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ORDINANCE NO. 2097 N.C.S.

Introduced by Councilmember
Pamela Torliatt

Seconded by Councilmember
Janice Cader-Thompson

**AMENDING ZONING ORDINANCE NO. 1072 N.C.S., AS AMENDED,
BY APPLYING AN HISTORIC OVERLAY ZONING DISTRICT
TO PARCELS WITHIN THE PETALUMA DOWNTOWN
COMMERCIAL DISTRICT AND AMENDING ARTICLE 17,
PRESERVATION OF THE CULTURAL AND HISTORIC ENVIRONMENT,
OF THE ZONING ORDINANCE**

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PETALUMA AS FOLLOWS:

Section 1. The City Council finds that the Planning Commission filed with the City Council on August 16, 1999, its report set forth in its minutes of June 8, 1999, forwarding a recommendation to the City Council to adopt an amendments to Zoning Ordinance No. 1072 N.C.S., as amended, by applying an overlay zoning district on certain lands being more particularly described as set forth on the attached map, "Exhibit A," to create an Historic Overlay District (H-3), and to adopt amendments to Article 17, Preservation of the Cultural and Historic Environment.

Section 2. The City Council further finds that the Planning Commission held a public hearing on the proposed amendments on June 8, 1999 after giving notice of said hearing, in the manner, for the period, and in the form required by said Ordinance No. 1072 N.C.S., as amended.

Section 3. The City Council further finds that the requirements of the California Environmental Quality Act (CEQA) have been satisfied through the preparation of an Initial Study, and, by Resolution No. 99-168 N.C.S., has adopted a Negative Declaration for the project, finding that there is no substantial evidence that significant impacts to the environment would occur.

1 Section 4. Resolution No. 9015, N.C.S., Establishing the Membership of the Historical and
2 Cultural Preservation Committee. Resolution No. 9015 N.C.S. is hereby amended to read in its
3 entirety as follows:
4

5 BE IT RESOLVED that the membership of the Historical and Cultural Preservation
6 Committee is hereby established as follows:
7

8 A. The members of the Site Plan Architectural Review Committee (SPARC) (five
9 members) as appointed by the City Council shall be ex-officio members of the
10 Committee to serve for the duration of their principal terms.
11

12 B. Two members from historical preservation organizations appointed by the City
13 Council, shall serve for one year terms from July 1 to June 30 of each fiscal year,
14 or until their successors are designated.
15

16 Section 5. Article 17, Preservation of the Cultural and Historic Environment, Amended. Section
17 17-101 of Article 17 of the Zoning Ordinance 1072 N.C.S. is hereby amended to read in its
18 entirety as follows:
19

20 17-101 The protection, enhancement, perpetuation, and use of buildings, structures, sites,
21 objects, and districts, including archaeological sites, that are reminders of past
22 eras, events, and persons important to local, state, or national history, or which
23 provide significant examples of architectural styles of the past or area landmarks
24 in the history of architecture, or which are unique and irreplaceable assets to the
25 City and its neighborhoods, or which provide for this and future generations
26 examples of the physical surroundings in which past generations lived.
27

28 Section 6. Article 17, Preservation of the Cultural and Historic Environment, Amended. Section
29 17-201.1 of Article 17 of Zoning Ordinance No. 1072 N.C.S. is hereby amended to read in its
30 entirety as follows:
31

1 17-201.1 Shall, after conducting a public hearing, make a recommendation to the City
2 Council, concerning designation of landmarks and historic districts, as provided in
3 Section 17-407 of this Article.

4
5 Landmarks shall be defined as buildings or sites listed on the State Office of
6 Historic Preservation's director of historic properties (i.e., Historic Properties
7 Data Inventory), or designated by the City as a local landmark, except that
8 buildings or sites located within the National Historic Register District shall not
9 automatically be considered to be a landmark, unless individually so designated
10 by the City Council, in accordance with the provisions of this Article.

11
12 17-201.2 May establish and maintain a list of structures and other landmarks deserving
13 official recognition although not designated as landmarks or historic districts, and
14 take appropriate measures for recognition.

15
16 17-201.3 Shall hear and approve, approve with modifications, or disapprove permit
17 applications for construction, alteration, demolition, and repair or maintenance
18 work to a designated landmark site or structure, in accordance with Section 17-
19 501 of this Article.

