Interior's professional standards for historians.
  6. Seat 6: A member who has training or experience in urban design or planning;
  7. Seat 7: A member who has training or experience in architectural history, with a particular emphasis on North American architectural history and development, and who meets the Secretary of the Interior's professional standards for architectural historians.
- F. Seats 8 and 9 shall be filled by at-large members, and may, but need not, include a person with training or experience as a professional archeologist, and a person who is a member of the Sacramento business community.

#### **15.124.060 Board — Term of Office**

For all members of the Board in office as of the effective date of this Chapter, their terms shall expire as provided for in the ordinance in effect at the time of their appointment. For all appointments made after the effective date of this Chapter, the term of office for each member of the Board shall be four years. The maximum number of full consecutive terms a member may serve is two. The maximum number of consecutive years a member may

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serve is ten. The seat numbering designated in Paragraphs E and F of Section 15.124.050 shall be assigned by the Board Secretary as each seat existing at the adoption of this Chapter becomes vacant.

**15.124.070 Board— Removal from Office**

The removal of members from the Board shall be governed by Section 232 of the City Charter.

**15.124.080 Board — Vacancies**

A vacancy in a seat on the Board shall be filled by appointment for the remainder of the term of the former member. The appointment shall be made by the Mayor and shall be subject to approval by the City Council. Each appointee shall possess the qualifications required for the seat being filled.

**15.124.090 Board — Compensation**

Each member of the Board shall receive compensation as determined by the City Council.

**15.124.100 Board — Rules and Procedures**

The Board shall adopt its own rules of procedure, which shall include a provision requiring the Board select a chairperson from its membership annually during the first quarter of the calendar year. A quorum shall be required for the Board to take any action. A quorum shall be five (5) members present who have not been required to abstain due to a conflict of interest. The Board shall act by a majority vote of the quorum. The Board shall be subject to, and shall comply with, the requirements of the Brown Act.

**15.124.110 Board — Powers and Duties**

Unless otherwise specified herein the powers and duties of the Board shall be as follows:

- A. Make recommendations to the City Council regarding the Historic Preservation Element of the City's General Plan.
- B. Review and recommend to the City Council the inclusion or deletion of Landmarks and Historic Districts in the Sacramento Register using the criteria stated in Article IV of this Chapter.
- C. Review and make recommendation to the State Office of Historic Preservation regarding nominations of property located within the City of Sacramento to the National Register of Historic Places.

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- D. Hear appeals of Preservation Director actions as provided for in this Chapter.
- E. Approve, approve with conditions and/or mitigation measures, or disapprove applications for Development Projects.
- F. Certify and/or ratify applicable environmental documents, or when acting in an advisory capacity only, recommend certification or ratification of environmental documents, in accordance with CEQA or NEPA.
- G. Make recommendations to the City Council, the Planning Commission, the City Manager, or any other entity, for purposes of providing historic preservation incentives, including, without limitation, procedural, economic and tax incentives, acquisition of property, development rights, preservation easements, conservation easements, land use, zoning, development restrictions, penalties and sanctions, fee adjustments, and negotiated settlements.
- H. Make recommendations to the City Council and City Manager regarding the periodic update of the City's preservation program, standards, procedures, and criteria, including revisions to this Chapter.
- I. Recommend standards for review of Development Projects in addition to those standards set forth herein and forward the recommended standards to the City Council for the City Council's consideration and adoption.
- J. Evaluate and comment upon proposals and environmental reviews pending before other public agencies affecting the physical development, historic preservation and urban design in the City.
- K. Exercise those powers and duties granted or imposed pursuant to the provisions of Chapter 17.132 (design review) of Title 17 (the Zoning Code) of the City Code.
- L. Make recommendations to the City Council and the City Manager for enforcement and penalties concerning matters covered in this Chapter.
- M. Coordinate with, and make recommendations to, other governmental agencies regarding historic preservation matters.
- N. Consult with and advise the City Council in connection with the exercise of the Board's duties and functions;

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- O. Make recommendations to the Housing Code Advisory and Appeals Board concerning repairs, stabilization, weatherization or demolition or partial demolition of Listed Historic Resources.
- P. Assume duties assigned to the Board by the City Council pursuant to the Certified Local Government provisions of the National Historic Preservation Act of 1966, or duties that may be assigned to the Board through any agreement(s) approved by the City Council. This shall include undertaking review and comment upon those projects on which the City, as a Certified Local Government, has an obligation or opportunity to provide review and comment under the National Historic Preservation Act, including but not limited to private and public projects undertaken within the Old Sacramento Historical Landmark District.
- Q. Encourage and foster public participation regarding the historic preservation program, participation in the surveying of historic resources, developing preservation components in neighborhood plans and in other planning documents, the preparation or development of Landmark Project review standards guidelines and Historic District Plans, Landmark and Historic District nominations, and other activities that encourage the preservation of Sacramento's historic resources.
- R. Consider, in accordance with the nomination process provided in Article IV of this Chapter, nominations for addition(s) or deletion(s) to the Sacramento Register, designation of Landmarks and Historic Districts expansion or alteration of the boundaries of any Historic District, and the identification of Contributing Resources and Non-Contributing Resources in Historic Districts.
- S. Any other powers and duties conferred upon the Board by the City Council.

#### **15.124.120 Board — Meetings**

The Board shall meet at least once each month.

#### **15.124.130 Board — Secretary**

The Preservation Director, or his or her designee, shall serve as a non-voting Secretary to the Board.

### **Article III Preservation Director**

#### **15.124.140 Preservation Director — Office Established**

To implement the City's historic preservation program and to assist the Board in the performance of its historic preservation duties pursuant to this Chapter, there is hereby created the position of Preservation Director. The Preservation Director shall be appointed by the City Manager.

#### **15.124.150 Preservation Director — Authority**

The Preservation Director shall have the authority to:

- A. Oversee the operation of the City's historic preservation office;
- B. Advise the City Council, the Planning Commission, the Design Review and Preservation Board, the Housing Code Advisory and Appeals Board, and the City Manager on historic preservation issues.
- C. Conduct surveys and updates of surveys, throughout the City, as may be required by California law or more often at the Preservation Director's choosing, and maintain a list of Resources eligible for Landmark, Contributing Resource and Historic District consideration.
- D. Consult with City departments regarding rehabilitation standards and historic resources surveys performed in conjunction with Development Projects
- E. Consult with City departments regarding potential protections, mitigations, thresholds of significance and standards suitable for historic resources involved in a Development Project, or other discretionary actions.
- F. Make recommendations to the Board, Planning Commission, and Council regarding Development Projects.
- G. Implement the City's historic preservation program.
- H. Take such steps, including training, as are necessary for the City to remain a Certified Local Government. This shall include undertaking review and comment upon those projects on which the City has an obligation, as a Certified Local Government, to provide review and comment under the National Historic Preservation Act, including but not limited to private and public projects undertaken within the Old Sacramento Historical Landmark District.

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- I. Make preliminary determinations regarding nominations for inclusion on the Sacramento Register and proposals for deletion from the Sacramento Register.
- J. Take appropriate steps to ensure that the Sacramento Register is properly maintained and regularly updated and made available for public review and use. The Preservation Director shall also take appropriate steps to maintain and regularly update a list or compilation of resources within the City that are on the California Register of Historical Resources or the National Register of Historic Places, and to make the list or compilation available for public review and use.
- K. Perform such other functions as are provided for in this Chapter or any other applicable law.

**Article IV. The Sacramento Register, The Criteria and Requirements for Placement on, or Deletion from, the Sacramento Register, and Nomination and Hearing Process**

**15.124.160 Sacramento Register**

- A. The ordinances adopting designations and deletions of Landmarks, Contributing Resources and Historic Districts shall be known, collectively, as the Sacramento Register.
- B. The original Sacramento Register and any subsequent amendments, inclusions, or deletions thereto shall be on file with the City Clerk. The City Clerk shall deliver a copy of the Sacramento Register, as it is amended, to the Planning Director, the Preservation Director, the Building Official, the City Office of Environmental Affairs, the Code Enforcement Manager, the Neighborhood Area Directors, the head of the City's Geographic Information Systems, the Director of the Sacramento History & Science Commission, and the Manager of the Sacramento Central Library.
- C. All Structures and Preservation Areas designated on the "Official Register" as of the date of enactment of this Chapter are included on the Sacramento Register. All Structures individually designated on the "Official Register" as Essential or Priority Structures are hereby designated "Landmarks" on the Sacramento Register, and shall be subject to the restrictions and conditions applicable to Landmarks. All geographic areas previously designated as Preservation Areas designated on the "Official Register" are hereby designated as "Historic Districts" on the Sacramento Register, and shall be subject to the restrictions and conditions applicable to Historic Districts.

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D. The Preservation Director shall take appropriate steps to ensure that the Sacramento Register is properly maintained and regularly updated. The Preservation Director shall also take appropriate steps to maintain and regularly update a list or compilation of resources within the City that are on the California Register of Historical Resources or the National Register of Historic Places, and to make the list or compilation available for public review and use.

#### **15.124.170 Criteria and Requirements for Placement on, and Deletion from, the Sacramento Register**

The criteria and requirements for placement on, or deletion from, the Sacramento Register as a Landmark, Historic District or Contributing Resource are as follows:

A. Addition to the Sacramento Register: Landmarks: A Nominated Resource shall be added to the Sacramento Register as a Landmark if the City Council finds, after holding the hearing(s) required by this Chapter, that all of the requirements set forth below are satisfied:

1. requirements:

a. the Nominated Resource meets one or more of the following criteria:

i) It is associated with events that have made a significant contribution to the broad patterns of the history of Sacramento, the region, the state or the nation;

ii) It is associated with the lives of persons significant in Sacramento's past;

iii) It embodies the distinctive characteristics of a type, period, or method of construction;

iv) It represents the work of an important creative individual or master;

v) It possesses high artistic values; or

vi) It has yielded, or may be likely to yield, information important in the prehistory or history of Sacramento, the region, the state or the nation.

b. the Nominated Resource has integrity of location, design, setting, materials, workmanship and association. Integrity shall be judged with reference to the particular criterion or criteria specified in "a" above;

c. the Nominated Resource has significant historic or architectural worth, and its designation as a Landmark is reasonable, appropriate and necessary to promote, protect and further the goals and purposes of this Chapter.

2. Factors to be Considered: In determining whether to place a Nominated Resource on the Sacramento Register as a Landmark, the following factors shall be considered:

a. A structure removed from its original location is eligible if it is significant primarily for its architectural value or it is the most important surviving structure associated with a historic person or event.

b. A birthplace or grave is eligible if it is that of a historical figure of outstanding importance and there is no other appropriate site or structure directly associated with his or her productive life.

c. A reconstructed building is eligible if the reconstruction is historically accurate, if the structure is presented in a dignified manner as part of a restoration master plan; and if no other, original structure survives that has the same association.

d. Properties that are primarily commemorative in intent are eligible if design, age, tradition, or symbolic value invest such properties with their own historical significance.

e. Properties achieving significance within the past fifty (50) years are eligible if such properties are of exceptional importance.

B. Addition to the Sacramento Register: Historic Districts: A geographic area nominated as a Historic District shall be added to the Sacramento Register as a Historic District if the City Council finds, after holding the hearing(s) required by this Chapter, that all of the requirements set forth below are satisfied:

1. Requirements

a. the area is a geographically definable area;

b. the area possesses either:

i) a significant concentration or continuity of buildings unified by: a) past events; or b) aesthetically by plan or physical development;

ii) the area is associated with an event, person, or period significant or important to Sacramento history; or

c. the designation of the geographic area as a Historic District is reasonable, appropriate and necessary to protect, promote, and further the goals and purposes of this Chapter and is not inconsistent with other goals and policies of the City.

2. Factors to be Considered: In determining whether to place a geographic area on the Sacramento Register as a Historic District, the following factors shall be considered:

a. A Historic District should have integrity of design, setting, materials, workmanship and association.

b. The collective historic value of the buildings and structures in a Historic District taken together may be greater than the historic value of each individual building or structure.

C. Addition to the Sacramento Register: Contributing Resources: A Nominated Resource shall be added to the Sacramento Register as a Contributing Resource if the Council finds, after holding the hearing(s) required by this Chapter, that all of the following requirements are satisfied:

1. the Nominated Resource is within a Historic District;
2. the Nominated Resource either embodies the Significant Features and Characteristics of the Historic District or adds to the historical associations, historical architectural qualities or archaeological values identified for the Historic District;
3. the Nominated Resource was present during the period of historical significance of the Historic District and relates to the documented historical significance of the Historic District;
4. the Nominated Resource either possesses historic integrity or is capable of yielding important information about the period of historical significance of the Historic District; and



5. the Nominated Resource has important historic or architectural worth, and its designation as a Contributing Resource is reasonable, appropriate and necessary to protect, promote and further the goals and purposes of this Chapter.

- D. Deletions from the Sacramento Register: An application to delete a Listed Historic Resource from the Sacramento Register may be approved if the City Council finds, after holding the hearings required by this Chapter, that the Listed Historic Resource no longer meets the requirements set forth above; provided that where a Landmark or Contributing Resource is proposed for deletion due to a loss of integrity, the loss of integrity was not the result of any illegal act or willful neglect by the owner or agent of the owner.

**15.124.180 Procedures for Nomination, Preliminary Determination, Final Determination re: Addition to or Deletion from Sacramento Register**

- A. Process for Nomination of Resources to Add to the Sacramento Register:

1. General Nomination Process: The general procedure for nomination of Landmarks, Historic Districts and Contributing Resources for addition to the Sacramento Register shall be as follows:

(a) The Preservation Director shall prepare and make available to the public Nomination materials that are consistent with this Chapter. Prior to preparation of the Nomination materials, the Board may utilize such forms and documents as the Board deems appropriate to process Nominations.

(b) Any person may nominate any Resource, including any structure(s), property(ies), or portion thereof, or geographic area (herein, "Nominated Resource") for inclusion on the Sacramento Register as a Landmark, Historic District or Contributing Resource.

(c) All Nominations shall be submitted to the Preservation Director. The Preservation Director shall determine if a Nomination is or is not complete. The Preservation Director shall determine the date that the Nomination is considered complete. As part of any application to nominate a Resource for placement on the Register as a Landmark or Contributing Resource, the person nominating the structure shall be required to identify the Significant Features and Characteristics of the Nominated Resource. As part of any application to nominate a geographic area for placement on the Register as a Historic District, the person nominating the geographic area shall identify all proposed Contributing Resources, and further, shall identify the Significant Features and Characteristics of the proposed Contributing

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Resources. No Nomination shall be determined to be complete unless and until the information specified above is furnished.

(d) Notice of Nomination: Where a Nomination of a Resource for placement on the Sacramento Register is made by someone other than the owner(s) of the Resource, notice shall be given to the owner(s) within a reasonable period of time not to exceed 30 days following receipt of a complete Nomination. In the case of a Nomination of a Historic District, notice shall be given to all properties within the proposed District. Notice shall also be given to all parties who have filed requests with the Preservation Director for notice of nomination. Notice given pursuant to this provision shall include the following:

(i) notification that the Resource has been nominated for placement on the Sacramento Register as a Landmark or Contributing Resource, as appropriate. In the case of a Nomination of a Historic District, the notice shall include a description of the proposed boundaries of the District, and whether the owner(s)' property is proposed to be added as a Contributing or Non-Contributing Resource;

(ii) a general explanation of the Nomination process and the effect of being nominated, and the opportunity for appeal of the Preliminary Determination of the Preservation Director;

(iii) a general explanation of the effect of being a Nominated Resource, including the restrictions on alteration and demolition;

(iv) a general explanation of the hearing process for determining whether the Nominated Resource qualifies as a Landmark or Contributing Resource, or in the case of a Proposed Historic District, the hearing process for determining whether the geographic area qualifies as a Historic District; and

(v) a general explanation of the effect of placement on the Sacramento Register, including the restrictions on alteration and demolition, as well as the general benefits from placement on the Register.

(e) Preliminary Determination of Preservation Director: Within such time that is reasonable and practicable after the Preservation Director has determined that a Nomination is complete, the Preservation Director shall make a preliminary determination on whether the Nominated Resource is

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eligible for consideration by the Board and Council for placement on the Sacramento Register. In making this preliminary determination, the Preservation Director shall apply the eligibility criteria and factors specified above. The Preservation Director shall find that the Nominated Resource is eligible for consideration for placement on the Sacramento Register if the Director finds that there is a reasonable likelihood that the Nominated Resource will be placed on the Sacramento Register following completion of the notice and hearing requirements of this Chapter. The Preservation Director shall issue a written decision on the preliminary determination. If the Preservation Director issues a preliminary determination that the Nominated Resource is eligible for consideration by the Board and Council for placement on the Sacramento Register, the Preservation Director shall identify those Significant Features and Characteristics proposed for inclusion on the Register. The identification of Significant Features and Characteristics during the nomination process shall be considered preliminary in nature, and nothing shall prevent or preclude the Board or Council from identifying different, additional or fewer Significant Features and Characteristics.

(f) Notice of Preliminary Determination: Notice of the Preliminary Determination of the Preservation Director shall be given to the owner(s), applicant(s) and others who received Notice of the Nomination pursuant to (d) above, in the same manner specified in (d) above.

(g) Appeal: The preliminary determination of the Preservation Director may be appealed by a person to the Board and thereafter to the Council pursuant to the provisions of Article VIII.

(h) Restrictions on Applications for Entitlements Involving Resources Nominated by Persons other than Owner(s): If a preliminary determination is made that a Resource nominated by someone other than the owner(s) is eligible for placement on the Register, and that decision is final, that Resource shall be considered a Nominated Resource for purposes of Section 15.124.190 on the date that the preliminary determination of eligibility is final, and shall thereafter be subject to the restrictions of Article VI pursuant to that Section.

- B. Nominations Proposed by Preservation Director, Design Review and Preservation Board and City Council: The City Council, Design Review and Preservation Board and the Preservation Director shall have the authority to nominate Resources for placement on the Sacramento Register as Landmarks, Historic Districts or Contributing Resources, subject to compliance with the requirements of this section.

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1. The Design Review and Preservation Board shall initiate Landmark, Contributing Resource and Historic District nominations by adopting a resolution of intent to consider a nomination either on its own motion, or at the request of the Preservation Director or the City Council. The Preservation Director shall request that the Board adopt a resolution of intent to consider for nomination those Resources for which a preliminary determination of eligibility for placement on the Register is made pursuant to Subsection A above. The City Council may nominate Landmarks, Contributing Resources and Historic Districts by adopting a resolution identifying the nominated Resource and transmitting its resolution to the Design Review and Preservation Board. The Design Review and Preservation Board shall adopt a resolution of intent to consider nominations for Resources nominated by the City Council and for those Resources considered eligible for placement on the Register pursuant to Subsection A above for which the Preservation Director has made a request.
2. The owner(s) of properties nominated as Landmarks or Contributing Resources and the owner(s) of properties within the geographic area nominated as a Historic District shall be notified in writing within a reasonable period of time, not to exceed twenty (20) days, of the Design Review and Preservation Board's adoption of a resolution of intent.
3. Pursuant to Section 15.124.190, Resources nominated as Landmarks, Contributing Resources or Resources within a Landmark District shall be considered to be a Landmark, Contributing Resource or Resource within a Landmark District for purposes of Article VI, and shall be subject to the restrictions of Article VI following adoption of the resolution of intent, for the time period specified in Section 15.124.190.

C. Process for Proposing Deletion from Sacramento Register: The procedure for proposing deletion of a Listed Resource from the Sacramento Register shall be as follows:

1. Application by Owners of Landmarks and Contributing Resources:

(a) Application for Deletion: Landmarks and Contributing Resources: The owner(s) of a Landmark or Contributing Resource may propose deletion of the Listed Historic Resource from the Sacramento Register.

(b) All applications to delete a Listed Resource from the Sacramento Register shall be submitted to the Preservation Director. The Preservation Director shall determine if an application is or is not complete, and the date

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that the application Nomination is or is not complete. The Preservation Director shall determine the date that the application is complete.

(c) Notice of Application for Deletion: Where an application is filed for deletion of a Listed Resource from the Sacramento Register, notice shall be given to the following persons within a reasonable period of time following receipt of the application:

i) All property owners, as shown on the latest equalized assessment roll, within five hundred (500) feet of the Nominated Resource(s). In the case of a nomination regarding a Historic District, the Nomination Notice shall be provided to all property owners within the proposed district and within five hundred (500) feet of the boundary of the proposed district.

(ii) Anyone who has in writing to the Board Secretary requested notice of the Nomination.