20
21 Section 7. Article 17, Preservation of the Cultural and Historic Environment, Amended. Section
22 17-202 of Article 17 of Zoning Ordinance No. 1072 N.C.S. is hereby amended to read in its
23 entirety as follows:

24
25 17-202 The Historic and Cultural Preservation Committee:

26
27 17-202.1 Shall hear and make a recommendation to the Planning Commission as required
28 by this Article, on applications for the designation of landmarks and historic
29 districts, and on permit applications for construction, alteration, demolition and
30 repair or maintenance work on landmark sites or structures. The Historic and
31 Cultural Preservation Committee shall hear and approve, approve with

1 modifications, or disapprove applications for construction, alteration, demolition,
2 and repair or maintenance work on structures in historic districts, as provided in
3 Section 17-500 of this Article.

4
5 17-202.2 May take steps to encourage or bring about preservation of structures or other
6 features where the Historic and Cultural Preservation Committee recommended
7 and the Planning Commission determined to suspend action on a permit
8 application as provided in Section 17-506.

9
10 17-202.3 May, upon request of the property owner, advise with respect to any proposed
11 work not requiring a City permit on a designated landmark site or in a designated
12 historic district. Examples of the work referred to are painting and repainting of
13 exterior surfaces, roofing, fencing, landscaping, glazing, and installation of light
14 fixtures. In advising, the Historic and Cultural Preservation Committee shall be
15 guided by the purposes and standards specified in this Article. This part, 17-
16 202.3, does not impose regulations or controls on any property.

17
18 17-202.4 The Historic and Cultural Preservation Committee shall consist of the
19 membership of the Site Plan and Architectural Review Committee and two
20 additional members, one representing the Petaluma Historical Museum and one
21 representing Heritage Homes of Petaluma.

22
23 Section 8. Article 17, Preservation of the Cultural and Historic Environment, Amended. Section
24 17-400 of Article 17 of Zoning Ordinance No. 1072 N.C.S. is hereby amended to read in its
25 entirety as follows:

26
27 SECTION 17-400, DESIGNATION OF LANDMARKS AND HISTORIC DISTRICTS BY
28 ORDINANCE.

1 Section 9. Article 17, Preservation of the Cultural and Historic Environment, Amended. Section
2 17-403 of Article 17 of Zoning Ordinance No. 1072 N.C.S. is hereby amended to read in its
3 entirety as follows:

4
5 17-403 The property designated as a landmark or a historic district shall be subject to the
6 control and standards contained in this Article. In addition, the property shall be
7 subject to the following further controls and standards if imposed by the
8 designating ordinance:

9
10 Section 10. Article 17, Preservation of the Cultural and Historic Environment, Amended.
11 Section 17-404 of Article 17 of Zoning Ordinance No. 1072 N.C.S. is hereby amended to read in
12 its entirety as follows:

13
14 17-404 The City Council may amend or rescind a designation only by ordinance. The
15 procedure for amending or rescinding a designation shall be the same as for the
16 original designation.

17
18 Section 11. Article 17, Preservation of the Cultural and Historic Environment, Amended.
19 Section 17-405 of Article 17 of Zoning Ordinance No. 1072 N.C.S. is hereby amended to read in
20 its entirety as follows:

21
22 17-405 Initiation of Designation: Initiation of designation proceedings shall be by
23 resolution of the City Council or by the written application of the property
24 owners. The Planning Commission and the Historic and Cultural Preservation
25 Committee may initiate and recommend the designation of a landmark or historic
26 district to the City Council. Applications for designations shall be filed with the
27 Planning Department upon forms prescribed by the Director and shall be
28 accompanied by all data required by the Planning Commission. An application
29 for designation of a historic district must be described by or on behalf of at least
30 fifty-one percent (51%) of the property owners in the proposed district. The date
31 of initiation is the date the resolution is adopted or a valid application is filed.

1 Section 12. Article 17, Preservation of the Cultural and Historic Environment, Amended.

2 Section 17-407 of Article 17 of Zoning Ordinance No. 1072 N.C.S. is hereby amended to read in
3 its entirety as follows:

4
5 17-407 Hearing by Historic and Cultural Preservation Committee and Planning
6 Commission: The Historic and Cultural Preservation Committee and the Planning
7 Commission shall hold a public hearings on a proposal to designate a landmark or
8 historic district, with notice given as provided for rezonings in Section 27-401.
9 Notice shall also be mailed to recognized historic preservation organizations.

10
11 Section 13. Article 17, Preservation of the Cultural and Historic Environment, Amended.

12 Section 17-407.1 of Article 17 of Zoning Ordinance No. 1072 N.C.S. is hereby amended to read
13 in its entirety as follows:

14
15 17-407.1 Action and Time Limit: The Historic and Cultural Preservation Committee shall
16 make a recommendation to the Planning Commission on the designation. The
17 Planning Commission shall consider the degree of conformity of the proposed
18 designation with the purposes and standards of this Article and the General Plan.
19 The Planning Commission shall make a recommendation to the City Council to
20 approve, approve with modifications, or disapprove the proposal within one
21 hundred twenty (120) days after the initiation of designation proceedings. If the
22 Planning Commission disapproves the proposal, no further action shall be
23 required unless appealed.

24
25 Section 14. Article 17, Preservation of the Cultural and Historic Environment, Amended.

26 Section 17-410 of Article 17 of Zoning Ordinance No. 1072 N.C.S. is hereby amended to read in
27 its entirety as follows:

28
29 17-410 Conformity Required. Construction, alteration, demolition, repair, maintenance,
30 or removal work for which a City permit is required is prohibited on a designated
31 landmark site or in a designated historic district unless reviewed by the Historic

1 and Cultural Preservation Commission and/or approved by the Planning
2 Commission as provided in Section 17-500, or unless the work conforms with the
3 provisions of Section 17-602, Unsafe or Dangerous Conditions.
4

5 Section 15. Article 17, Preservation of the Cultural and Historic Environment, Amended.
6 Section 17-500 of Article 17 of Zoning Ordinance No. 1072 N.C.S. is hereby amended to read in
7 its entirety as follows:
8

9 17-501 Permit Required for Work to a Designated Landmark Site or Structure. No
10 person shall do any work listed below to a designated landmark site or structure
11 without first obtaining review by the Historic and Cultural Preservation
12 Committee and grant of a permit from the Planning Commission.
13

14 Except where Planning Commission approval is required for work to a designated
15 landmark site or structure, work listed below on any other structure or site within
16 a designated historic district, shall require approval of only the Historic and
17 Cultural Preservation Committee, pursuant to procedures in Section 26-400 et al.
18

19 17-501.1 Exterior alterations, as defined below, shall be subject to review and approval by
20 the Historic and Cultural Preservation Committee. Alterations of a minor nature,
21 as defined below, shall be subject to administrative review and approval, but shall
22 not require a public hearing.
23

24 17-501.2 *deleted per Ordinance 2097 N.C.S., 9 /99.*
25

26 17-501.3 Alteration shall be defined as any change, including repair or replacement of
27 damaged or worn materials, to the exterior appearance of a building and shall
28 include, but is not limited to, finish materials; windows; doors; signs, including
29 the removal, repair, or repainting of historic signs; awnings; and threshold
30 materials. Alteration may also include, but is not limited to, proposals which

1 affect the streetscape, such as landscaping; light poles; outdoor use areas; and
2 mechanical equipment.

3
4 17-501.4 Minor nature shall be defined to include, but is not limited to, alterations which
5 involve routine maintenance, paint touch-up, or repainting with same colors,
6 which does not substantially change the existing appearance of the structure.
7 Exterior alterations of a minor nature should follow the recommendations of the
8 Design Guidelines.

9
10 Section 16. Article 17, Preservation of the Cultural and Historic Environment, Amended.

11 Section 17-502 of Article 17 of Zoning Ordinance No. 1072 N.C.S. is hereby amended to read in
12 its entirety as follows:

13
14 17-502 Application for Permit: The Department shall maintain a current record of
15 designated landmarks and historic districts, and such lists shall be referred to by
16 the Building Inspection Division before issuance of permits. Applications for
17 permits to do work for which a permit, as required by Section 17-501, shall be
18 submitted to the Department for processing. Application shall include plans and
19 specifications showing the proposed exterior appearance, color, and texture of
20 materials, and the proposed architectural design of the exterior of the structure.
21 Where required by the Historic and Cultural Preservation Committee, applications
22 shall also show the relationship of the proposed work to the environs. If the
23 application does not provide sufficient information for review by the Historic and
24 Cultural Preservation Committee, the Department shall require the omitted
25 information from the applicant.