(d) Preliminary Determination of Preservation Director: Within such time that is reasonable and practicable after the Preservation Director has determined that an application for deletion is complete, the Preservation Director shall make a preliminary determination on whether the Listed Historic Resource is eligible for consideration for deletion from the Sacramento Register. The Preservation Director shall find that the Listed Historic Resource is eligible for consideration for deletion from the Sacramento Register if he/she finds that there is a reasonable likelihood that the Listed Resource will be deleted from the Sacramento Register, following completion of the notice and hearing requirements of this Chapter, for its failure to meet the criteria specified in 32.04.402 above. The Preservation Director shall issue a written decision on his/her preliminary determination whether the Listed Resource is eligible for consideration for deletion from the Sacramento Register.

(e) Notice of Preliminary Determination: Written notice of the Preliminary Determination of the Preservation Director shall be given to the owner(s) and others who received notice of the application for deletion pursuant to (c) above.

(f) Appeal: The owner(s) who apply to delete a Listed Historic Resource from the Sacramento Register shall have the right to appeal to the Design Review and Preservation Board, and thereafter the City Council, a

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preliminary determination that a Listed Resource is not eligible for consideration for deletion, in accordance with the provisions of Article VIII herein.

2. Deletions of Historic Districts: Preservation Director and City Council Only:  
No person other than the Preservation Director or the City Council may propose deletion of a Historic District from the Sacramento Register.

3. Deletions Proposed by Preservation Director and City Council:

(a) The Preservation Director may, in his or her discretion, propose the deletion of a Listed Historic Resource, including a Historic District, from the Sacramento Register.

(b) The Preservation Director shall, upon direction from Council, which may or may not be based upon a recommendation from the Design Review and Preservation Board, propose the deletion of a Listed Historic Resource from the Sacramento Register.

(c) The Preservation Director shall periodically propose and process for deletion from the Sacramento Register those Listed Historic Resources which have been lawfully removed, demolished or disturbed to such an extent that, in the Preservation Director's opinion, they no longer qualify for placement on the Register.

#### **15.124.190 Nominated Resources: Protections Pending Final Decision**

A. Subject to the time limits set forth in Subsection B below, any Nominated Resource proposed for consideration as a Landmark or Contributing Resource shall be considered to be a Landmark or Contributing Resource for purposes of Article VI herein, and it shall be subject to the restrictions and protections of Article VI as if it were a Landmark or Contributing Resource. Any geographic area proposed for consideration as a Historic District shall be considered to be a Historic District for purposes of Article VI herein, and the Resources located within the proposed Historic District shall be subject to the restrictions and protections of Article VI as if they were located within a Historic District. Listed Historic Resources proposed for deletion from the Sacramento Register shall be subject to the restrictions and protections of Article VI unless and until a final decision is made by the City Council to delete the Listed Historic Resources from the Sacramento Register.

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- B. The restrictions of Subsection A above shall apply for a period of 180 days from the date of adoption by the Design Review Board of a resolution of intent to consider a nomination of a property as a Landmark, a Contributing Resource or a property within a Historic District. After 180 days have elapsed from the date of the resolution of intent, if the City Council has not adopted an ordinance designating the nominated Resource as a Landmark, Contributing Resource or Historic District, this section shall no longer apply unless the Council has adopted an ordinance to extend the 180-day limit to consider the nomination.

**15.124.200 Proposed Demolition or Relocation of Buildings or Structures that are at Least Fifty Years Old: Review for Nomination for Placement on Sacramento Register**

- A. If a permit is sought to demolish or relocate a building or structure that was constructed at least fifty years prior to the date of application for demolition or relocation and that building or structure is not currently on the Official Register and is not the subject of a pending Nomination and has not been nominated for placement on the Official Register within the past three years, the permit application shall be referred to the Preservation Director to determine whether the structure should be nominated for placement on the Official Register. For purposes of this Section, a building or structure for which a building permit issued and construction commenced not less than fifty years prior to the date of application for a demolition or relocation permit shall be considered to have been constructed not less than fifty years ago, regardless of when the construction was completed, and regardless of whether the building or structure was thereafter expanded, modified or otherwise altered. Absent sufficient evidence to the contrary, the date of issuance of the building permit shall be considered to be the date on which construction commenced.

Exception: Buildings and Structures within the Richards Boulevard Special Planning District: The requirements of this Section shall apply only to applications to demolish or relocate buildings or structures within the Richards Boulevard Special Planning District which are identified in the "Richards Boulevard Area Architectural and Historical Property Survey" (hereinafter "Survey"), as either potential essential structures, priority structures, or contributing structures within the potential North 16<sup>th</sup> Street Preservation Area. Applications to demolish or relocate buildings or structures which are not so identified in the Survey shall not be subject to the requirements of this Section.

- B. Upon receipt of an application to demolish or relocate a structure pursuant to Paragraph A above, the Preservation Director shall follow the procedure set forth in Section 15.124.180 above and issue a preliminary determination on

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whether the structure is eligible for consideration by the Board and Council for placement on the Official Register. The notice, procedural and appeal rules set forth in Section 15.124.180 shall apply.

- C. Notwithstanding the provisions of Section 15.124.180, the Preservation Director shall issue the Preliminary Determination within forty-five (45) days of the date that the application for the permit to demolish or relocate a building or structure is filed. Failure of the Preservation Director to act within this time period may be treated by the owner or applicant for the permit to demolish or relocate as a Preliminary Determination that building is eligible for consideration for placement on the Official Register, and shall be subject to appeal by the owner or applicant for the permit at any time thereafter, up to the date that the Preservation Director in fact issues a Preliminary Determination decision. If the owner or applicant for the permit has not filed an appeal, the issuance of a Preliminary Determination decision by the Preservation Director more than forty-five days after the date of application for the permit to demolish or relocate shall be subject to appeal in the manner specified in Section 15.124.180.
- D. If an appeal of the Preliminary Determination of the Preservation Director is filed by the owner or applicant, the Design Review and Preservation Board shall hear and decide that appeal within thirty (30) days of the date of filing of the appeal. Failure of the Board to act within this time period may be treated by the owner or applicant for the permit to demolish or relocate as a denial of the appeal of the Preliminary Determination that the building is eligible for consideration for placement on the Official Register, and that decision shall be subject to appeal to the City Council by the owner or applicant for the permit at any time thereafter, up to the date that the Board in fact issues a decision on the appeal. If the owner or applicant for the permit has not filed an appeal to the City Council, the issuance by the Board of a decision on the appeal more than thirty days after the date of the filing of the appeal shall be subject to appeal to the City Council in the manner specified in Section 15.124.180.
- E. Pending a final determination on whether the building or structure is to be nominated for placement on the Official Register, and upon Nomination of the building or structure for placement on the Official Register, the building or structure shall be treated as a Nominated Resource and shall be subject to the provisions of Section 15.124.190.

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### **15.124.210 Process for Evaluating Nominations for Placement on the Sacramento Register and Proposals for Deletion from the Sacramento Register**

The Council shall hear and decide nominations for placement on the Sacramento Register and proposals for deletion of Listed Historic Resources from the Sacramento Register. Prior to the Council hearing a nomination for placement on the Sacramento Register or proposal for deletion from the Sacramento Register, the Board shall hold a hearing and make a recommendation to the City Council for inclusion on, or deletion from, the Sacramento Register.

### **15.124.220 Hearing by the Board: Notice and Form of Notice**

The Board shall conduct a public hearing or hearings on nominations for placement on the Sacramento Register and proposals for deletion from the Sacramento Register. At the conclusion of the hearing(s), the board shall make a recommendation to the City Council on the nomination or proposal.

A. Notice of Hearing: Notice of the hearing before the Board shall be provided as follows:

1. Written notice shall be given not less than twenty (20) days prior to the hearing to the following individuals:

(a) The owner(s) of the Nominated Resource(s) or the owner(s) of the Listed Resource proposed for deletion, as shown on the latest equalized assessment roll. In the case of a nomination or proposal for deletion regarding a Historic District, the notice shall be provided to all property owners within the proposed district or the district proposed for deletion, as shown on the latest equalized assessment roll.

(b) Where the Resource is proposed for inclusion on, or deletion from the the Register as a Landmark, all property owners within five hundred (500) feet of the Resource, as shown on the latest equalized assessment roll. In the case of a nomination regarding a Historic District, the Nomination Notice shall be provided to all property owners within the proposed district and all property owners whose property abuts property proposed for inclusion in the Historic

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District.

(c) Anyone who has in writing to the Board Secretary requested notice of the Nomination.

(d) The person(s) making the Nomination or, where applicable, the person who conducted an applicable Survey.

(ii) In the event of a Nomination or proposed deletion of a Historic District, the Preservation Director shall also send a copy of the notice to the Secretary of the Planning Commission. The Planning Commission may review the proposed designations and boundaries of the Historic District, or the proposed deletion, and may forward its recommendations to Board for the Board's consideration. Failure of the Planning Commission to provide comments shall not prevent the Board from acting on the Nomination or proposed deletion.

(iii) In the case of a Nomination or application for deletion of a Resource other than a Historic District, the Board Secretary shall also post the notice on the Nominated Resource or Resource proposed for deletion, or in a location in the public right-of-way in a location adjacent to the Resource.

(b) Form and contents of notice:

(i) Common address and Assessors Parcel Number, if any, of the Nominated Resource or the Resource proposed for deletion.

(ii) A general explanation of the proposed designation or proposed deletion, and in the case of a Nomination, and the requirements and/or benefits thereof.

(iii) For Nominations, the reasons for the proposed designation, in terms of the historic, architectural, and cultural significance of the Nominated Resource(s), including a description of the proposed significant features and characteristics of the proposed historic resource.

(iv) The date and place of the public hearing or hearings before the Board.

**15.124.230 Proposed Designation on or Deletions from the Sacramento Register**

A. If the Board determines that the Resource under consideration is eligible for inclusion on, or deletion from, the Sacramento Register based upon the criteria,

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considerations, and assessment of integrity and significance outlined in this Chapter, the Board shall then make its recommendation to the City Council as to whether the Resource should be included as a Landmark, Contributing Resource or Historic District on the Sacramento Register, or be deleted from the Sacramento Register. In its recommendation to the City Council, the Board shall specify the Significant Features or Characteristics of the Nominated Resource.

- B. In the case of Historic District recommendations, the Board shall identify as "Contributing Resource(s)" all properties, structures, features or other resources within the proposed Historic District that it determines contribute to the district's designation as a Historic District. Properties, structures, features or other resources that happen to be located within the recommended Historic District boundaries, but which have no relevance to the area's identified significance, significant physical features or identifying characteristics shall be deemed Non-Contributing Resources. Historic Districts may include properties that do not include any structures.

#### **15.124.240 Action by City Council**

- A. The Board Secretary shall transmit to the City Clerk for review by the City Council the Board's recommendations on inclusion(s) or deletion(s) to or from the Sacramento Register.
- B. Upon receipt of the recommendations of the Board, the City Council shall hold a public hearing thereon and may adopt, modify or reject the action(s) recommended by the Board. In the alternative, the City Council may refer the proposed action(s) to the Board for further hearings, consideration or study. Adoption of any inclusion on or deletion from the Sacramento Register shall be made by uncodified ordinance which shall contain findings of fact in support of each designation. The uncodified ordinance shall identify Significant Feature(s) or Characteristic(s) of Resources added to the Sacramento Register, and shall identify Contributing Resources and Non-Contributing Resources in a Historic District.
- C. Notice of the Council hearing pursuant to this section shall be mailed to the owner of the affected Nominated Resource(s), and the person nominating the Nominated Resource(s), not less than twenty (20) days prior to the date of the hearing. In addition, notice shall be published once not less than twenty (20) days before the hearing in an official newspaper of the City.

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#### **15.124.250 Frequency of Nominations**

When a Nomination for placement of a Resource on the Register has been denied, no new Nomination for placement of the same or substantially the same Resource may be filed or submitted for a period of three years from the effective date of the final denial of the Nomination, except that an owner of a Resource may file a new Nomination following the passage of one year from the date of final denial. Where a Nomination for deletion of a Listed Historic Resource from the Register has been denied, no new application to delete the same Listed Historic Resource may be filed or submitted for a period of one year from the effective date of the final denial.

#### **15.124.260 Reserved**

### **Article V Historic District Plans**

#### **15.124.270 Historic District Plans**

- A. The Board shall promulgate and recommend to the Council for adoption a Historic District Plan for each Preservation Area existing as of the date of enactment of this Chapter, and for each Historic District designated pursuant to this Chapter. Each Historic District Plan shall include:
1. A statement of the goals for review of development projects within the Historic District;
  2. A representation of the historical development of land uses, existing land uses, and any adopted plans for future land uses;
  3. A statement of findings, including the following:
    - (a) The historical or pre-historical period to which the area is significant,
    - (b) The predominant periods or styles of the structures or features therein, and
    - (c) The Significant Features and Characteristics of said periods or styles, as represented in the Historic District, including, but not limited to, structure height, bulk, distinctive architectural details, materials, textures, archeological and landscape features and fixtures; and
    - (d) A statement, consistent with Article IV herein, of the standards and criteria to be utilized in determining the appropriateness of any development project involving a Landmark, Contributing Resource or

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Non-Contributing Resource within the Historic District.

- B. The Board shall conduct a public hearing or hearings on the Proposed Historic District Plan. At the conclusion of the hearing or hearings, the Board may affirm, modify or rescind any portions of the proposed Historic District Plan. A notice of decision and recommendations in support thereof shall be filed in the office of the Preservation Director.
- C. The Board Secretary shall transmit the Board's recommended Historic District Plan to the City Clerk for the Council's review. The procedures set forth in Article IV of this Chapter shall govern the City Council's action on any proposed Historic District Plan. No Historic District Plan shall be considered adopted unless it had been approved by the Council.

**Article VI Development Project and Demolition Review**

**15.124.280 General: Review Required for Development Projects Involving Landmarks, Contributing Resources and Non-Contributing Resources, and for Demolition of Landmarks and Contributing Resources.**

- A. General: Except as provided below, review and approval by the Board or Director pursuant to this chapter shall be required prior to commencement of the following:
  - 1. any Development Project involving a Landmark, Contributing Resource or Non-Contributing Resource, or pursuant to Sections 15.124.200 and 15.124.320, a Nominated Resource, which requires issuance of a City permit, including without limitation the following:
    - (a) Building Permits, including but not limited to building permits for rehabilitation, new construction and demolition;
    - (b) Building move and building relocation permits;
    - (c) Sewer connection or disconnection permits, except for those disconnections for repair or maintenance of existing sewer connections;
    - (d) Sign permits;
    - (e) Certificates of Occupancy;

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- (f) Grading Permits;
  - (g) Demolition permits, whether for full, major or partial demolition; or
  - (h) Encroachment permits
2. Except as specified herein, any of the following work or improvements undertaken on either: a) a Landmark, Contributing Resource or Non-Contributing Resource; or b) pursuant to Sections 15.124.200 and 15.124.320, a Nominated Resource:

- a) installation or replacement of exterior windows or doors;
- b) construction of new exterior fencing or walls, or alteration of existing fencing or walls;
- c) replacement or alteration of exterior paint or other exterior architectural coating or treatment on a Landmark, where the exterior paint or other exterior architectural coating or treatment has been identified as a significant Feature or Characteristic of a Landmark;

Pursuant to Section 15.124.285, a Certificate of Appropriateness approved by the Preservation Director shall be required prior to undertaking any of the work specified in (a) through (c) above.

B. Exceptions: Notwithstanding Subsection A above, review by the Board or Director pursuant to this Chapter shall not be required for the following:

- 1. demolition or relocation of a Non-Contributing Resource
- 2. demolition of an immediately dangerous building, provided the provisions of Section 15.124.410 of this Chapter shall be satisfied prior to demolition.
- 3. work and repairs required as a matter of law.

C. It shall be unlawful and a violation of this Chapter for any person to commence or continue work on a Development Project involving a Landmark or Contributing Resource, or a Non-Contributing Resource in a Historic District unless review and approval pursuant to this Chapter has occurred; provided that Development Projects lawfully commenced prior to **[effective date of this ordinance]**, either with or without review under the previous version of this

Chapter 15.124 of Title 15, shall not be subject to any further review under this Chapter or Title.

#### **15.124.285 Certificates of Appropriateness**

A certificate of appropriateness approved by the Preservation Director shall be required to undertake any of the work specified in Section 15.124.280. This requirement shall be in addition to any other permit or requirement required by the City Code. The Preservation Director shall, in the manner specified in Section 15.124.330, notice and hold a hearing on the application to undertake work specified in section 15.124.280.

#### **15.124.290 Applications**

The Building Official, Planning Director and designees, shall forward to the Preservation Director all applications for permits or other entitlements in which all or part of the work to be performed thereunder is subject to the review of the Board or the Preservation Director.

#### **15.124.300 Review of Development Projects Involving Landmarks and Contributing Resources and Requests for Demolition of Landmarks and Contributing Resources**

A. Board Review: The Board shall review and act on the following Development Projects and requests for demolition and relocation involving Landmarks and Contributing Resources:

1. any Development Project involving a Landmark or Contributing Resource where the Preservation Director determines that the Development Project involves work on Significant Features or Characteristics or involves work that could affect the eligibility of the Listed Historic Resource for the Sacramento Register.
2. except as provided below, all applications for demolition or relocation of Landmarks and Contributing Resources.

Exception: The Preservation Director shall have authority to review and act upon applications for demolition or relocation of accessory buildings and structures which are not identified as Significant Features or Characteristics of the Landmark or Contributing Resource.

B. Preservation Director Review: The Preservation Director shall review and act on all Development Projects involving Landmarks and Contributing Resources not subject to review by the Board pursuant to A above.

- C. Preservation Director Determination: The Preservation Director shall review and determine whether a Development Project application involving a Landmark or Contributing Resource is subject to review by the Board or by the Director. The determination of the Preservation Director on this issue shall be final and shall not be subject to appeal. The decision of the Board or Director on the Development Project application shall be subject to appeal pursuant to Article VIII.
- D. Director Determination re: Landmarks and Contributing Resources without Identified Significant Features and Characteristics: For Landmarks and Contributing Resources which are on the Register because they were Essential or Priority Structures on the Official Register created under the prior version of this Chapter 15.124, and for which there are no identified Significant Features and Characteristics, the Preservation Director shall identify the significant Features and Characteristics and determine whether review by the Board or Director is appropriate under A and B above.

#### **15.124.310 Review of Development Projects Involving Non-Contributing Resources in Historic Districts**

The Board shall act on Development Project applications involving new construction on vacant parcels within Historic Districts. The Director shall act on all other Development project applications involving Non-Contributing Resources in Historic Districts.

#### **15.124.320 Review of Development Projects Involving Nominated Resources and Requests for Demolition of Nominated Resources**

- A. Resources Nominated as Landmarks and Contributing Resources: For purposes of this Chapter, Resources nominated as potential Landmarks and Contributing Resources shall be treated as if they are Landmarks and Contributing Resources on the Sacramento Register, and Development Projects and requests for demolition or relocation involving these Resources shall be subject to review by the Board or Director pursuant to Section 15.124.300.
- B. Other Resources within Nominated Historic Districts: Resources within geographic areas nominated for consideration as Historic Districts which are not nominated or identified as potential Contributing Resources shall be treated as Non-Contributing Resources, and Development Projects and requests for demolition or relocation involving these Resources shall be subject to review by the Board or Director pursuant to Section 15.124.300.



### 15.124.330 Notice and Hearing

At least one public hearing shall be held by the Board or the Preservation Director, as appropriate, on Development Project applications and other matters for which Board or Preservation Director review is required pursuant to this Chapter. Notice of the hearing shall be given as follows:

A. Notice:

1. Written notice: Written notice of the hearing before the Preservation Director or the Board shall be given not less than ten (10) days prior to the hearing to the following:
    - a) the project applicant;
    - b) all owners of property located within five hundred (500) feet of the property which is the subject of the hearing, using for notification purposes the names and mailing addresses as shown on the latest equalized assessment roll in existence of the date the application is filed.
  2. Posting: Notice of the hearing shall also be posted on the property which is the subject of the hearing in a conspicuous place for at least seven (7) days prior to the date of the hearing.
- B. Form of Notice: The notice shall provide a general description of the Development Project or proposal, and the date and place of the public hearing(s) before the Preservation Director or Board.

### 15.124.340 Standards

The Board or the Preservation Director, as appropriate, shall apply and consider the following when reviewing a Development Project or other matter pursuant to this Chapter:

- A. the Secretary of Interior Standards;
- B. when the project involves a Resource located within a Historic District, the applicable provisions of the Historic District Plan, if any;
- C. the goals and policies of this Chapter; and
- D. the goals and policies of the General Plan and any applicable specific or community plan.

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## 15.124.350 Decision and Findings

- A. Projects not involving the Demolition or Relocation of a Landmark or Contributing Resource: For projects not involving the Demolition or Relocation of a Landmark or Contributing Resource, the Board or Director shall not approve the application unless the Board or Director makes one or more of the following findings concerning the project, as it may have been conditioned or modified.
1. the project is consistent with the Secretary of Interior Standards and the goals and policies of this Chapter;
  2. the project is not fully consistent with the Secretary of Interior Standards, due to economic hardship or economic infeasibility, but the project is generally consistent with, and supportive of, the goals and policies of this Chapter. The applicant shall have the burden of proving economic hardship or economic infeasibility.
  3. the project is not fully consistent with the Secretary of Interior Standards, but is consistent with and supportive of identified goals and policies of the General Plan or applicable community or specific plan(s); and the project is either generally consistent with, and supportive of, the goals and policies of this Chapter, or if not, the benefits of the project and furthering the identified goals and policies of the General Plan or applicable community plan outweigh any impacts on achieving the goals and policies of this Chapter.
- B. Projects Involving Demolition or Relocation of a Landmark or Contributing Resource: For projects involving the Demolition or Relocation of a Landmark or Contributing Resource, the Board or Director shall not approve the application unless the Board or Director makes one or more of the following findings concerning the project, as it may have been conditioned or modified.
1. based upon sufficient evidence, including evidence provided by the Applicant, the property retains no reasonable economic use, taking into account the condition of the structure, its location, the current market value, the costs of rehabilitation to meet the requirements of the building code or other city, state or federal law;
  2. that the demolition or relocation of the Landmark or Contributing Resource is necessary to proceed with a project consistent with and supportive of identified goals and policies of the General Plan or applicable community

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or specific plan(s), and the demolition of the building or structure will not have a significant effect on the achievement of the purposes of this Chapter or the potential effect is outweighed by the benefits of the new project; or

3. in the case of an application for a permit to relocate, that the building may be moved without destroying its historic or architectural integrity and importance; or
4. That the demolition or relocation of the Landmark or Contributing Resource is necessary to protect or to promote the health, safety or welfare of the citizens of Sacramento, including the need to eliminate or avoid blight or nuisance, and the benefits of demolition or relocation outweigh the potential effect on the achievement of the goals and policies of this Chapter.

C. Demolition or Relocation: For purposes of this Section, demolition or relocation shall mean the complete demolition or relocation of the entirety of the Landmark or Contributing Resource; or the partial demolition or relocation of a portion of a Landmark or Contributing Resource, including where partial demolition or relocation that is part of a Development Project to remodel or alter the Landmark or Contributing Resource, where the demolition or relocation affects or may affect a Significant Feature or Characteristic, or where the demolition or relocation is other than minor, inconsequential or insignificant and has the potential to affect the historical value of the Landmark or Contributing Resource.

#### **15.124.360 Appeal**

The decision of the Preservation Director shall be subject to appeal to the Board pursuant to Article VIII herein. The decision of the Board, including the decision of the Board on an appeal from the Preservation Director, shall be subject to appeal to the City Council pursuant to Article VIII herein.

#### **15.124.370 Expiration of Approval**

Whenever the Board or the Preservation Director approves the issuance of a demolition permit or a building permit for demolition and rights thereunder have not been exercised for a period of one hundred eighty (180) days from the effective date of issuance, said approval shall expire and said permit is void notwithstanding any other provision of the Sacramento City Code to the contrary. For purposes of this Section 32.05.504 the term "exercise of rights" shall mean substantial expenditures in good faith reliance upon said permit. The burden of proof in showing substantial expenditures in good faith reliance upon said permit shall be placed upon the permit holder.

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#### **15.124.380 City Projects**

- A. General: Except as provided below, the provisions of this Chapter 15.124 requiring hearing(s) before the Board or the Preservation Director shall apply to Development Projects involving, or requests for demolition or relocation of, Landmarks, Contributing Resources or Non-Contributing Resources which are owned by the City of Sacramento, including public projects within the Old Sacramento National Historic Landmark District; provided that the Board or Director shall make a recommendation to the City Council or other City decision-making body, entity or person, rather than issuing a decision. When acting on City projects, the City Council or other City decision-making body, entity or person shall apply the same standards, and make the same findings, required by this Chapter for private projects.
- B. Exception: The Council may, by resolution or ordinance, exempt from review by the Director or Board individual City projects or categories of City projects.

#### **Article VII Dangerous Buildings and Immediately Dangerous Buildings, Structures or Resources**

#### **15.124.390 Notice to Preservation Director**

The Building Official, and designees, shall notify the Preservation Director upon designation of any of the following as a substandard, dangerous, or immediately dangerous building, structure or resource: any Listed Historical Resource, any resource in a Historic District, any Nominated Resource, any California Register Resource, or any National Register Resource.

#### **15.124.400 Reports to Board**

The Secretary of the Housing Code Advisory and Appeals Board and the Building Official shall forward to the Board Secretary all notices and orders involving any Listed Historic Resource within ten (10) days of any such notices or orders.

#### **15.124.410 Demolition of Landmarks and Resources Within Historic Districts**

The provisions of this Chapter shall not be construed to regulate, restrict, limit or modify the authority of the City and the Building Official or his or her designee(s) as specified below, to issue demolition or other permits under the Building Code set forth in Title 15 of the Sacramento City Code for the abatement of Listed Historic Resources determined to be immediately dangerous, pursuant to the summary procedures set forth in Chapter 8.96 of Title 8 of the Sacramento City Code; provided that, prior to approval of a demolition permit for the demolition of a Listed Historic Resource determined to be immediately

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dangerous, the Building Official or in his or her absence, the Code Enforcement Manager, or in the Code Enforcement Manager's absence his or her designee as specified below, shall comply with the review and consultation process specified herein.

- A. The person serving as Building Official shall personally issue any permits authorizing the demolition of structure(s) or other resource(s) on the Sacramento Register determined to be immediately dangerous after complying with the review and consultation process specified herein; provided that if the person serving as Building Official is absent or otherwise unavailable, then the Code Enforcement Manager his or her designee, shall be responsible for issuing any permits authorizing the demolition of a Listed Historic Resource determined to be immediately dangerous after complying with the review and consultation process specified below.
- B. The Building Official, Code Enforcement Manager or designee specified, may issue a permit authorizing the demolition of a Listed Historic Resource determined to be immediately dangerous; provided that prior to issuing the demolition permit, the Building Official or designee shall first consult with the Preservation Director and the Chairperson of the Board for the purpose of discussing (i) whether the condition of the structure(s) or other resource(s) is immediately dangerous within the meaning of the Sacramento City Code; and (ii) whether there are any feasible alternatives to demolition that will protect adequately the health and safety of the public, including but not limited to abatement of the immediate threat through repair as specified in Chapters 8.96 and 8.100 of Title 8 of the Sacramento City Code, securing the premises through security fencing or other measures, stabilization, and limited demolition; and provided further that if the Building Official or designee determines that the structure is immediately dangerous and that there is no feasible alternative to demolition to abate the immediate and present threat to life, health or safety of the public, the Building Official, Code Enforcement Manager, or designee may issue a permit authorizing the demolition of the structure without complying with the consultation process, although the Building Official, Code Enforcement Manager or designee, shall make all reasonable efforts to comply with the consultation process before issuing such permit.

**15.124.420 Lawful Demolition, Removal, or Disturbing of Listed Historic Resource; Deletion; Restrictions**

- (a) When an individually listed Landmark on the Sacramento Register, or portion thereof, has been lawfully demolished, removed, or disturbed pursuant to any provisions of this Chapter, the City Clerk upon notice from the

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Preservation Director, shall cause such Landmark, or portion thereof, to be deleted from the Sacramento Register. Upon deletion, the provisions of this Chapter shall not be considered to encumber any remaining property on which the Landmark was located. Landmark(s) in which a majority of the Significant Feature(s) and Characteristic(s) are destroyed by natural disaster(s), acts of God or other similar events not attributable to the willful or intentional action of the owner or owner's agent, shall be considered lawfully demolished, removed, or disturbed for the purposes of this Section.

(b) When a Listed Historic Resource in a Historic District, or portion thereof, has been lawfully demolished, removed, or disturbed pursuant to any provisions of this Chapter, the City Clerk upon notice thereof, shall cause such Listed Historic Resource, or portion thereof, to be downgraded to a non-contributing resource in the Historic District. Listed Historic Resource(s) in a Historic District in which a majority of the Significant Feature(s) and Characteristic(s) are destroyed by natural disaster(s), acts of God or other similar events not attributable to the willful or intentional action of the owner or owner's agent shall be considered lawfully demolished, removed, or disturbed for the purposes of this Section.

## **Article VIII    Appeals**

### **15.124.430    Finality of Board and Preservation Director Decisions**

Any decision or order of the Board or Preservation Director under this Chapter shall become final if no appeal is taken from such order or decision within the time limits prescribed by the applicable appeal provisions of this Chapter. No permit regulated by the provisions of this Chapter shall issue, nor shall any rights therein vest, until the decision of the Board or Preservation Director is final or any appeal therefrom is disposed of the manner prescribed by this Chapter.

### **15.124.440    Appeal of Preservation Director Actions**

Except as expressly provide otherwise herein, any person dissatisfied with any decision of the Preservation Director under this Chapter may appeal the decision to the Board not later than ten (10) days after the issuance of the Preservation Director's notice of decision and findings. Such appeal is taken by filing a notice of appeal with the Board Secretary and paying an appeal fee as established by the City Council. Upon receipt of a timely appeal, the Board Secretary shall forthwith transmit to the Board chairperson all papers and documents on file with the Preservation Director relating to the appeal. Notice of the hearing before the Board shall be given in the manner specified in Section 15.124.330 provided that, to the extent that Section 15.124.330 does not otherwise require that notice

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FOR CITY CLERK USE ONLY

ORDINANCE NO. \_\_\_\_\_

DATE ADOPTED: \_\_\_\_\_

be given to the appellant(s), written notice shall be given to the appellant(s).

#### **15.124.450 Appeal of Board Actions**

Except as expressly provide otherwise herein, any person dissatisfied with any decision of the Board under this Chapter, including any decision on an appeal of a decision of the Preservation Director, may appeal that decision to the City Council not later than ten (10) days after the date of the Board's notice of decision and findings. Such appeal is taken by filing a notice of appeal with the Board Secretary and paying an appeal fee as established by the City Council. Upon receipt of a timely appeal, the Board Secretary shall forthwith transmit to the City Clerk Board chairperson all papers and documents on file with the Preservation Director relating to the appeal. Notice of the hearing before the Board shall be given in the manner specified in Section 15.124.330; provided that, to the extent that Section 15.124.330 does not otherwise require that notice be given to the appellant(s), written notice shall be given to the appellant(s).

### **Article IX Preservation Incentives**

#### **15.124.460 Incentive Programs**

The Board is authorized to develop and implement preservation incentive programs that are consistent with this Chapter.

#### **15.124.470 California State Historical Building Code**

The Building Official is authorized to use and shall use the State Historical Building Code for projects involving Landmarks and Contributing Resources. The Board and the Preservation Director are authorized to and shall utilize the State Historical Building Code for Preservation Projects.

#### **15.124.480 Mills Act Contracts**

(a) Mills Act contracts granting property tax relief shall be made available by the City of Sacramento only to owners of properties listed in the Sacramento Register (either as Landmarks or as Contributing Resources within Historic Districts), as well as properties located within the City of Sacramento that are listed in: the National Register of Historic Places (either as individual listings or as contributing properties within National Register historic districts); or the California Register of Historical Places. Properties that have been previously listed on the above-mentioned register(s), but that have been removed from the register(s) and are no longer listed, shall not be eligible for a Mills Act contract with the City.

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DATE ADOPTED: \_\_\_\_\_

(b) Mills Act contracts shall be made available pursuant to California law. The Preservation Director shall make available appropriate Mills Act application materials.

(c) Mills Act contract applications shall be made to the Preservation Director, who shall, within sixty (60) days of receipt of a completed application, prepare and make recommendations on the contents of the contract for consideration by the City Council. A fee for the application, to cover all or portions of the costs of the preparation of the contract in the amounts set by City Council Resolution may be charged.

(d) The City Council shall, in public hearing, resolve to approve, approve with conditions, or deny the proposed contract. Should the City Council fail to act on the proposed contract within one (1) year of its receipt of the proposal, the proposal shall be deemed denied.

(e) A Mills Act contract application that has failed to be approved by the City Council cannot be resubmitted for one (1) year from the date of City Council action, or where the Council fails to take action, within one year from the date that the application is deemed denied pursuant to (d) above.

## **Article X Minimum Maintenance Requirements**

### **15.124.490 Minimum Maintenance Requirements**

The owner, lessee or other person legally in possession of a Listed Historic Resource shall comply with all applicable codes, laws and regulations governing the maintenance of property. Additionally, it is the intent of this section to preserve from deliberate or inadvertent neglect the exterior features of Listed Historic Resources and the interior portions thereof when such maintenance is necessary to prevent deterioration and decay of the exterior. Listed Historic Resources shall be preserved against such decay and deterioration and shall remain free from structural defects through prompt corrections of any of the following defects:

- (a) Facades which may fall and injure members of the public or property;
- (b) Deteriorated or inadequate foundation, defective or deteriorated flooring or floor supports, deteriorated walls or other vertical structural supports;
- (c) Members of ceilings, roofs, ceiling and roof supports or other horizontal members which sag, split or buckle due to defective material or deterioration;

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**FOR CITY CLERK USE ONLY**

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- (d) Deteriorated or ineffective waterproofing of exterior walls, roofs, foundations or floors, including broken windows or doors;
- (e) Defective or insufficient weather protection for exterior wall covering, including lack of paint or other protective covering;
- (f) Any fault or defect in the building which renders it not properly watertight or structurally unsafe.

## **Article XI Enforcement and Penalties**

### **15.124.500 Application of Chapter and Enforcement Powers**

The Code Enforcement Manager and Building Official, and designees, are hereby authorized to enforce the provisions of this Chapter, and, in addition to all other powers available to them, are specifically authorized to utilize the provisions of Chapter 1.28 of Title 1 of the Sacramento City Code in the enforcement of this Chapter. The City Attorney is authorized to take such legal actions as are lawfully available, including but not limited to the remedies set forth in Chapter 1.28 of Title 1 of the City Code.

### **15.124.510 Prohibitions**

- (a) No person shall cause, willfully or otherwise, by action or inaction, alteration of, environmental change to, damage to or demolition of any significant Feature(s) or Characteristic(s) of a Landmark or all or portion of a Historic District, or other Listed Historic Resource, or National Register Resource or California Register Resource without first having obtained a proper City authorization for same.
- (b) For purposes of this Chapter, each daily violation shall be considered a new and separate offense.
- (c) Willful violation of this Chapter shall constitute a misdemeanor.

### **15.124.520 Additional Penalties**

The penalties provided for in this Chapter are designated as non-exclusive, and are in addition to any other remedies the City may have.

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ORDINANCE NO. \_\_\_\_\_

DATE ADOPTED: \_\_\_\_\_

## **Article XII     General Provisions**

### **15.124.530     Judicial Review**

Judicial review of any final decision under this Chapter shall be filed within thirty (30) days of the date of the decision, and review shall be pursuant to Section 1094.5 of the Code of Civil Procedure.

### **15.124.540     Fees**

The City Council may, by resolution, establish the fee(s) for submission of the Nomination, and all other applications and submission s made pursuant to this Chapter. In the absence of a City Council resolution, the Preservation Director may establish the fee and charge schedule.

### **15.124.550     City Code References**

All references in this Chapter to sections of the City Code shall incorporate those sections as such sections may be amended from time to time.

### **15.124.560     Severability**

Should any section or other portion of this Chapter be determined unlawful or unenforceable by a court of competent jurisdiction, the remaining section(s) and portion(s) of this Chapter shall be considered severable and shall remain in full force and effect.

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**FOR CITY CLERK USE ONLY**

ORDINANCE NO. \_\_\_\_\_

DATE ADOPTED: \_\_\_\_\_

ITEM #:  
DATE:  
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Date: February 22, 2001

TO: Sacramento Historic Preservation and Design Review Board  
Sacramento City Planning Commission  
Sacramento City Council

FROM: Sacramento Housing and Redevelopment Commission (SHRC)

RE: M01-001 Comments related to the City's Preservation Ordinance Update

During the Commission meeting on February 7, 2001, a number of comments arose relating to the Update. The Commission requested that I write a letter containing those comments.

Members of the Commission suggested changes to the nomination process proposed by the Draft Ordinance. The Draft would allow anyone to nominate a structure as a landmark property regardless of his or her personal qualifications. The concern is that nominating a property may be done vindictively. Nominations should be reviewed and verified, not simply accepted at face value. There should be clearer criteria for nomination.

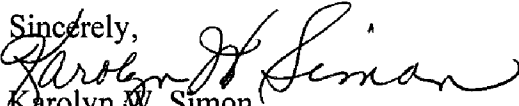
In addition, the nomination process itself could impose restrictions, not only because of architectural character of a building, but because of the historical background of a structure, such as it having been the home of an important person (example: President Reagan's residence). The nomination of the property may limit a property owner's choices even before the structure is placed on the list.

It was stated that criteria should be developed for use in nominating a structure. There should be a formal hearing process and notification prior to the acceptance of the nomination of a structure to the Official Register.

Although there was doubt regarding the effectiveness of this measure, the Commission expressed a desire to have a statement included in real estate documents for buildings over 50 years old. Buyers of these structures would then be alerted that their structure could be nominated as a landmark structure. In addition, the Commission would like a disclosure process for prospective buyers informing that a structure is being considered or has been nominated for this designation.

The Commission encourages public notice of the Draft Ordinance, including in-area workshops, to areas outside the Central City, which have structures approaching 50 years old. This is, after all, proposed as a Citywide Ordinance.

The Commission thanks you for the opportunity to comment on this draft document.

Sincerely,  
  
Carolyn W. Simon  
Chairperson

## McDONOUGH, HOLLAND &amp; ALLEN

A PROFESSIONAL CORPORATION

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March 7, 2001

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VIA FAX

Chair and Members of the  
Design Review and Preservation Board  
Planning & Development Department  
City of Sacramento  
1231 I Street, Suite 300  
Sacramento, CA 95814-2904

Re: Draft Sacramento Historic Preservation Ordinance

To the Chair and Members  
of the Board in Session:

This firm represents Blue Diamond Growers. As your Board is aware from prior testimony and correspondence, Blue Diamond owns significant properties within the City of Sacramento, much of which is designated as part of an Historic District under the draft Ordinance. Within the District, two of Blue Diamond's buildings are designated as "Contributing Resources" and one is deemed a "Non-Contributing Resource." All of these properties are in active use in support of Blue Diamond's food processing and headquarters operations.

Blue Diamond has participated actively with City Staff, boards and the Council as the City has considered the General Plan Historic Preservation Element and the draft Ordinance. The Company's principal concerns about these regulations have been the following:

- ❖ Blue Diamond must be able to use its buildings in full compliance with all worker safety and food safety regulations. We have been concerned that some of the goals of the Ordinance might be at odds with that requirement, or might make that requirement difficult to achieve.

- ❖ Blue Diamond is subject not only to public food safety regulations, but also to extremely rigorous product quality requirements. The Company must be able to adapt its facilities (including historic facilities) to such requirements.
- ❖ As is true of all businesses, Blue Diamond's operations must be cost efficient to allow it to compete successfully for market share and return to its member growers. Maintaining and improving cost efficiency was a fundamental consideration in the Company's recent \$30 Million investment in the redevelopment of its Sacramento facilities. The Company objects strongly to regulations that add a significant cost burden to conducting food processing or office activities in historic buildings; or that add delays which would affect Blue Diamond's ability to respond quickly to ever-changing customer requirements.

In recent weeks we have had two lengthy meetings with the Historic Preservation Director, his staff and Deputy City Attorney, Rich Archibald. These meetings have been helpful in improving our understanding of the Ordinance's potential impact on Blue Diamond's business. We have also achieved several clarifications and/or modifications to the draft ordinance. As a result, we are left with relatively few remaining requested changes. These requested changes are as follows:

Section 15.124.150. Blue Diamond is interested in having all staff and policy-level actions taken quickly. We do not believe it is appropriate to create authority or responsibility for new regulatory activities for which the City does not have adequate staffing. Blue Diamond would ask the City to scrutinize proposed areas of authority and/or responsibility and delay implementation until there is adequate budgetary commitment to staffing.