26
27 Section 17. Article 17, Preservation of the Cultural and Historic Environment, Amended.

28 Section 17-504 of Article 17 of Zoning Ordinance No. 1072 N.C.S. is hereby amended to read in
29 its entirety as follows:

1 17-504 Hearing by Planning Commission: The Planning Commission shall hold a public
2 hearing on the applications for modifications to landmark sites per Section 17-
3 501. Notice of such hearing is to be given as required for conditional use permits
4 in Section 26-504 and shall include written notice to recognized historical
5 preservation organizations.
6

7 Section 18. Article 17, Preservation of the Cultural and Historic Environment, Amended.
8 Section 17-506 of Article 17 of Zoning Ordinance No. 1072 N.C.S. is hereby amended to read in
9 its entirety as follows:
10

11 17-506 Applications for Demolition Permits. Applications for demolition permits shall
12 be referred to the Historic and Cultural Preservation Committee for review and
13 determination, when the Director determines that a structure has potential historic
14 or cultural significance. The following exceptions to this provision shall apply:
15 permits for buildings posing an immediate danger to the public safety, health and
16 welfare, as determined by the Director and the Chief Building Official, and/or
17 applications of a routine, minor nature not warranting further review, as
18 determined by the Director. When demolition of a historic structure is permitted,
19 the applicant shall be required to salvage, to the extent possible, building
20 materials, fixtures, doors, and other items of a historic nature, for reuse or to be
21 made available to interested parties.
22

23 When determining whether a structure has potential historic or cultural
24 significance, the Director may require the property owner to submit an official
25 evaluation of the property prepared by a qualified historian or archaeologist, and
26 may use the following California Register of Historical Resources criteria, which
27 states that a resource may be significant if it is:
28

- 29 1. Associated with events that have made a significant contribution to the
30 broad patterns of local or regional history, or the cultural heritage of
31 California or the United States;

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2. Associated with the lives of persons important to local, California, or national history;
3. Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of a master, or possesses high artistic value; or
4. Has yield, or has the potential to yield, information important to the prehistory or history of the local area, California, or the nation.

17-506.1 If the Historic and Cultural Preservation Committee determines that a structure is not culturally or historically significant, the application shall be returned to the Director with a finding of no significance and the demolition permit issued forthwith.

In cases where the Historic and Cultural Preservation Committee determines the structure has cultural or historical significance, the Committee shall make the findings as outlined below, deny the application for demolition, and forward its decision to the Director. Mandatory findings are as follows:

1. The structure is of historical/cultural significance when listed on a local, state, or national register or survey.
2. The structure is eligible for listing on a local, state, or national register or survey.
3. Demolition of said structure will be detrimental to the aesthetic and/or economic vitality of the community.

1 17-507.2 ~~In~~ Historic Districts: The proposed work shall not adversely affect the exterior
2 architectural characteristics or other features of the property which is the subject
3 of the application, nor adversely affect its relationship in terms of harmony and
4 appropriateness with its surroundings, including neighboring structures, nor
5 adversely affect the character, or the historical, architectural, or aesthetic interest
6 or value of the district. In addition, applications shall be consistent with standards
7 included in the designating ordinance.
8

9 Section 22. Article 17, Preservation of the Cultural and Historic Environment, Amended.

10 Section 17-508 of Article 17 of Zoning Ordinance No. 1072 N.C.S. is hereby amended to read in
11 its entirety as follows:
12

13 17-508 Showing of Hardship in Cases of Proposed Alteration, Demolition, or
14 Construction. If the applicant presents facts clearly demonstrating to the
15 satisfaction of the appropriate reviewing body that failure to approve—the
16 application will cause immediate and substantial hardship because of conditions
17 peculiar to the particular structure or other features involved and not created by an
18 act of the owner, the reviewing body may approve such application even though it
19 does not meet the standards set forth in either the enabling or designating
20 ordinance. In this context, personal, family or financial difficulties, loss of
21 prospective profits and neighboring violations are not justifiable hardships. The
22 reviewing body may require the applicant to provide documentation, such as
23 structural engineering reports, verifying hardship.
24

25 Section 23. Article 17, Preservation of the Cultural and Historic Environment, Amended.

26 Section 17-500 of Article 17 of Zoning Ordinance No. 1072 N.C.S. is hereby amended to add
27 Section 17-509 to read in its entirety as follows:
28

29 17-509 The Director may refer other projects which are not designated as landmarks or
30 which are not located within an historic district, to the Historic and Cultural
31 Preservation Committee for approval upon determining that the site or structure

1 may be of historic or cultural significance, in accordance with any of the findings
2 listed under Section 17-506 (1-4) of this Article.