Section 15.124.180.A.1.d. The Ordinance should specify a clear time limit for notice (This comment also applies to determinations, actions or notices mentioned in other subsections of 15.124.180 and in Sections 15.124.285, 15.124.300.A and 15.124.300.B.) Generally, all time frames mentioned in the Ordinance should create a degree of certainty for property owners.

Section 15.124.200. C. and D. Failure to act within the specified time limit should not result in the listing of a property.

Chairman and Members of  
Design Review and Preservation Board  
March 7, 2001  
Page 3

Section 15.124.280. A.1. and A.2. Blue Diamond does not believe that such requirements should apply to Non-Contributing Resources. This would appear to create a situation in which demolition of a useful building would be more cost effective than adaptive re-use.

Section 15.124.280. This Section should contain an additional exception for work or repairs required for compliance with worker safety or food safety regulations.

Sections 15.124.180.A. and 15.124.540 Blue Diamond does not believe it is appropriate to allow any person to nominate resources. That authority should be restricted to the Preservation Director and the City Council. We agree strongly with other commentators who have pointed out the risks of hostile or frivolous nominations. If the City determines that it must broaden the nomination process as proposed in the Ordinance, Section 15.124.540 should be amended to include a substantial fee requirement for such nomination. We would suggest a fee of \$1,000 or more to discourage frivolous nominations.

We have had an opportunity to review thoughtful comments submitted to Mayor Fargo by Ingemanson Enterprises on January 12, 2001. We agree strongly with Ingemanson's position regarding allocation of the "burden of proof." We believe that the proposed Ordinance would be improved if your Board and the City Council gave careful attention to Ingemanson Enterprises' comments.

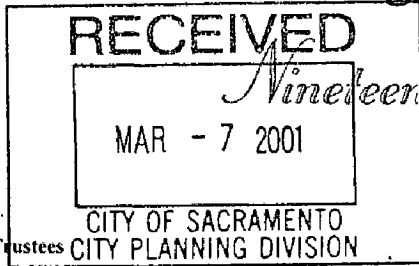
Very truly yours,

Edward J. Quinn, Jr.

EJQ:jjh

cc: Walt McDaniel  
Vincent Marsh

## Criminal Justice Legal Foundation



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Re: Draft Preservation Ordinance

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Legal Advisory Committee

Hon. John A. Arguelles

Hon. Marcus M. Kaufman

Hon. Malcolm M. Lucas

Hon. Edward Panelli

Hon. Robert K. Puglia

Legal Director

Kent S. Scheidegger

Dear Board Members:

My Foundation owns the building located at 2131 L Street, known locally as The Dunn Mansion. Since purchasing this historic Victorian in 1989, we have invested roughly \$80,000 in maintenance and repairs, including painting, replacement of the roof and fencing the property to discourage vagrants, vandals and arson. In every instance we have taken care to assure that our efforts preserved and enhanced the beauty and historic features of our building.

The proposed amendments to the chapter 15.124 of title 15 of the Sacramento City Code reduces our control over the maintenance and improvement of our building. After adoption of these amendments, will city staff decide when we must repaint? Will they choose the color? The second story sun porch on our building is not part of the original structure but was added on in the 1930s and is structurally unsound. Will the city decide whether we can remove it and restore our building to its original state? Decorative features on other parts of our building, evident in old photographs, were removed many years ago. Are we going to be required to ask the city to allow us to spend the money to replace them or will we be ordered to replace them if some staff person figures out that they are missing? Eventually, we want to put brick boarders around our planters and add ground cover and more flowers to our property. Will we need the city's permission? Will the city tell us which bricks to use and what flowers to plant?

The best maintained historic buildings in midtown have not been preserved because the owners were required to do so but rather because it made good economic sense. The vitality of midtown is rooted in businesses and individuals choosing to locate here and make investments. While it is reasonable to prevent Burger King from raising a Victorian to build a drive-through, it is foolish to punish those who have preserved and enhanced Sacramento's historic treasures by taking away their property rights.

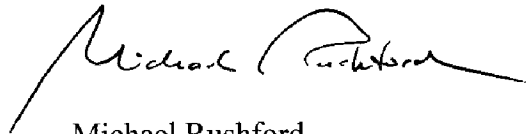
Sacramento City Design/  
Review Preservation Board  
January 28, 2001  
Page Two

When I made the decision to purchase our building, it was based in large part on my love for my hometown and a desire to, in a small way, help preserve its great history. Had I known twelve years ago that the city would reward this decision by reducing our control over our building, I would have spent our money someplace else.

I urge you to rethink the city's approach to its most responsible, committed property owners. The owners of historic buildings, which have fallen into significant disrepair, should be encouraged to meet some minimum standards, but those who have been good stewards of their property should not be subject to special regulations.

Thank you for taking the time to consider my concerns.

Cordially,

A handwritten signature in black ink, appearing to read "Michael Rushford". The signature is fluid and cursive, with a long horizontal stroke at the end.

Michael Rushford  
President

MDR:ja



# SACRAMENTO CITY PRESERVATION AREAS

ADOPTED 1985 (1 - 20)

- |  |   |  |   |  |  |
|--|---|--|---|--|--|
| <input type="checkbox"/> 1 BOULEVARD PARK      | <input type="checkbox"/> 5 CAPITOL AVENUE   | <input type="checkbox"/> 9 MEMORIAL AUDITORIUM | <input type="checkbox"/> 13 R STREET            | <input type="checkbox"/> 17 WASHINGTON SCHOOL      | <input type="checkbox"/> A ALKALI FLAT   |
| <input type="checkbox"/> 2 C STREET COMMERCIAL | <input type="checkbox"/> 6 CATHEDRAL SQUARE | <input type="checkbox"/> 10 MERCHANT STREET    | <input type="checkbox"/> 14 POVERTY RIDGE       | <input type="checkbox"/> 18 20TH AND N STREETS     | <input type="checkbox"/> B SUTTER'S FORT |
| <input type="checkbox"/> 3 C STREET INDUSTRIAL | <input type="checkbox"/> 7 FREMONT PARK     | <input type="checkbox"/> 11 NORTH ALKALI FLAT  | <input type="checkbox"/> 15 SOUTH SIDE          | <input type="checkbox"/> 19 12TH STREET COMMERCIAL | <input type="checkbox"/> (PENDING 10/83) |
| <input type="checkbox"/> 4 CAPITOL             | <input type="checkbox"/> 8 MARSHALL PARK    | <input type="checkbox"/> 12 PLAZA PARKCENTRAL  | <input type="checkbox"/> 16 WASHINGTON DISTRICT | <input type="checkbox"/> 20 1200-1300 Q STREET     | <input type="checkbox"/> (PENDING 10/83) |



*ingemanson enterprises*

January 12, 2001

Mayor Heather Fargo  
City of Sacramento  
915 I Street  
Sacramento, CA 95814

**Re: Draft Historic Preservation Ordinance**

Dear Mayor Fargo and Members of the Council:

Recently, City staff provided members of the city Planning Commission and interested members of the public with a draft of the proposed, updated Historical Preservation Ordinance (hereinafter "Draft HPO"). We have taken this opportunity to review the Draft HPO and in doing so we have found the Draft HPO troubling, to say the least. As a result, we have decided to forward comments directly to you at this early point in the process. We believe you should be made aware that the Draft HPO represents a dramatic and sudden shift of City policy towards preservation of almost any building or structure, and that this policy shift will conflict with many other high-priority goals and policies of the City.

The City's current Draft HPO permits a private property owner to demolish or modify any structure on his/her property, subject to the City's right to delay such demolition or modification for up to one year while interested parties (including governmental agencies) explore options, including purchase of the property, which would avoid or mitigate the proposed demolition or modification. This approach provides an equitable balance between the public interest and the private property owner's rights. For example, if an owner of a restaurant located in a historic structure decides that he no longer wants to be in the restaurant business and proposes to modify the building to accommodate an office use, should the City have the right to force him to stay in the restaurant business simply because the office use/modification might involve some demolition of historically significant building features? We think not. On the other hand, if the City or another interested party offers to purchase the restaurant business/building during the 12-month "cooling-off period"

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and the owner agrees to sell, all parties' interests and rights have been met and maintained.

This sensible approach has worked well, with the exception that some buildings which should have been subject to the 12-month "cooling-off period" were not listed and therefore were demolished or modified without the opportunity to explore options which would have mitigated these impacts. This defect, however, did not relate to the structure of the existing HPO, but rather, to a failure on the part of the City to identify and list the subject building as historically significant. I understand the City has adopted additional measures to assure this does not happen in the future.

The Draft HPO proposes to dramatically change this structure. Imposing broad, subjective criteria for listing structures as historically significant, the Draft HPO prohibits demolition or modification unless the owner can prove that there is no economically feasible use of the building. The owner has the difficult burden of proving a negative. In the example described above, the restaurant owner may be forced to stay in the restaurant business, like it or not, as long as the restaurant was an economically reasonable use.

In addition to the above-described burden on the property owner, the Draft HPO sets forth criteria for determining whether a building is to be listed which are ambiguous and over-broad. Use of terms such as "integrity," "exceptional" and "artistic" used in the evaluation criteria and use of terms and phrases such as "high artistic value" to describe a building's appearance, "symbolic value" to describe a building's commemorative intent, and "broad patterns" to describe the City's history are extremely subjective and could lead to inconsistent treatment depending upon each decision-maker's subjective interpretation of these criteria.

Furthermore, the time frames for making determinations and decisions regarding a listing are not specific or are non-existent. Instead of providing a specific number of days for when notices are to be sent and determinations are to be made, the ordinance requires such actions to be completed in "a reasonable period of time." This unfairness and lack of specificity in the time frames is exacerbated by the fact that during the period that the resource is being considered for listing, the landowner is prohibited from making any alterations (both exterior and some interior) to its buildings. Thus, landowners are subject to a de facto moratorium of unspecified length.

Mayor Heather Fargo  
January 12, 2001  
Page 3

Councilmembers should know that the proposed nominating process for listing allows any person to nominate a building or resource for listing. The City will have no control of which resources are nominated, which could lead to staffing problems and delays in timing for landowners (including the City) whose buildings have been nominated. Furthermore, a competitor could nominate a landowner's building simply to gain a competitive advantage. And, as described above, since there is no time limit as to when a landowner will receive a decision on a proposed listing, the de facto moratorium could go on indefinitely.

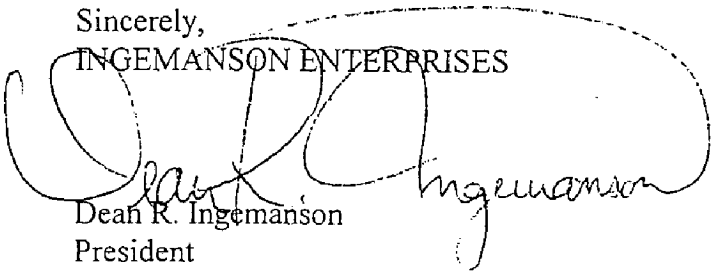
Enclosed is a list of specific comments to the provisions of the Draft HPO. These are provided for your benefit, and also for the benefit of your staff in its review of the Draft HPO.

The City has many economic development and redevelopment projects which promote many high-priority City policies. It is easy to see how implementation of the Draft HPO could work to frustrate these policies when otherwise reasonable mitigation for historical impacts was available.

We urge you to reject the direction of this Draft HPO and instruct your staff to prepare a more balanced, updated ordinance consistent with the approach which the City has taken in the past.

Sincerely,

INGEMANSON ENTERPRISES

  
Dean R. Ingemanson  
President

Cc: Members of the City Council  
fargo.wpd

## Comments to Draft HPO

### 1. Criteria Unclear for Determining Whether Landmark to be Included on Sacramento Register.

It is important that the requirements for determining whether a landmark is to be added to the Sacramento Register are clear and not overly broad so that such determinations are made based upon objective criteria. Property owners should be afforded a level of certainty, so that when their property is nominated, they will be able to complete their own evaluation. This will further provide a certain level of predictability as to the outcome of nominations.

**Section 15.124.170.A** establishes the criteria and requirements for addition of landmarks to the Sacramento Register. Subsection 1. sets forth the requirements. Subsubsection a. lists six criteria, and five of them have ambiguities and are unclear.

Criterion a.i. states that the landmark may be eligible if it is associated with events that have made a significant contribution to broad patterns of history of Sacramento, the region, the state or the nation. The use of the term "broad patterns" is too broad and vague. It may be more appropriate just to remove the term "broad patterns of" so that this sentence reads "a significant contribution to the history of Sacramento, the region, the state or the nation."

Criterion a.ii. states that a landmark will be eligible if it is associated with the lives of persons significant in Sacramento's past. The term "significant" should be more clearly defined to identify which persons are being included in this category. A person who is significant for this ordinance should be widely known and recognized. Criteria should be added to clarify who these people might be.

Criterion a.iii. makes a landmark eligible if it embodies distinctive characteristics of a type, period or method of construction. Since this is a historic preservation ordinance, this criterion should have a time element so that the method of construction has some historical significance.

Criterion a.iv. states that a landmark will be eligible if it possesses high artistic values. This is too subjective; the use of the word "high" is an attempt to modify "artistic." However, who determines whether it is artistic or not? While we recognize that art may have historic significance, criteria should be added to minimize the subjectivity of the Phrase "high artistic value."

Criterion a.vi. says that a landmark will be eligible if it has yielded, or is likely to yield, important information about pre-history or history of Sacramento, the region, the state or the nation. It is unclear what this means. This could be construed that the structure has not been fully explored and additional review of it may yield historic information, which makes the criterion speculative in nature. Or this criterion could be construed to mean that through interpretation of the resources feature, historic information could be learned, in which case, it is vague. What is "important"?

The requirement set forth in section 15.124.170.A.1.b states that a landmark must have integrity of location, design, setting, materials, workmanship and association, and that integrity shall

be judged with reference to the criteria in section 15.124.170.A.1.a. It is not clear whether integrity is defined by the criteria by which it is to be judged or whether integrity is another concept and the criteria are to be used as a guide to whether the resource falls within that concept.

Section 15.124.170.A.2 lists the factors to be considered when determining when a nominated resource should be on the Sacramento Register. Subsection d. states that properties that are primarily commemorative in intent are eligible if design, age, tradition or symbolic value invests such properties with their own historical significance. The term "symbolic value" is too vague. This should be modified so that its meaning is clear.

Subsection e. states that properties achieving significance within the past 50 years are eligible if properties are of "exceptional importance." To whom is the historic district supposed to be exceptionally important? Also, use of the term "exceptional" creates ambiguity. Is the term supposed to establish a different level of importance from "significant," (a term used throughout most of the ordinance)?

**Section 15.124.170.B** discusses the factors to be considered for adding historical districts to the Sacramento Register. Subsection 2.a. states that to add an area, the historic district should have integrity of design, setting, materials, workmanship and association. The term "integrity of design" is unclear and it should be defined. What does "integrity" modify and what does it mean?

**Section 15.124.170.C** describes the criteria for adding a Contributing Resource to the Sacramento Register. Subsection 2 states that a Nominated Resource is to be added to the Sacramento Register as a Contributing Resource if that Nominated Resource either embodies the significant features and characteristics of the historic district or adds to the historical associations, qualities or architectural values identified from the district. It does not say how much it has to contribute to the historical associations. Do minor insignificant additions qualify as a contributing resource?

Subsection 4 uses the term "integrity" and phrase "is capable of yielding historic important information." Use of this term and phrase again leave ambiguity as to which criteria are being used for the determination.

Subsection 5 discusses the requirement that the resources have important historic or architectural worth. However, it does not mention anything of its significance.

## 2. Burdens of Proof and Time Limits Unfairly Prejudice the Rights of Property Owners

**Section 15.124.180.A** describes the process for nominating resources to the Sacramento Register. Subsection 1.(a) states that any person may nominate any resource. This is too broad. By allowing anyone to make a nomination of the resource unfairly prejudices a landowner's rights. Allowing any person to nominate a resource will result in chaos. There will be no way to limit the amount of resources nominated. Furthermore, individuals intending to stop a potential development project may nominate a resource merely to slow a development project. Accordingly, we recommend that only the Preservation Director or the City Council be permitted to make such nominations.

Subsection 1.(c) provides that when a person makes an application for nomination, the application is required to identify the "Significant Features and Characteristics" of the nominated resource. If the ordinance allows any person to make a nomination, then the requirements for an application should be revised to help prevent frivolous nominations. An applicant should not only identify the Significant Features and Characteristics, but should also indicate how those features and characteristics meet the criteria of section 15.124.170 for placement of resources on the Register.

Subsection 1.(d) provides that a notice of nomination must be sent to the property owners. It states that the notice is to be given to the owner within a reasonable period of time following receipt of the nomination. The term "reasonable period of time" should be removed and a specific number of days should be set forth. The term "reasonable" may change depending on staffing levels and the number of nominations received. Property owners that could be subject to this should have some degree of certainty of when they will be notified if their property has been nominated. This section also provides that the opportunity to appeal the preliminary determination should be set forth in the notice. We note that it should not be an appeal by the landowner, but instead it should be the City's burden to demonstrate that this property is appropriate, or it should be at least the nominating person's burden.

This notice of nomination should also include a copy of the nomination application materials. That will provide the landowners with an opportunity to make their own determination based on the information provided.

Subsections 1.(d) and (e) provide that the Preservation Director is to make a preliminary determination and provide notice of that preliminary determination. However, we note that these subsections do not have specific time frames by which the determinations and notices must be completed. Due to the limitations and restrictions placed on nominated resources by section 15.124.190, the time frame needs to be clearly defined so that a landowner has some degree of certainty with respect to how long their property will be tied up in the process.

Subsection 1.(g) establishes an appeal procedure for the Preservation Director's decision. The appeal of the preliminary determination of the Preservation Director we note should go directly to the City Council instead of to the Board. This is an initial threshold decision, which by going to the Board instead of the City Council, adds one layer of process for a property that may not be properly categorized as a historic resource.

This also creates a redundant process in that the potential eligibility of a resource for addition to the Sacramento Register will be reviewed by both the Board and the City Council as part of this appeal. Then the same resource will be considered for actual placement on the Register, using the same criteria used to evaluate the appeal. If a decision on the appeal is based on the merits of the resource, why is there a second, redundant process?

Subsection h. of this section states the restrictions on applications for entitlements involving nominated resources. This appears to be redundant of section 15.124.190.

**Section 15.124.180.C** is the process for deletion of properties or resources from the Sacramento Register. Subsection 1.(d) sets forth the requirement for the Preservation Director to

make a preliminary determination, and provide notice of the determination, regarding deletion of a resource from the Sacramento Register. This section again requires the determination and notice to be completed within a reasonable and practical time after an application for deletion is completed. As stated above for nominations to the register, this section should have a timing element to it due to the significant limitations placed on properties that are on the historic register.

Subsection 1.(f) of this section entitles the landowner to make an appeal of the Preservation Director's decision to the Board and then to the City Council. At the end of that section it says that the preliminary determination of the Preservation Director is final and not subject to appeal. First, this appeal should go directly to the City Council, and secondly, if the article 8 provides for appeal of the Preservation Director's decisions, then it is not clear why this section says that the Preservation Director's decisions are final and not subject to appeal. Additionally, the absence of the ability to appeal the Preservation Director's decision is unfair to the landowner.

Subsection 2 states that only the City Council or the Preservation Director may propose the deletion of a historic district from the Sacramento Register. We question the legality of such a provision. If the landowner wished to have their property removed from a historic district, it is consistent with traditional notions of fairness to allow the owner to apply to the City to have such application considered.

**Section 15.124.200.B** uses the term "official register." In the context of this section, it should be referring to the Sacramento Register. Likewise, a similar reference is made in sections C and D.

**Section 15.124.200.C** states that if the Preservation Director does not act within the time period set forth, then the building is eligible for consideration of a placement on the Sacramento Register. **Section 15.124.200.D** provides that if the decision of the Preservation Director is appealed to the Design Review and Preservation Board and the Board does not act within the time period set forth, then such inaction is a denial of the appeal by operation of law. This should be reversed. If the Preservation Director does not act within the time period, then it should mean that the resource will not be listed. To do otherwise is clearly unfair to the property owner.

The effect of operation of this section is the placement of serious restrictions on a landowner's rights without a hearing. Once a property is deemed eligible for the Sacramento Register, the landowner is prohibited from making any structural alterations to their building. Since this restriction could go into effect if the Preservation Director or the Design Review and Preservation Board fails to act in a timely manner, the restriction could go into effect without any hearing at all. If the project load of the Preservation Director or Board becomes crowded, which it likely will, restrictions could be placed on buildings as a matter of routine.

**Section 15.124.200.E** states that pending a final determination of whether a building or structure is to be nominated for placement on the register, it has the same status as a nominated resource, which basically prevents any development or permits being issued for alterations to the building. There should be a limit for the amount of time it takes for the preservation director to take action on this. We suggest 90 days.



### 3. Ambiguities and Redundancies in Procedures

**Section 15.124.210** provides that the Council is the body which hears and decides on nominations for placement or deletion of resources to the Register. It further clarifies that the board is the body which makes recommendations. It is not clear whether this section is consistent with section 15.124.180.C.1.f regarding the procedure for how determinations on resources are appealed.

**Section 15.124.280.C** describes that it is unlawful and a violation of the law for any person to "commence or continue to work on a development project" involving a landmark or contributing resource in historic district. The terminology which describes the illegal activity is overly broad. The word "work" can be construed to mean all kinds of activity. In describing illegal conduct, the ordinance should be specifically clear so that citizens will know exactly which activities are illegal and which activities are not. We suggest using the term "physical alteration." This term is broad enough to prevent the destruction of the historic value of a particular resource, yet specific enough so as not to include innocuous conduct which should be permitted.

**Section 15.124.285** identifies when Certificates of Appropriateness are to be required. The first sentence of this section indicates that Certificates of Appropriateness are approved by the Preservation Director. The language of sections 15.124.300 - 15.124.320 refer to both the Board and the Preservation Direction as the entities issuing the Certificates of Appropriateness. It is not clear whether certificates are an administrative action taken by the director after determination has been made by the Board or City Council that a project is not to be listed as a historic resource.

**Section 15.124.320.A** discusses resources nominated as landmarks and contributing resources and their restrictions on securing a building permit. This section should have a time limit, since the effect of such designation is to prevent landowners from being able to secure permits for any type of alteration or construction on the property.

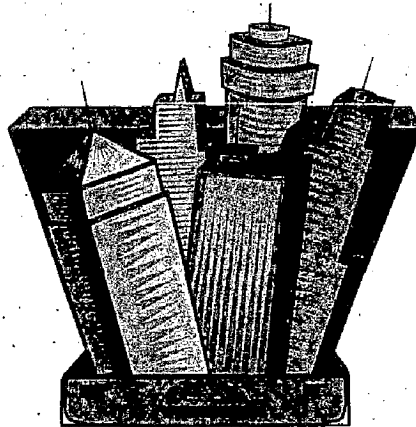
**Section 15.124.350** sets forth the decision and findings procedures. Subsection A.2. establishes that a project shall not be approved if it results in economic hardship or economic infeasibility. Once an applicant makes an initial showing of the hardship, it should then be the City's obligation to show why it is not an economic hardship or does not create economic infeasibility. It is not the applicant who is requesting this designation. It is the City who imposing the designation on the landowner and the City should thus have the burden.

**Section 15.124.350.B.** provides findings that need to be made by the Board or Preservation Director for approval of demolition or removal. Subsection 1 states that the Board or Preservation Director shall not approve an application unless they find that the landmark or contributing resource retains no reasonable economic use, taking into account its historic significance and current market value and the costs of rehabilitation to meet current building code and other city requirements. This standard is confusing and difficult to understand. It should be written in the affirmative instead of a triple negative. We suggest language which states that the Board or Director shall not approve an application if the Landmark or Contributing Resource retains reasonable economic use. As stated in our cover letter, we believe this entire approach is ill-advised.

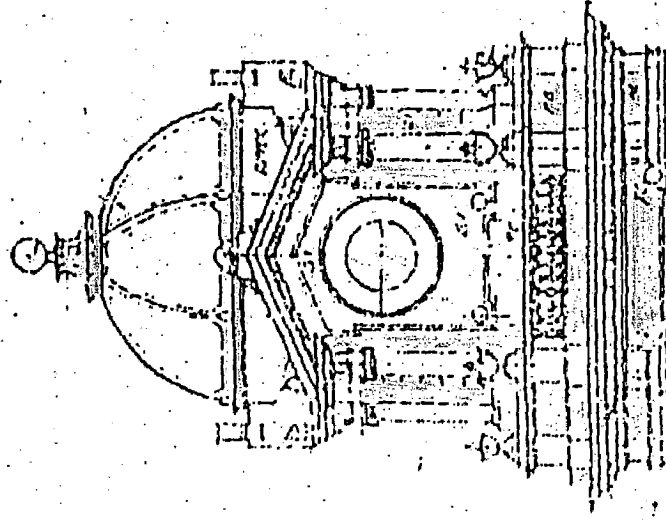
**Section 15.124.370** sets forth the expiration time of an approval for issuance of a demolition permit. We question whether this should be referring to Certificates of Appropriateness instead of demolition or building permits.

LAW AND LEGISLATION  
COMMITTEE MEETING  
MARCH 20, 2001

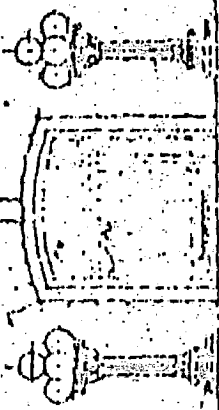
PRESERVATION ORDINANCE



- ⇒ REPORT OF SELECT COMMITTEE ON  
HISTORIC PRESERVATION
- ⇒ PRESERVATION ELEMENT
- ⇒ PRESERVATION ORDINANCE
- ⇒ SACRAMENTO OFFICIAL REGISTER
- ⇒ INCENTIVE PROGRAM FOR HISTORIC  
PRESERVATION



# Report of the City of Sacramento Select Committee on Historic Preservation



*July, Nineteen Hundred and Ninety Seven*



# **Review and Approval Process for Updated Preservation Ordinance**

- |                     |  |
|---------------------|--|
| <b>January 2001</b> | <b>Property Owner Workshops</b>  |
| <b>Feb. 1, 2001</b> | <b>City Planning Commission Review &amp; Comment<br/>Informational Only</b>                              |
| <b>Feb. 7, 2001</b> | <b>Sacramento Housing &amp; Redevelopment Commission<br/>Review &amp; Comment<br/>Informational Only</b> |
| <b>Mar. 7, 2001</b> | <b>City Design Review &amp; Preservation Board<br/>Public Hearing</b>                                    |
| <b>April 2001</b>   | <b>City Council Public Hearing</b>   |

## **SUMMARY OF DIFFERENCES BETWEEN THE EXISTING AND PROPOSED PRESERVATION ORDINANCES**

- ⇒ **CHANGES IN TERMINOLOGY**
- ⇒ **BOARD APPOINTMENTS/ POWERS AND DUTIES**
- ⇒ **SACRAMENTO REGISTER CRITERIA AND NOMINATION PROCESS**
- ⇒ **REVIEW OF DEVELOPMENT PROJECTS**
- ⇒ **REVIEW OF DEMOLITION/ RELOCATION PROJECTS**
- ⇒ **APPEAL OF PRESERVATION DIRECTOR/ DRPB DECISIONS**
- ⇒ **PRESERVATION INCENTIVES PROGRAM**
- ⇒ **MINIMUM MAINTENANCE STANDARDS**



## Summary of Differences Between the Existing Preservation Ordinance and Proposed New Ordinance

| Topic  | Existing Ordinance  | New Ordinance  |
|--|---|--|
| <b>Changes in Terminology</b>                                  | Preservation Areas  | Historic Districts   |
|  | Official Register   | Sacramento Register  |
|  | Essential & Priority Structures   | Landmarks  |
|  |   | Many new definitions that are reflective of state or federal programs, or to more clearly describe processes and procedures.   |
| <b>Demolition Requests</b>                                     | DRPB can suspend demolition of a listed structure for 180 days and the City Council for an additional 180 days. | DRPB can deny demolition of a listed structure. New ordinance provides for consideration of reasonable economic use in determination about demolitions.  |
| <b>Nomination to add a resource to the Sacramento Register</b> | Only DRPB and City Council can nominate a structure.  | Any person may nominate a resource for inclusion on the Sacramento Register. The person or group nominating the resource is responsible for identifying its significant features or characteristics.   |
| <b>Applicability of Preservation Review</b>                    | Preservation review only applies to modifications or alterations that require a building permit.                | Review centers around features of the landmark identified as significant during the nomination process. Could include modifications that do not require a building permit if these features were identified as significant (e.g., landscaping, fencing). |
| <b>Minimum maintenance standards</b>                           | Does not include any minimum maintenance standards.   | Establishes minimum maintenance requirements for listed historic resources.  |

## SUMMARY OF CHANGES PERTAINING TO DEMOLITION/ RELOCATIONS

- INCORPORATES PROVISIONS OF PREVIOUSLY ADOPTED ORDINANCES 2000-031 AND 2001-001
- INCORPORATES PROVISIONS OF ORDINANCE NO. 2000-044 (CITYWIDE RESIDENTIAL DEMOLITION ORDINANCE
- REQUIRES AT A MINIMUM PRESERVATION DIRECTOR REVIEW AND APPROVAL
- 50 YEAR PROVISION
- STANDARDS DERIVED FROM SECRETARY OF THE INTERIOR'S STANDARDS FOR THE TREATMENT OF HISTORIC PROPERTIES



## SUMMARY OF CHANGES PERTAINING TO NOMINATIONS

- ALLOWS "THIRD PARTY"  
OPPORTUNITY TO NOMINATE
- WILL ESTABLISH APPLICATION FEES,  
CRITERIA TO ELIMINATE FRIVOLOUS  
APPLICATIONS
- ESTABLISHES CRITERIA FOR  
NOMINATIONS BASED ON THE  
NATIONAL REGISTER OF HISTORIC  
PLACES CRITERION
- PRESERVATION DIRECTOR  
NOTIFICATION TO PROPERTY OWNER  
WITHIN 30 DAYS OF RECEIPT OF A  
NOMINATION

## SUMMARY OF OTHER PROVISIONS OF THE PROPOSED ORDINANCE

- MINIMUM MAINTENANCE STANDARDS TO FIGHT DETERIORATION BY NEGLECT
- CITYWIDE ORDINANCE – GIVES OPPORTUNITY TO REVIEW ALL DEMOLITION AND RELOCATION PROPOSALS
- NEW TIME LIMITATIONS  
(SECTION 15.124.200)
  - PRESERVATION DIRECTOR HAS 30 DAYS TO MAKE A PRELIMINARY DETERMINATION TO THE DRPB
  - DRPB HAS 45 DAYS TO MAKE A RECOMMENDATION TO NOMINATE A RESOURCE TO THE CITY COUNCIL
  - PROPERTY OWNER HAS RIGHT TO APPEAL WITHIN 30 DAYS TO CITY COUNCIL

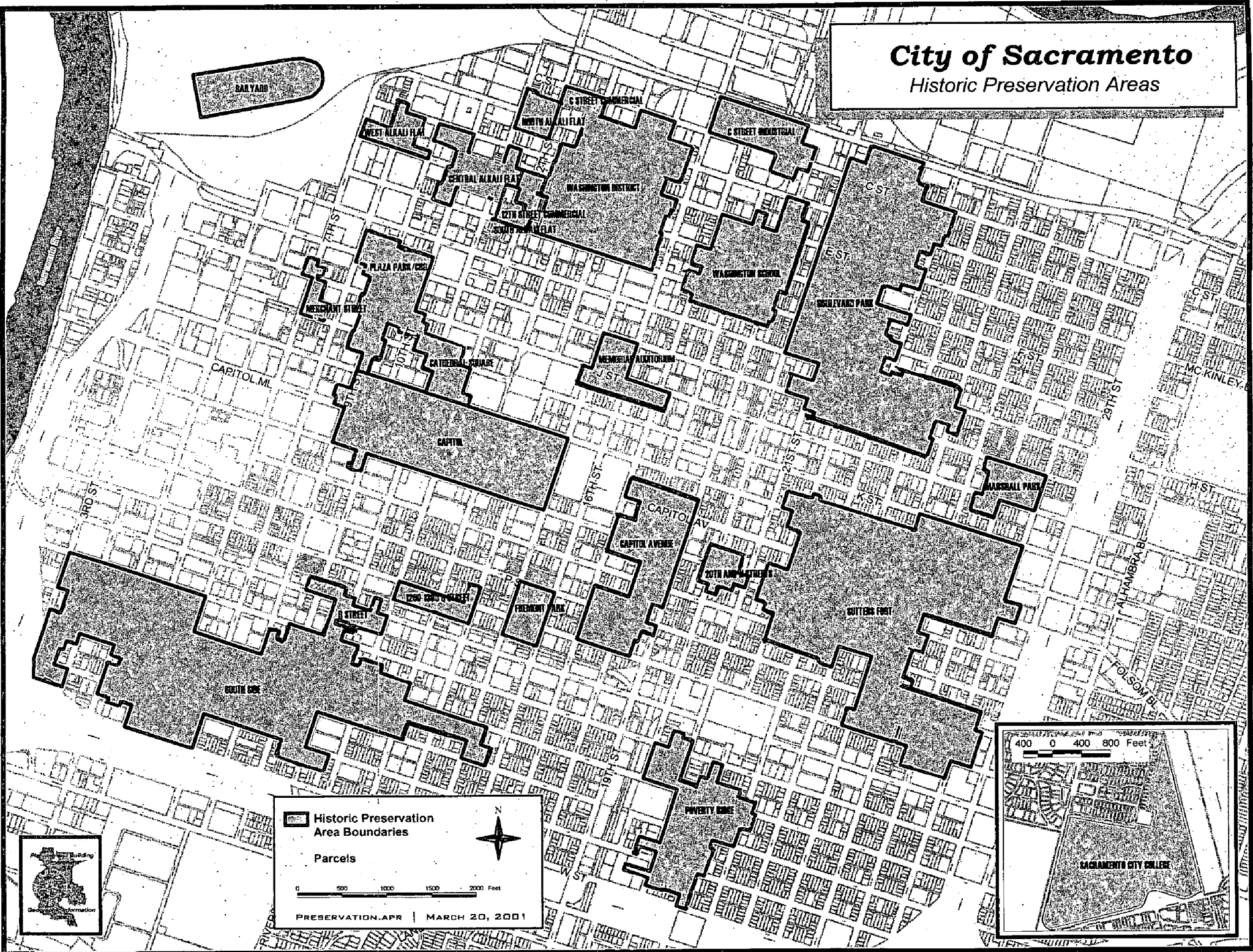
## PROPOSED MINIMUM MAINTENANCE REQUIREMENTS

Owners must repair the following defects:

- ⇒ FACADES IN DANGER OF FALLING DOWN.
- ⇒ DETERIORATED FOUNDATION, FLOORING OR FLOOR SUPPORTS, WALLS.
- ⇒ DETERIORATED CEILINGS OR ROOFS.
- ⇒ DETERIORATED OR INEFFECTIVE WATER-PROOFING OF EXTERIOR WALLS, ROOFS, FOUNDATIONS OR FLOORS, BROKEN WINDOWS OR DOORS.
- ⇒ DEFECTIVE WEATHER PROTECTION FOR EXTERIOR WALL COVERING, INCLUDING PAINT.

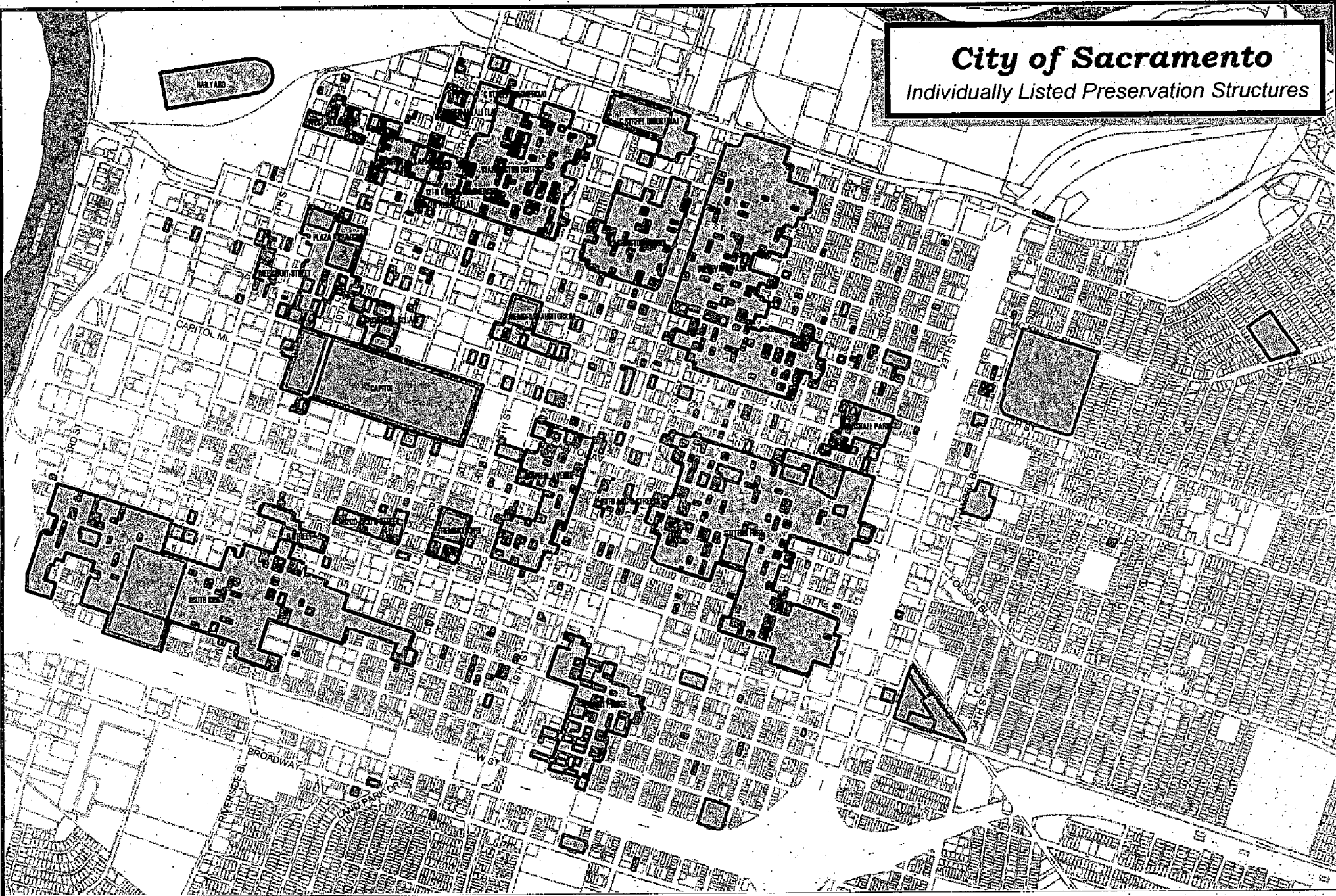



**City of Sacramento**  
*Historic Preservation Areas*





# City of Sacramento

## Individually Listed Preservation Structures



 Historic Preservation Area Boundaries

 Individually Listed Preservation Structures

 Parcels





PRESERVATION.APR | MARCH 20, 2001



**OFFICIAL REGISTER  
CITY OF SACRAMENTO  
CALIFORNIA**

**OFFICIAL LISTING OF STRUCTURES  
AND  
PRESERVATION AREAS  
WITH ARCHITECTURAL OR HISTORICAL  
SIGNIFICANCE  
(Pursuant to Title 32 of City Code)**

**- INCLUDING -**

**OTHER PROPERTIES ALSO  
SUBJECT TO PROVISIONS OF  
TITLE 32  
OF THE CITY CODE**

**OCTOBER 1998**



*building better neighborhoods block by block*

[www.sacto.org/npsd/](http://www.sacto.org/npsd/)

**CITY OF SACRAMENTO  
DESIGN REVIEW & PRESERVATION BOARD**

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**CRITERIA FOR INCLUSION OF PROPERTIES IN  
THE CITY OF SACRAMENTO'S  
OFFICIAL REGISTER OF HISTORIC STRUCTURES**

**Adopted by the Design Review & Preservation Board on April 16, 1997.**

Design Review Preservation Board  
Criteria for Evaluating Properties Proposed or  
Nominated for Listing in the City's Official Register

**Any property must meet at least one of the following criteria:**

- A. It is associated with events that have made a significant contribution to the broad patterns of our history.
- B. It is associated with the lives of persons significant in our past.
- C. Each of the following is considered a single criterion:
  - (1) It embodies the distinctive characteristics of a type, period, or method of construction; or
  - (2) It represents the work of a master; or
  - (3) It possesses high artistic values; or
  - (4) It represents a significant and distinguishable entity whose components may lack individual distinction.
- D. It has yielded, or may be likely to yield, information important in prehistory or history.