3
4 Section 24. Article 17, Preservation of the Cultural and Historic Environment, Amended. Article
5 17 of Zoning Ordinance No. 1072 N.C.S. is hereby amended to add Section 17-700 and Section
6 17-603 and to read in their entirety as follows:

7
8 17-603 Duty to Keep in Good Repair. The owner, lessee, and other person in actual
9 charge or possession of a landmark, a structure in a historic district, or any other
10 cultural or historically significant property, shall keep in good repair all of the
11 exterior portions of such landmark or structure, all of the interior portions thereof
12 when subject to control as specified in the designating ordinance, and all interior
13 portions thereof whose maintenance is necessary to prevent deterioration and
14 decay of any exterior portion.

15
16 Section 25. Article 17, Preservation of the Cultural and Historic Environment, Amended. Article
17 17 of Zoning Ordinance No. 1072 N.C.S. is hereby amended to add Section 17-700 and Section
18 17-701 and to read in their entirety as follows:

19
20 SECTION 17-700, ADOPTION OF DESIGN GUIDELINES.

21
22 17-701 The City Council may, by resolution, adopt design guidelines and preservation
23 guidelines to be applied to an historic district. Major amendment to such
24 guidelines shall be by resolution of the City Council. Minor amendments which
25 do not affect the intent of the Guidelines or result in a substantial change to
26 standards or recommendations, may be administered by staff.

27
28 Section 26. Pursuant to the provisions of Zoning Ordinance No. 1072 N.C.S., the City Council
29 hereby adopts the Rezoning to apply the Historic District Overlay to the commercial downtown
30 and adopts the amendments to Article 17, in accordance with the recommendation of the
31 Planning Commission and the following findings:

1 1. That the proposed project will not be detrimental to the public welfare, will be in the best
2 interests of the City, and will be in keeping with the general intent and spirit of the zoning
3 regulations of the City and with the General Plan.

4
5 2. That the application of the Historic District Overlay recognizes the importance of the
6 downtown area to Petaluma’s history and development, and that preserving the
7 downtown’s historic character, manifested through the architecture of its buildings,
8 benefits both the business community and the citizens of the City.

9
10 3. That the application of the Historic District Overlay is consistent with Section 17-401.2
11 of the Zoning Ordinance which states that the City Council may designate “one or more
12 areas containing a number of structures having special character or special historical
13 architectural or aesthetic interesting values, and constituting distinct sections of the City,
14 as historic districts.”

15
16 4. That the project area shall be rezoned to apply an Historic District Overlay, whereby the
17 provisions of Article 17, Preservation of the Historic and Cultural Environment, of the
18 Zoning Ordinance, shall apply.

19
20 5. That the proposed amendments to Article 17 will improve and clarify the review and
21 approval procedures for projects in the Historic District Overlay.

22
23 Section 27. The City Clerk is hereby directed to post this Ordinance for the period and in the
24 manner required by the City Charter.

25
26 IF ANY SECTION, subsection, sentence, clause or phrase or word of this ordinance is for any
27 reason held to be unconstitutional, unlawful, or otherwise invalid by a court of competent
28 jurisdiction, such decision shall not affect the validity of the remaining portions of this
29 ordinance. The City Council of the City of Petaluma hereby declares that it would have passed
30 and adopted this ordinance and each and all provisions thereof irrespective of the fact that any
31 one or more of said provisions be declared unconstitutional, unlawful, or otherwise invalid.