## **INCENTIVES PROGRAM FOR HISTORIC PRESERVATION CITY OF SACRAMENTO**

City of Sacramento  
Planning and Building Department  
Preservation Office  
1231 I Street, Room 200  
Sacramento, CA 95814  
Contact: Vincent Marsh, Preservation Director  
(916) 264-8259  
e-mail address: [vmarsh@cityofsacramento.org](mailto:vmarsh@cityofsacramento.org)

Carolyn E. Douthat, Esq.  
1725 Sixth Avenue  
Oakland, CA 94606  
Contact: Carolyn E. Douthat  
(510) 763-5370  
e-mail address: [cdouthat@jps.net](mailto:cdouthat@jps.net)

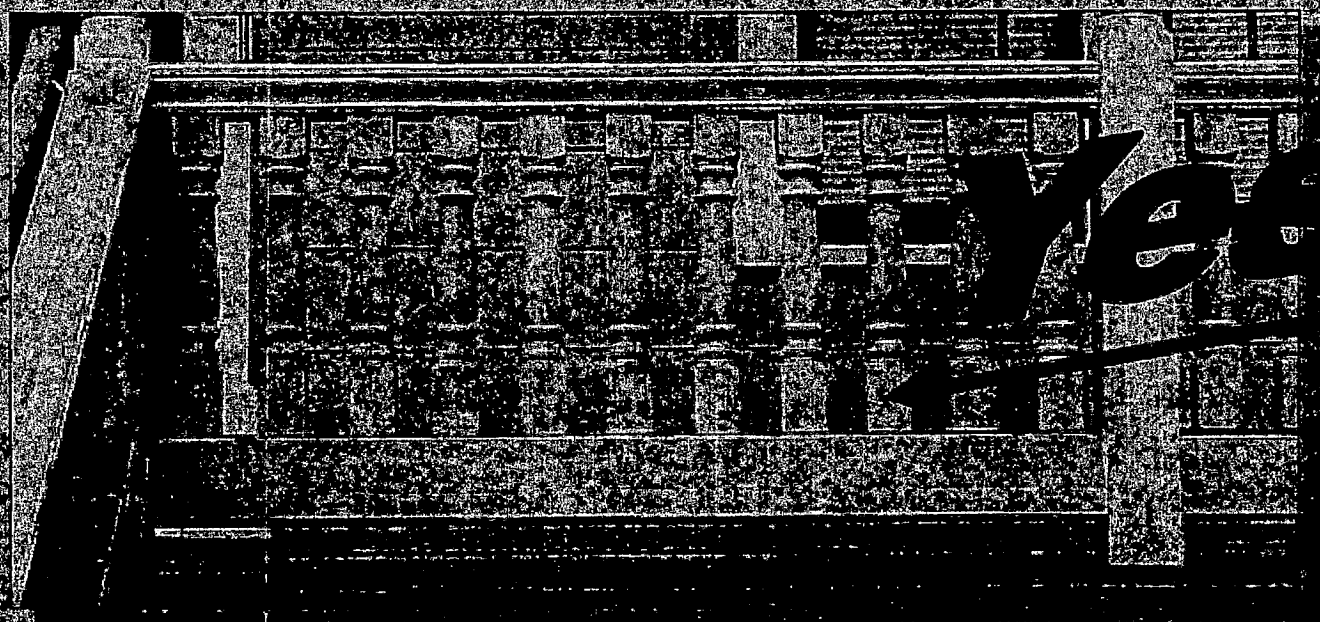
Adopted by the Design Review and Preservation Board on April 19, 2000  
Adopted by the City Planning Commission on July 13, 2000  
Adopted by the City Council on October 3, 2000

November 1, 2000

**PRESERVATION BOARD  
2000 ACTIVITY REPORT  
January 1, 2000 – December 31, 2000**

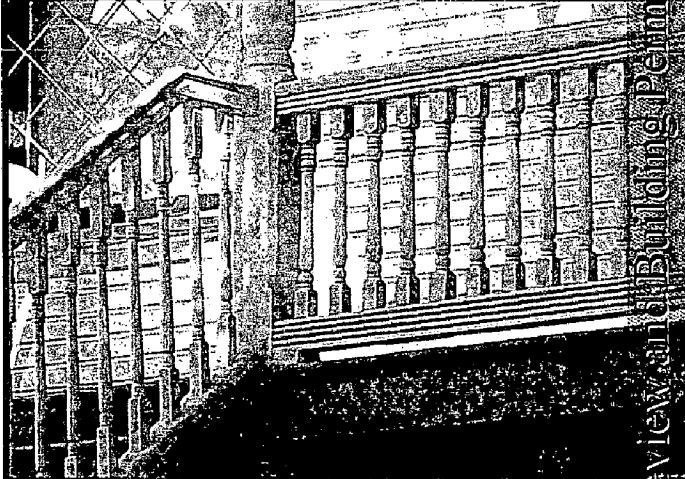
|   |            |
|---|------------|
| <b>STAFF LEVEL REVIEWS:</b> .....   | <b>62</b>  |
| <b>BOARD LEVEL REVIEWS:</b> .....   | <b>23</b>  |
| <b>TOTAL PRESERVATION BOARD PROJECTS:</b> .....   | <b>82</b>  |
|   |            |
| <b>OVER-THE-COUNTER DR AND PB APPROVALS</b> .....   | <b>513</b> |
| <b>OVER-THE-COUNTER DR AND PB APPROVALS</b> .....   | <b>407</b> |
| <b>(DESIGN REVIEW AREAS)</b>  |            |
| <b>TOTAL OVER-THE-COUNTER APPROVALS</b> .....   | <b>920</b> |
| <b>(THIS IS A COMBINED DR/PB TOTAL)</b>   |            |
|   |            |
| <b>APPEAL OF STAFF DECISIONS TO<br/>THE DESIGN REVIEW AND PRESERVATION BOARD</b> .....              | <b>0</b>   |
| <b>APPEAL OF THE DESIGN REVIEW AND<br/>PRESERVATION BOARD TO THE CITY PLANNING COMMISSION</b> ..... | <b>0</b>   |

**No!**

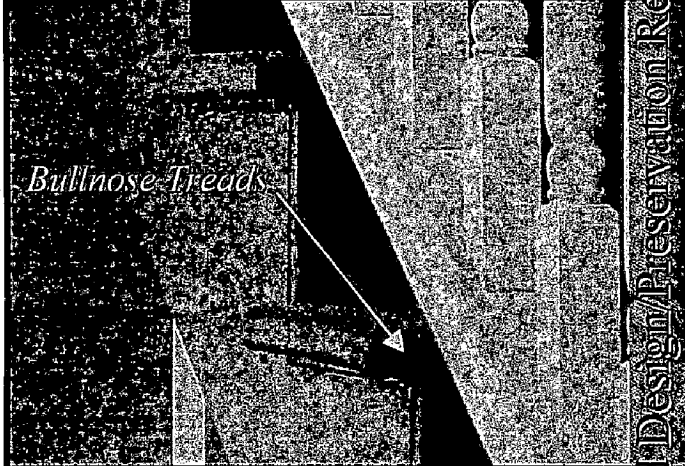




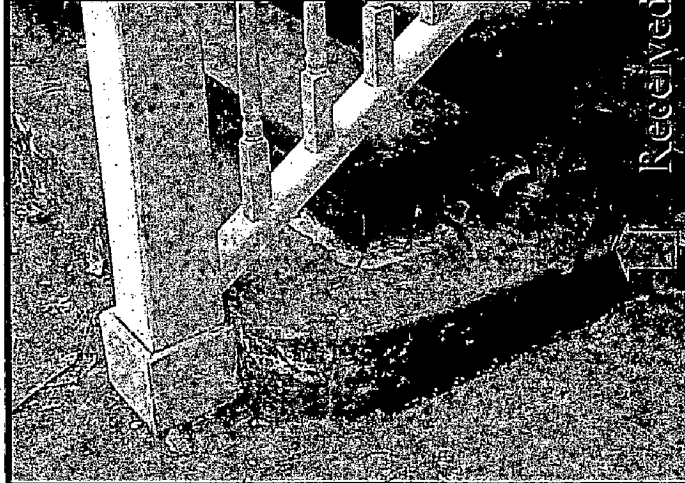
*Complementary Newel Post detailing*



Received Design/Preservation Review and Building Permit



*Bullnose Treads*



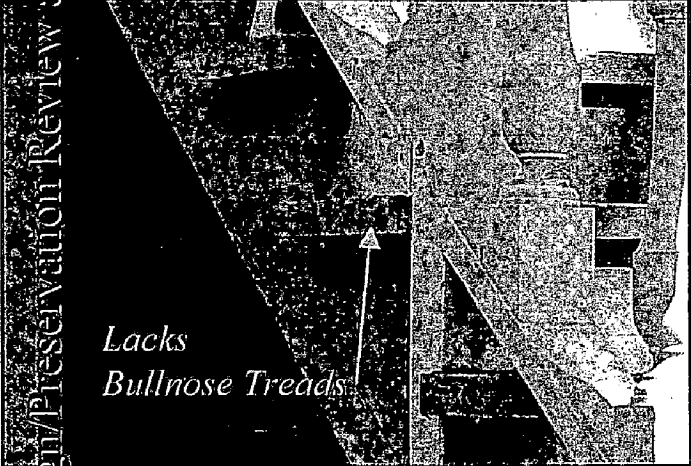
Front Stair Replacements - examples with & without City Approvals (these are adjacent properties)



*Newel Post lacking adequate detailing*



*Building Code Violation  
Exceeding 4" maximum  
between stair balusters*



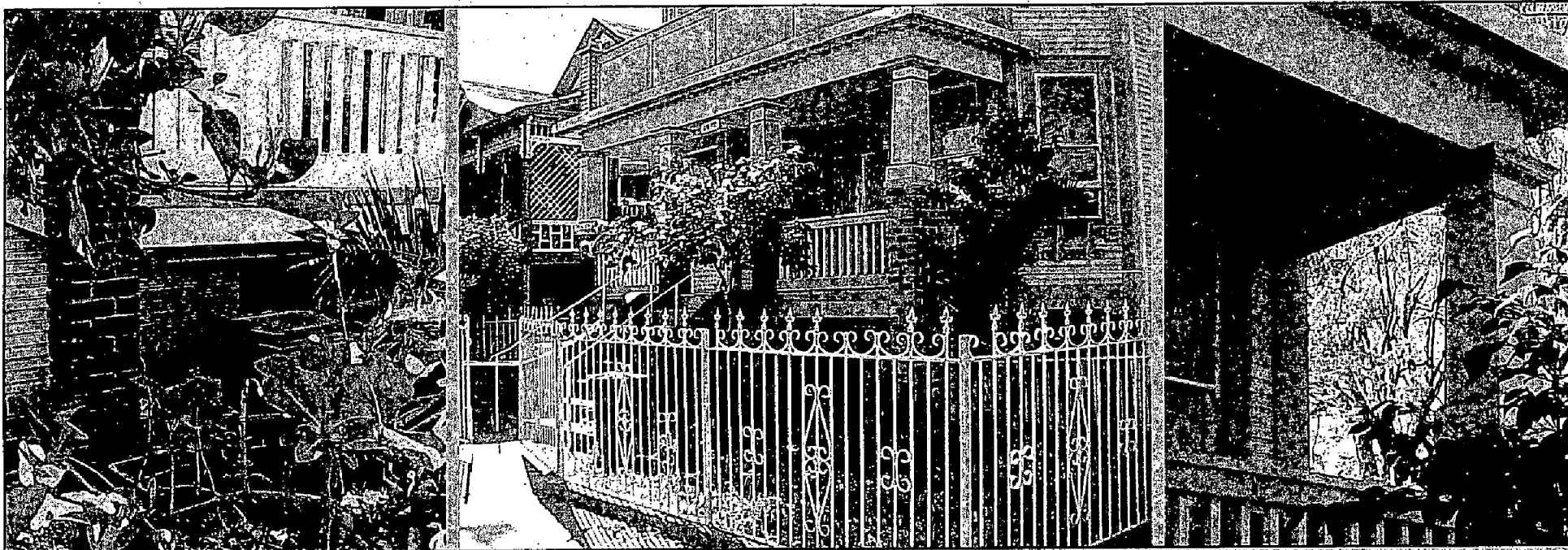
*Lacks  
Bullnose Treads*



*Unsightly hardware*

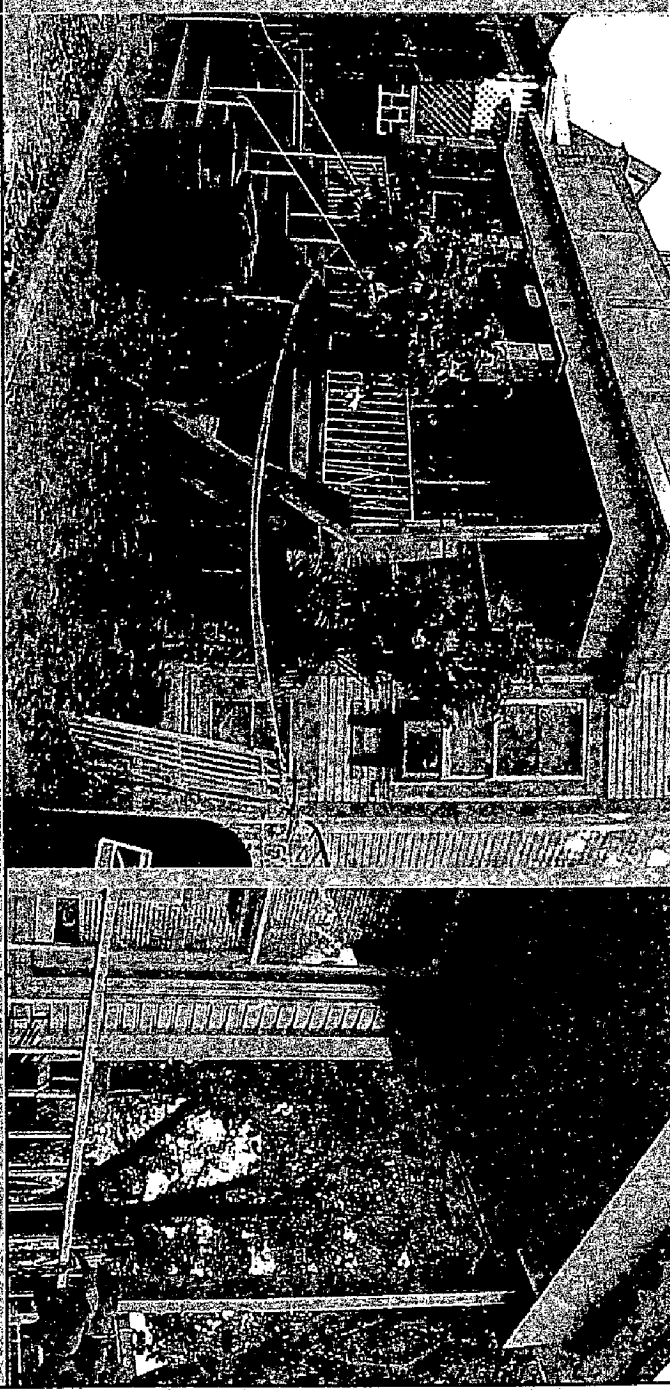
No Design/Preservation Review and No Building Permit