1 INTRODUCED and ordered Posted/Published this » 16th day of » August,
2 1999.

3
4 ADOPTED this 7th day of » September, 1999, by the following vote:

5
6 AYES: Torliatt, Cader-Thompson, Hamilton, Vice Mayor Keller

7
8 NOES: None

9
10 ABSENT: Maguire, Mayor Thompson

11
12 ABSTAIN: Healy

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18 ATTEST:

19
20 Beverly J. Kline
21 City Clerk

22
23
Justin Steele
Vice Mayor

APPROVED AS TO FORM:

James R. ...
City Attorney

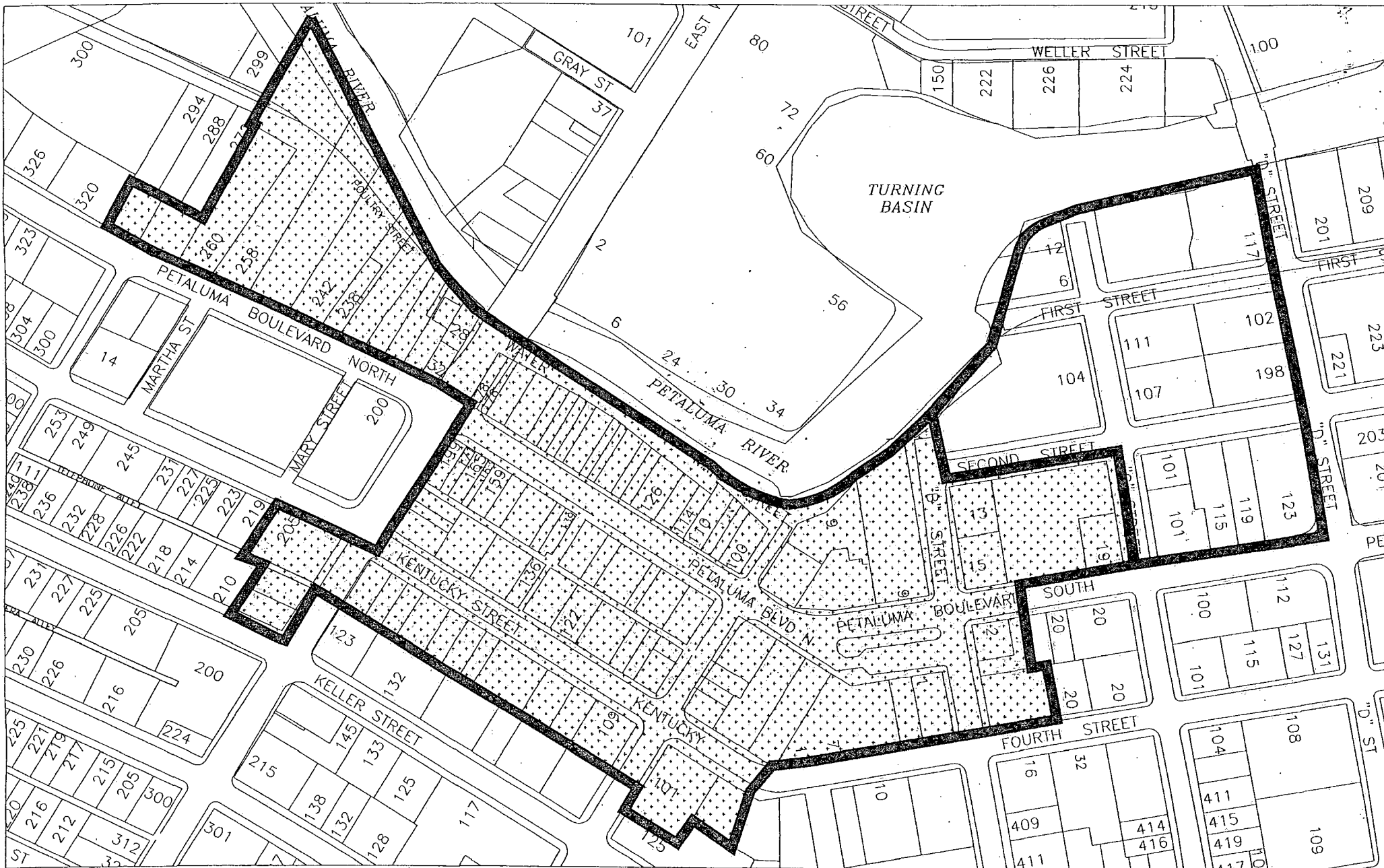
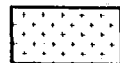


Exhibit A

CITY OF PETALUMA, CALIFORNIA, HISTORIC COMMERCIAL DISTRICT

 DOWNTOWN COMMERCIAL DISTRICT



NATIONAL HISTORIC REGISTER DISTRICT



MAY 5, 1999
 DRAWN BY DARCY HENRY
 H:/HISTCOMM2.DWG