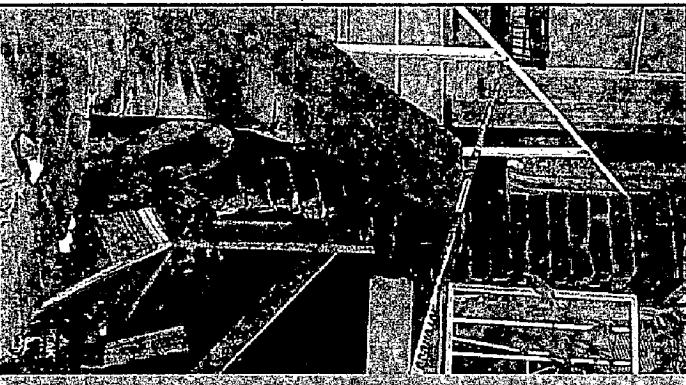


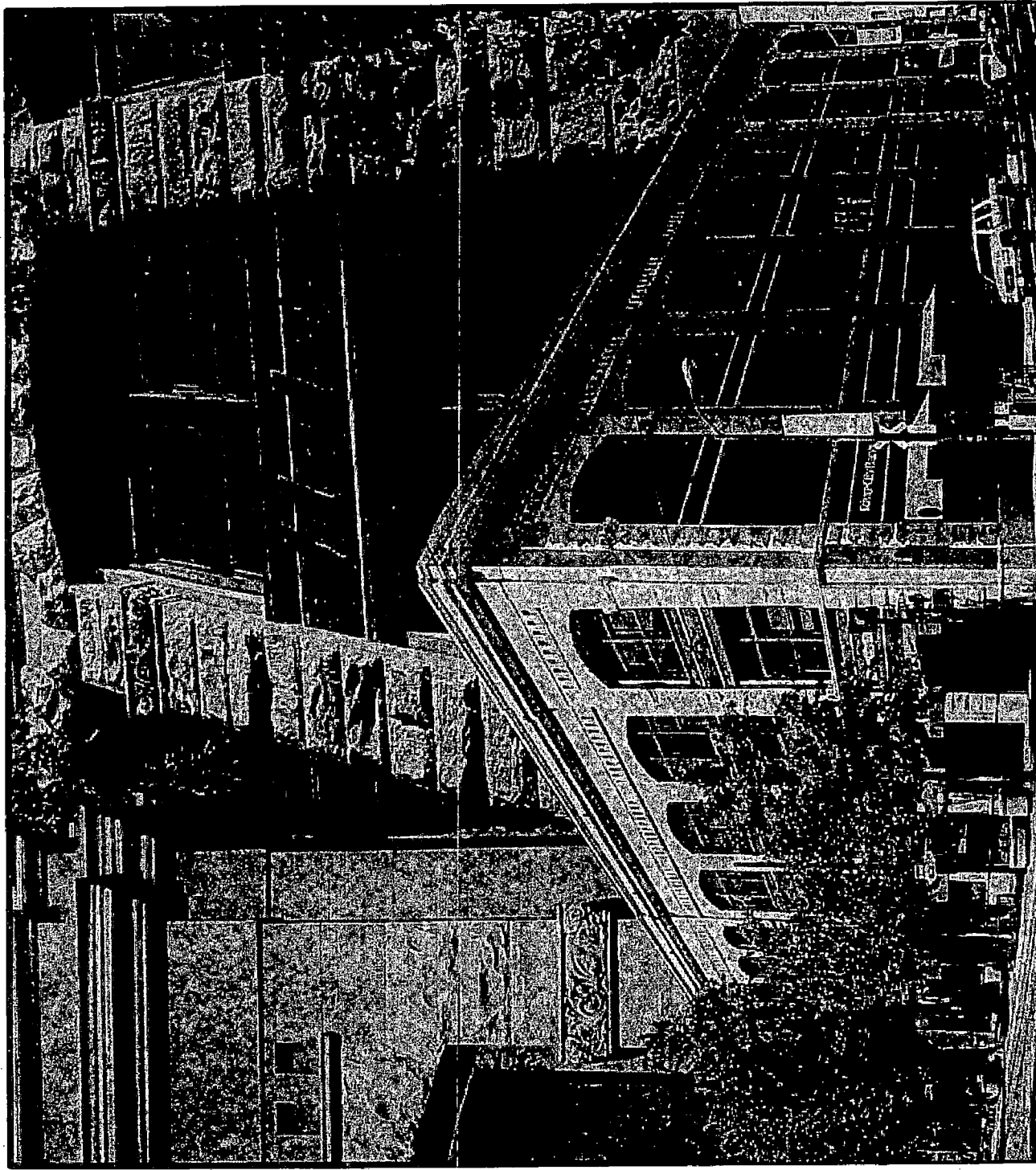
1900 F Street - After Repairs



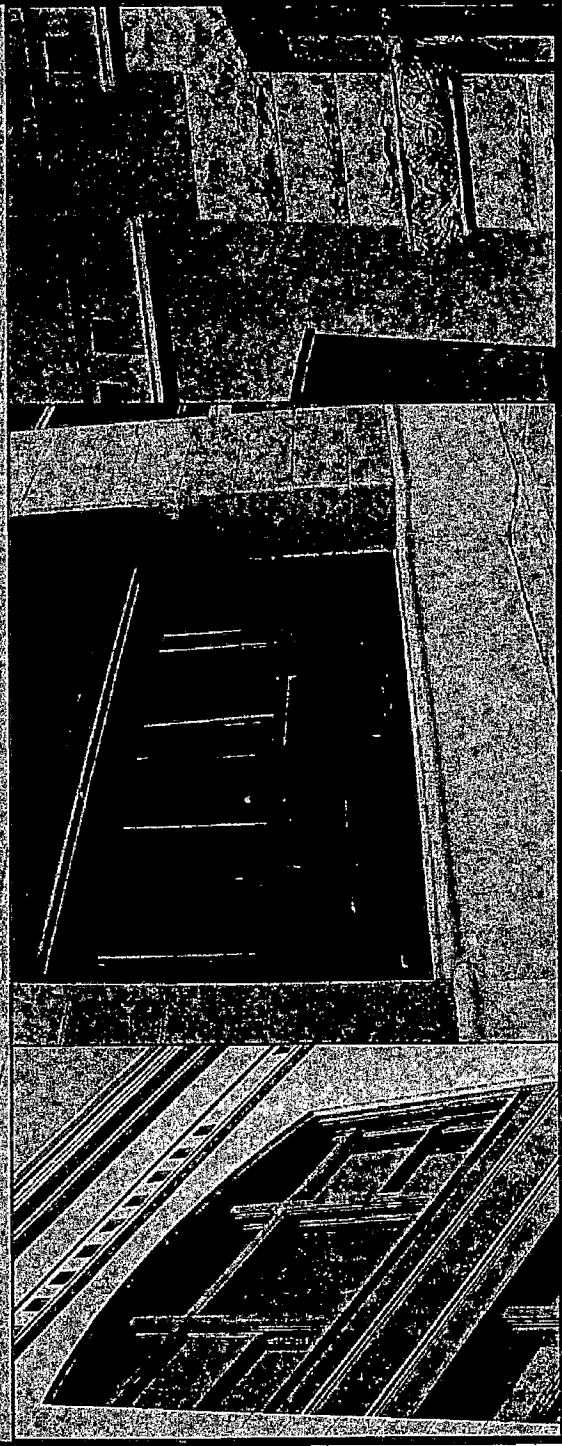


1900 F Street - Car vs. Building





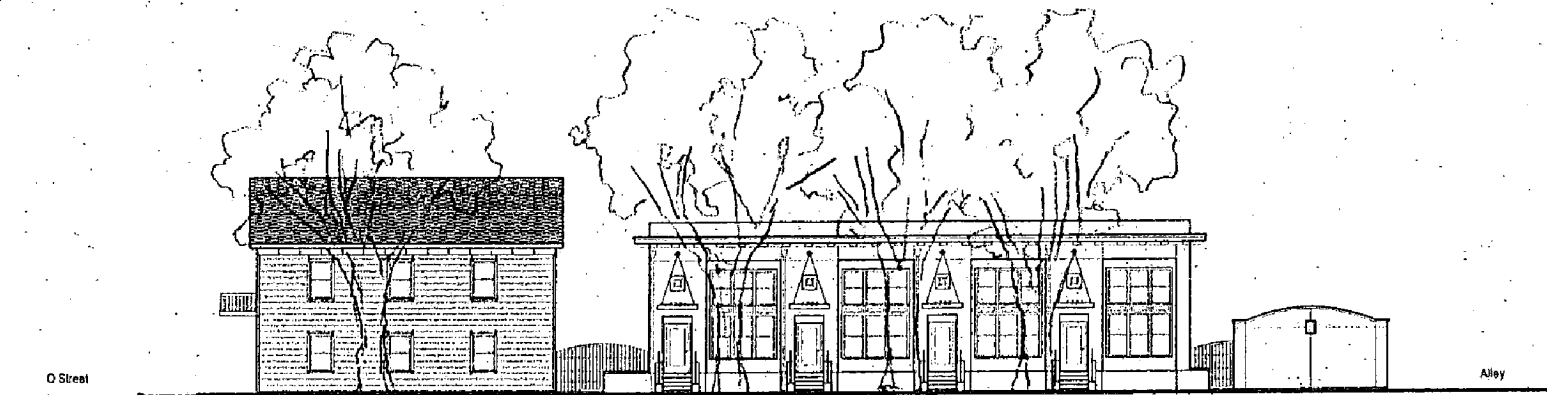
Rite Aid Moving to Historic Hale's Bros. Building



1500  
Q STREET

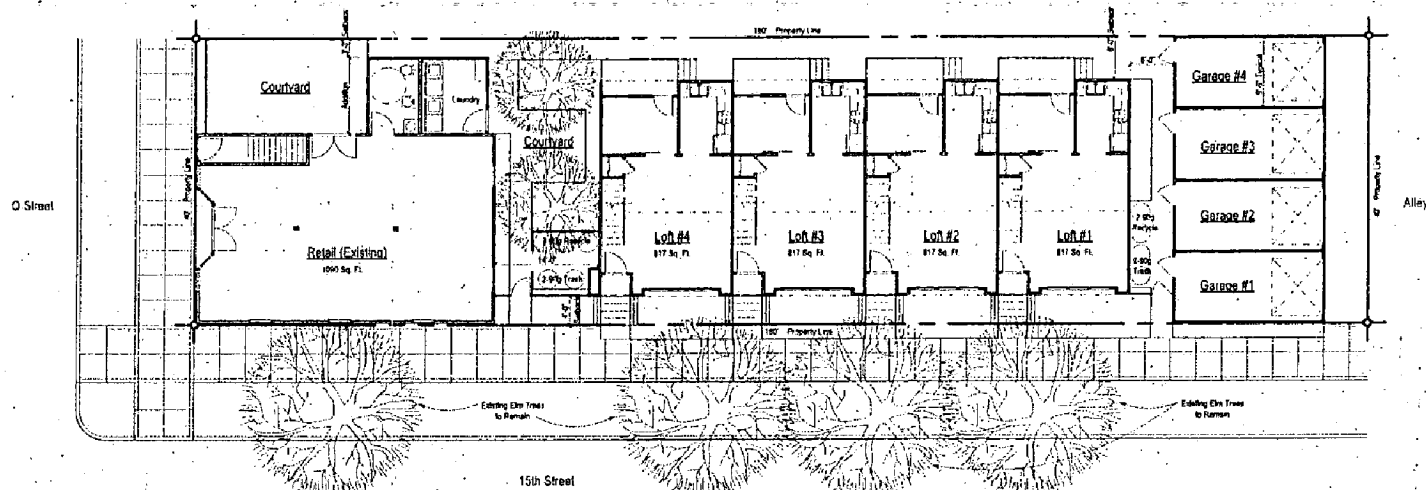
MIXED-USE  
DEVELOPMENT

SEPTEMBER 9, 1999



15th Street Elevation (West)

1/8" = 1'-0"



Site / First Floor Plan

1/8" = 1'-0"







1500 Q Street

VRILAKAS

ARCHITECT  
BUILDERS

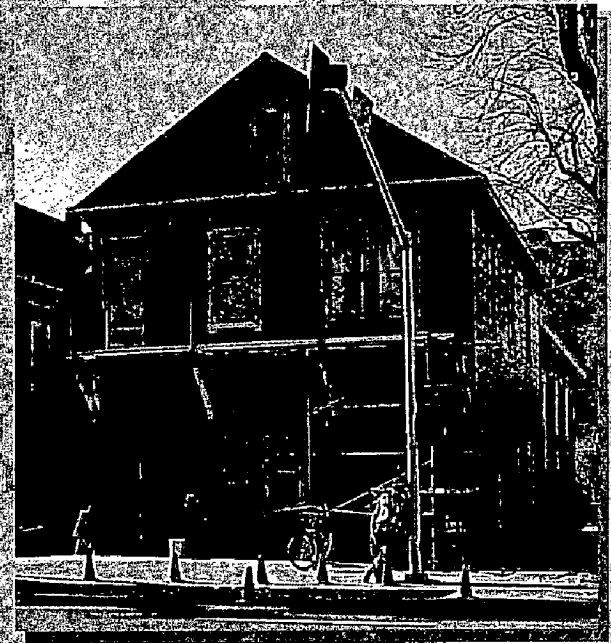
# PRESERVATION SUCCESS STORY



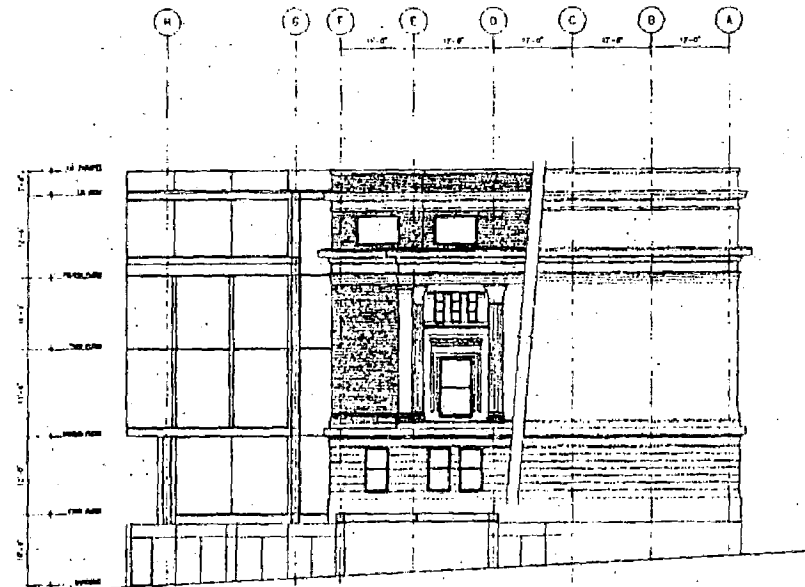
Before the Fire



Long After the Fire

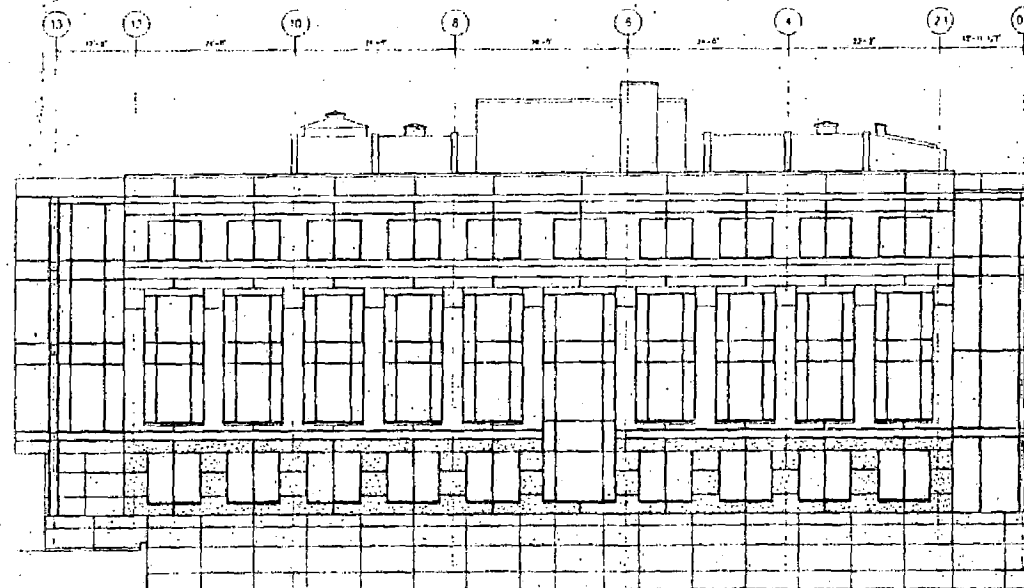


Rehabilitation



NORTH ELEVATION  
OF 17'-0"

1



EAST ELEVATION  
OF 17'-0"

2

013 60 Steel

Version 01

013 60 Steel

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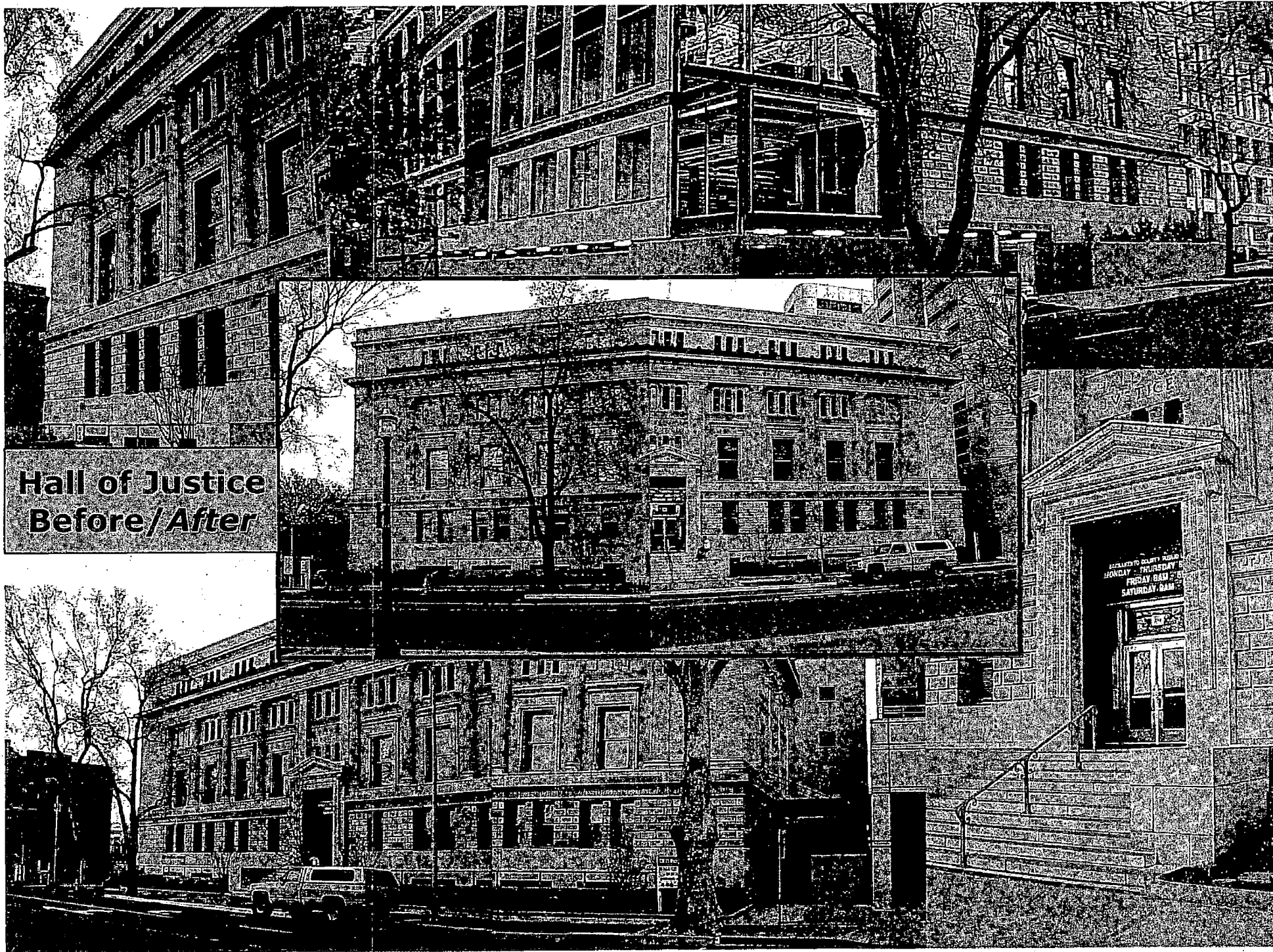
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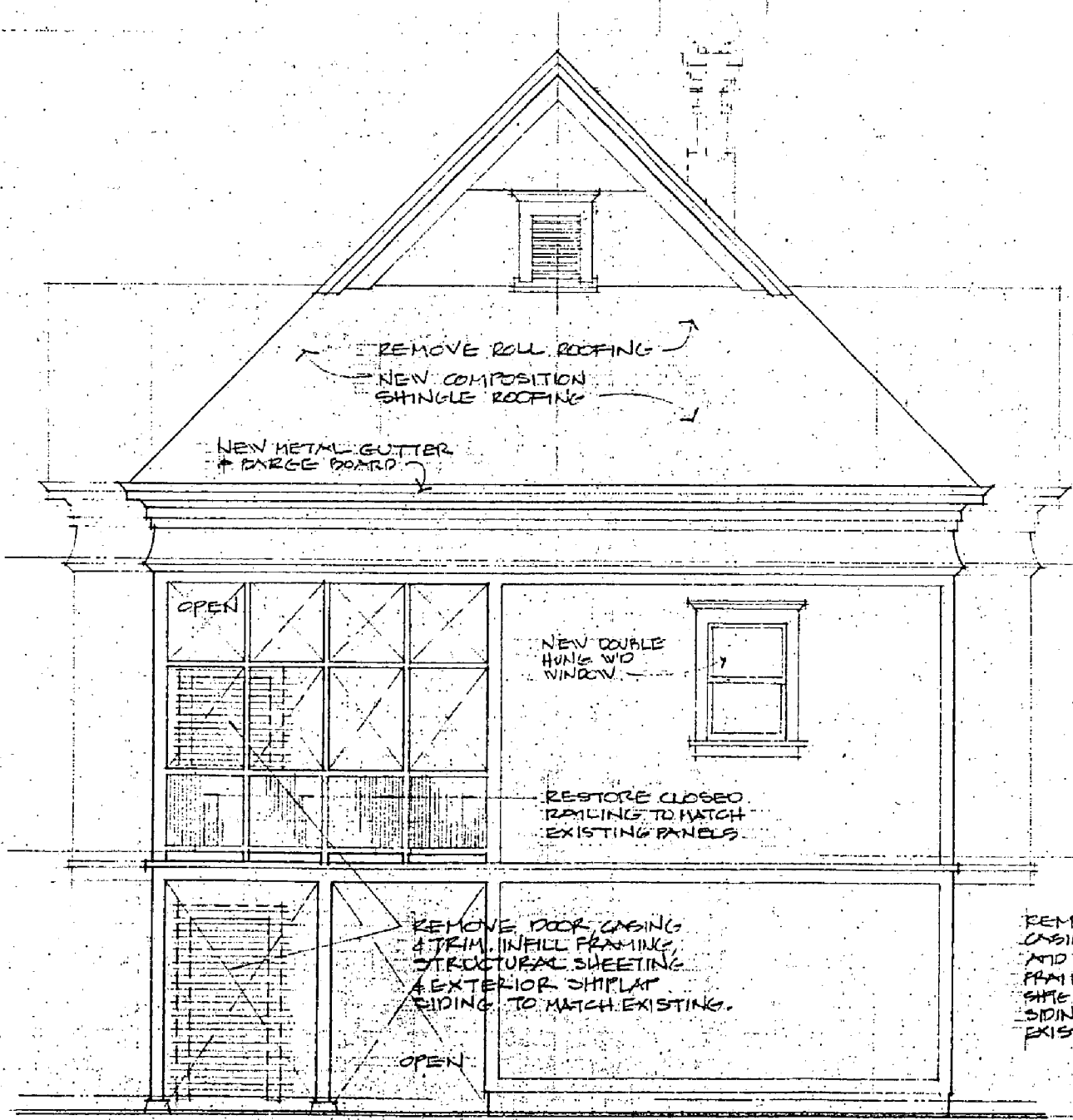


Hall of Justice  
Before/After





DRAFTING CORP. 700 SO. CLAREMONT ST. SAN MATEO, CA 94402



WEST (REAR) ELEVATION

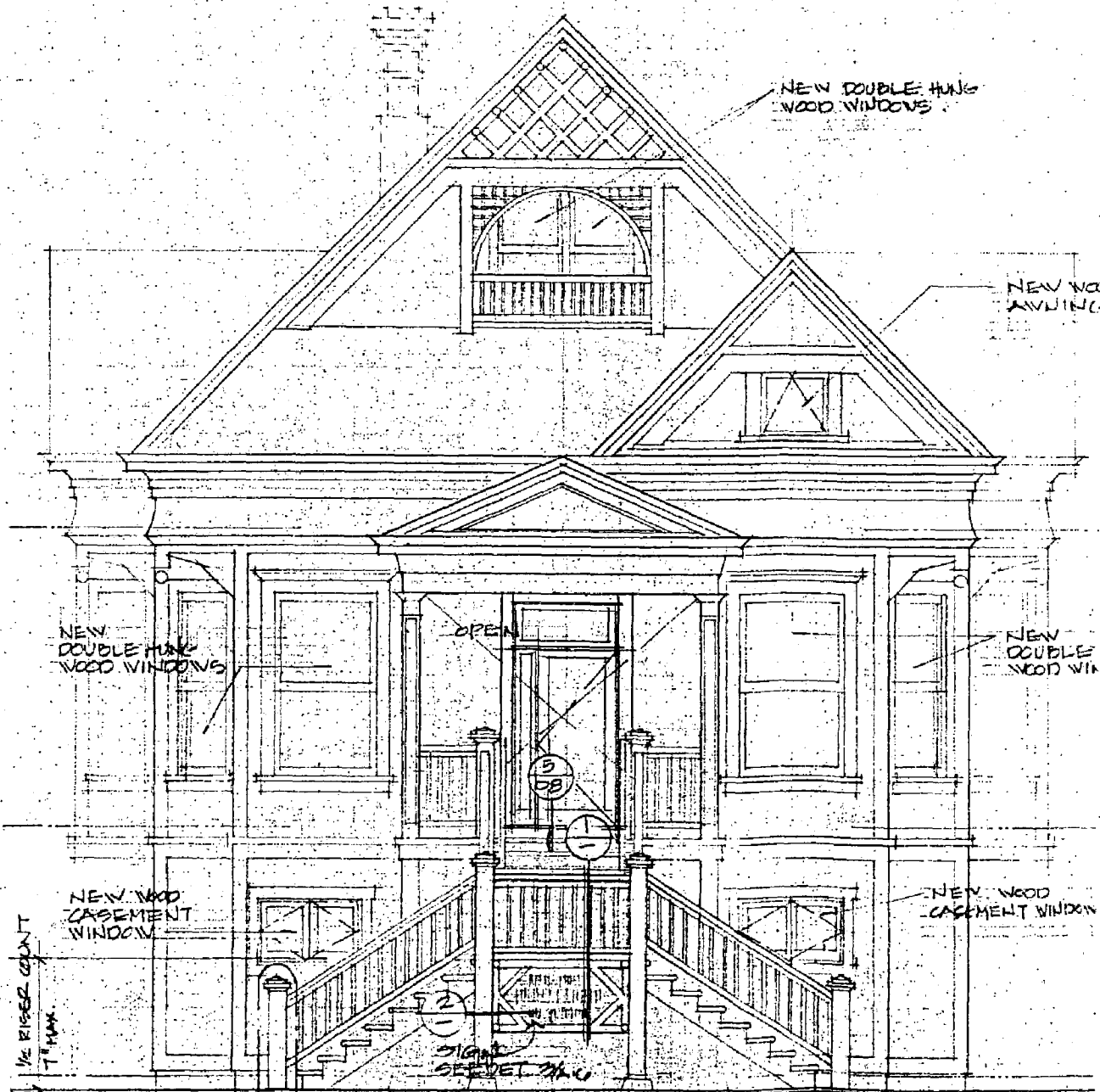
EXTERIOR ELEVATIONS  
SCALE 1/4" = 1'-0"

SEE 1/D2  
REGARDING

5. REMOVE EXISTING ROOFING AND INSTALL NEW 40YR DIMENSIONAL COMPOSITION SHINGLE ROOFING COMPLETE. REPLACE ALL FLASHING TYPICAL

6. ALL VENT TERMINATIONS SHALL BE LOCATED ON THE SOUTH SIDE (5TH AVENUE) AND GROUP TOGETHER AS MUCH AS POSSIBLE (TYPE-B)

7. REPAIR OR REPLACE PORCH SOFFITS AS NECESSARY. TYPICAL



EAST (FRONT) ELEVATION

EXTERIOR ELEVATIONS

SCALE

1" = 1'-0"

PRIMARY RECORD

Primary #

HRI #

Trinomial

NRHP Status Code

Other Listings

Review Code

Reviewer

Date

Page \_\_\_ of \_\_\_

\*Resource Name or #: (Assigned by recorder)

P1. Other Identifier:

\*P2. Location: ☐ Not for Publication ☒ Unrestricted

\*a. County Sacramento

and (P2b and P2c or P2d. Attach a Location Map as necessary.)

\*b. USGS 7.5' Quad \_\_\_\_\_ Date \_\_\_\_\_ T \_\_\_\_\_ R \_\_\_\_\_ 1/4 of \_\_\_\_\_ 1/4 of Sec \_\_\_\_\_ B.M.

c. Address 3734 Broadway City Sacramento Zip 95817

d. UTM: (Give more than one for large and/or linear resources) Zone 10; 633800 mE/ 4267510 mN

e. Other Locational Data: (e.g., parcel #, directions to resource, elevation, etc., as appropriate)

APN 013-0153-0039

\*P3a. Description: (Describe resource and its major elements. Include design, materials, condition, alterations, size, setting, and boundaries)

The wood frame residential structure has two stories and an attic beneath its gabled roof. Angled gabled bays project from the second floor of the south and east elevations. The second floor entrance is gabled and supported by paneled posts. The building is surfaced with narrow clapboard. A recessed window with lattice arch balustrade lies in the main gable peak. The entry gable contains a floriated bas relief design. Other gables and frieze beneath the eaves are covered with fish scale shingles. The entry porch and stairs have been removed. The ground floor windows have been altered as well the rear of the structure. There was a fire in the attic and all the windows have been damaged. The building is vacant and boarded. The building stands on the angled lot formed by the intersection of Broadway and 5th Avenue, with some landscaping.

\*P3b. Resource Attributes: (List attributes and codes) Single Family Property HP2

\*P4. Resources Present: ☒ Building ☐ Structure ☐ Object ☐ Site ☐ District ☐ Element of District ☐ Other (Isolates, etc.)

P5a. Photo or Drawing (Photo required for buildings, structures, and objects.)



P5b. Description of Photo: (View, date, accession #) front  
September 1999

\*P6. Date Constructed/Age and Sources: ☒ Historic

☐ Prehistoric ☐ Both  
1910, Sac. City  
Directories, factual

\*P7. Owner and Address:  
Sac. Hsing & Red. Agenc  
630 I St., Sac., CA  
95814

\*P8. Recorded by: (Name, affiliation, and address) C. Yniguez  
SHRA, 630 I St. Sac  
CA 95814

\*P9. Date Recorded: 12/14/99

\*P10. Survey Type: (Describe)  
other activity

\*P11. Report Citation: (Cite survey report and other sources, or enter "none.") 1985 Sacto Survey III: Architectural and Historical Resources Inventory Report, Historic Environmental Consultant

\*Attachments: NONE ☐ Location Map ☐ Sketch Map ☐ Continuation Sheet ☒ Building, Structure, and Object Record  
☐ Archaeological Record ☐ District Record ☐ Linear Feature Record ☐ Milling Station Record ☐ Rock Art Record  
☐ Artifact Record ☐ Photograph Record ☐ Other (List)

**BUILDING, STRUCTURE, AND OBJECT RECORD**

Page \_\_\_\_ of \_\_\_\_

\*NRHP Status Code \_\_\_\_\_

\*Resource Name or # (Assigned by recorder) \_\_\_\_\_

B1. Historic Name: Warner Residence

B2. Common Name: Gray Victorian

B3. Original Use: residential

B4. Present Use: vacant

\*B5. Architectural Style: Victorian

\*B6. Construction History: (Construction date, alterations, and date of alterations)

The structure was built in 1910. The ground floor windows and the rear of the building have been altered. The front stairs has been removed.

\*B7. Moved? ☒ No ☐ Yes ☐ Unknown Date: \_\_\_\_\_ Original Location: \_\_\_\_\_

\*B8. Related Features:

None

B9a. Architect: unknown

b. Builder: unknown

\*B10. Significance: Theme residential architecture Area Oak Park, Sacramento

Period of Significance 1880 - 1930

Property Type residential

Applicable Criteria n/a

(Discuss importance in terms of historical or architectural context as defined by theme, period, and geographic scope. Also address integrity.)

Oak Park is the first Sacramento suburb. Subdivision began in the mid-1880's. Residential and commercial construction steadily increased in 1900 and by 1911 a building boom was occurring. The first owner was Mrs. Carrie B. Warner who occupied it after construction in 1910. Mrs. Warner stayed in the house until 1916 when it became the home of Thomas C. Warner, a probable relative. After three years, Harold W. Thompson became the next occupant of the house, staying until 1927. In 1931 Arth and Margaret Wait became the house's next occupants. Mr. Wait, a toolsmith and his wife lived at the house for three years. Robert and Bertha Mitchell who lived there followed them from 1936 to 1945. In 1945 the building's longest occupant, Dr. E Blechschmidt, a chiropractor, took over title and established both residence and business office there. Dr. Blechschmidt remained until 1967. The building has been used since as a youth center, a nightclub and a teen-counseling enter. It has been vacant for approximately the last eight years. Aside from minor interior alteration, the architectural integrity remains in tact. The handsome structure is a good representative of its style and type.

B11. Additional Resource Attributes: (List attributes and codes)  
Single family HP2

\*B12. References:

Sacramento City Directories, 1909-1982

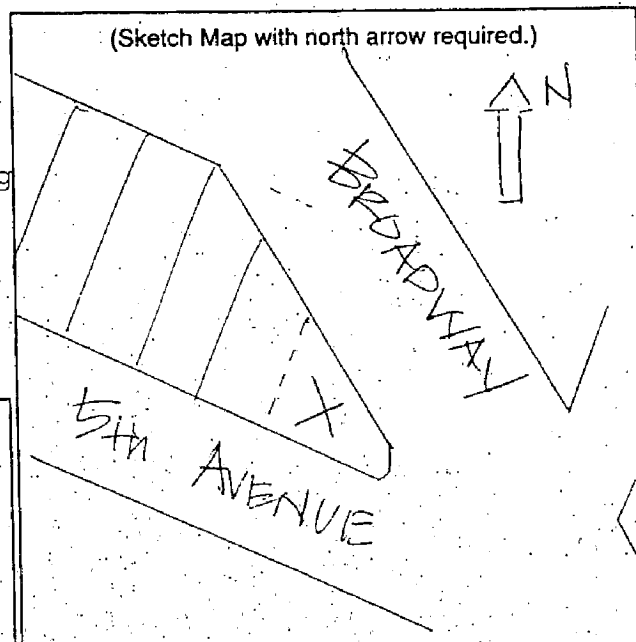
B13. Remarks:

The original documentation of the building was done by Historic Environmental Cons./ C. Caesar, 1985. No new historical information was added, this only updates it.

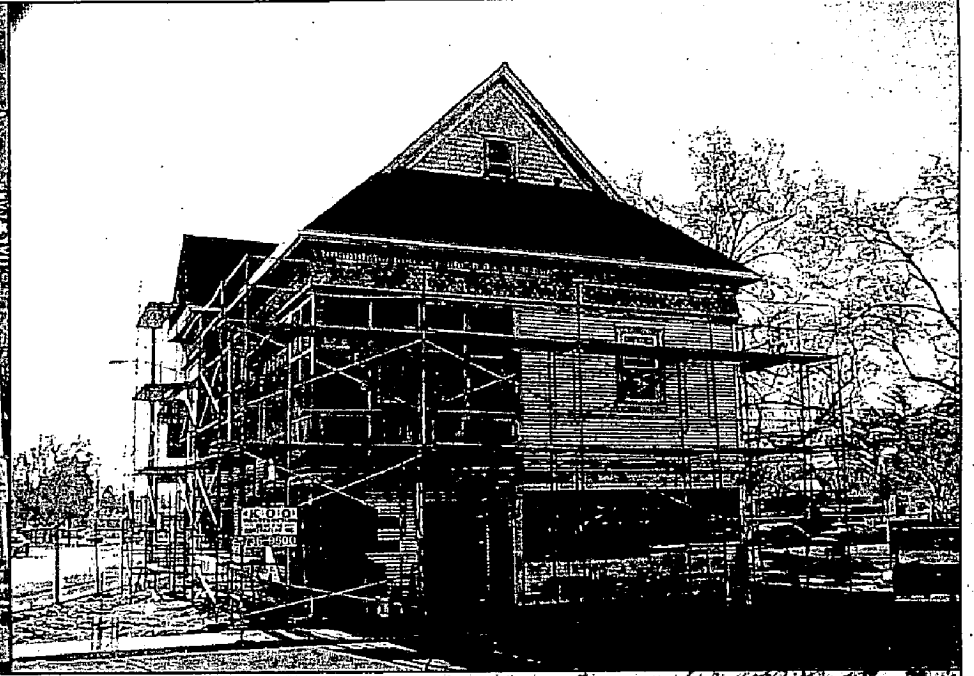
\*B14. Evaluator: C. Caesar (1985)/C. Yniguez (1999)

\*Date of Evaluation: 8/1/85 and 12/14/99

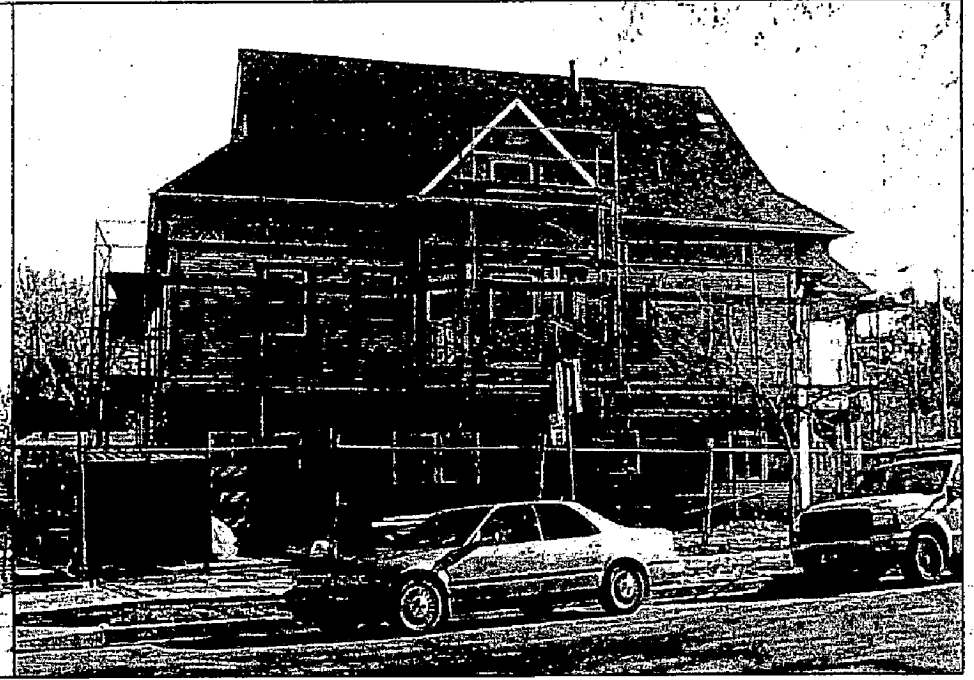
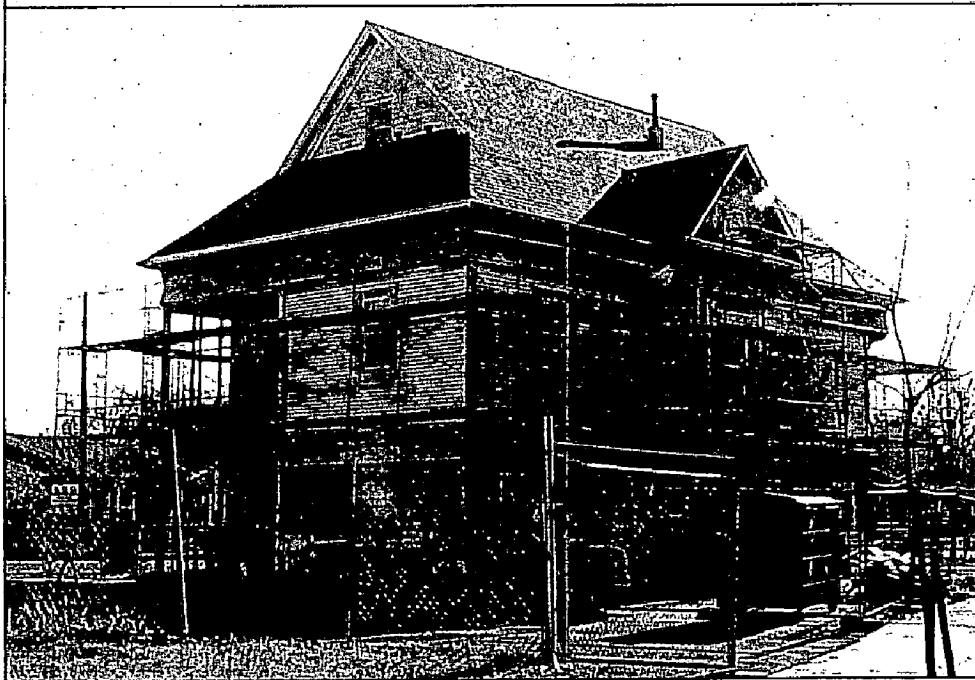
(This space reserved for official comments.)







Rehabilitation of 3734 Broadway





Applicant's Photos of 3734 Broadway



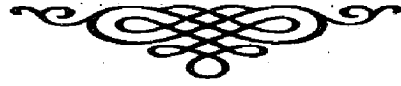
# The Secretary of the Interior's Standards for the Treatment of Historic Properties

*The Secretary of the Interior Standards for the Treatment of Historic Properties* (1995) are a series of concepts about maintaining, repairing and replacing historic materials, as well as designing new additions or making alterations. They were developed to help protect our

nation's irreplaceable cultural resources by promoting consistent preservation practices. The Standards will be applied and considered when reviewing any development project involving properties listed in the Sacramento Register: buildings, sites, structures, objects, and districts.

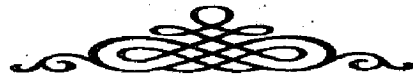
## *Standards for Rehabilitation:*

- ❖ 1. A property will be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships.
- ❖ 2. The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property will be avoided.
- ❖ 3. Each property will be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historic properties, will not be undertaken.
- ❖ 4. Changes to a property that have acquired historic significance in their own right will be retained and preserved.
- ❖ 5. Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.
- ❖ 6. Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture, and, where possible, materials. Replacement of missing features will be substantiated by documentary and physical evidence.
- ❖ 7. Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.
- ❖ 8. Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.
- ❖ 9. New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work will be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.
- ❖ 10. New additions and adjacent or related new construction will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.



THE SECRETARY OF THE INTERIOR'S  
STANDARDS

FOR THE TREATMENT OF  
HISTORIC PROPERTIES





# Historic Preservation Incentives

## City of Sacramento

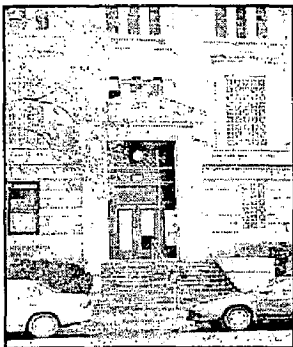
Historic Preservation is a practical economic-development tool. It creates jobs, revitalizes downtown areas, stimulates businesses, and ultimately, makes communities more vital. Historic preservation offers tax incentives, funding possibilities, motivation for community involvement, and fosters community spirit. Historic preservation enables communities to become economically viable and livable.

The following are a few of the economic incentives are offered in Sacramento:



State Historic Building Code (SHBC) The SHBC is an alternative to the Uniform Building Code which provides standards for historic buildings which are generally more flexible than those provided by prevailing code.

Mills Act Contracts The Mills Act (California Government Code Section 50280 et seq.) allows reduction in property tax assessments for historic properties where an owner enters into an agreement with the local government.



Federal Rehabilitation Tax Credits For certified historic structures, a federal income tax credit of 20% of the cost of rehabilitation following the Secretary of Interior's Standards for Treatment of Historic Properties is available for all buildings except owner occupied residential structures. A 10% credit is available for pre-1936 nonresidential, commercial or industrial buildings.



Exterior Rebate and Commercial Loan Program This program, administered by the Sacramento Housing and Redevelopment Agency (SHRA), provides rebates for qualified exterior improvements and loans for acquisition, rehabilitation and new construction. It is available to owners of commercial property and tenant (with owner consent) located in target areas.



Fainted Ladies Loan Program The Fainted Ladies Loan Program, administered by SHRA, provides loans for acquisition and rehabilitation, and for improvements to rental and owner occupied housing. The program is available for buildings in the Central City which are 50 years old or older, and the loans are available for basic code upgrades.

## HISTORIC PRESERVATION INCENTIVES



- ⇒ STATE HISTORIC BUILDING CODE (SHBC)
- ⇒ MILLS ACT CONTRACTS
- ⇒ FEDERAL REHABILITATION TAX CREDITS
- ⇒ EXTERIOR REBATE AND COMMERCIAL LOAN PROGRAM
- ⇒ FAINTED LADIES PROGRAM

