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

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

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

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

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

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

Section 6. Article 17, Preservation of the Cultural and Historic Environment, Amended. Section 17-201.1 of Article 17 of Zoning Ordinance No. 1072 N.C.S. is hereby amended to read in its entirety as follows:
17-201.1 Shall, after conducting a public hearing, make a recommendation to the City Council, concerning designation of landmarks and historic districts, as provided in Section 17-407 of this Article.

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

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

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

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

17-202 The Historic and Cultural Preservation Committee:

17-202.1 Shall hear and make a recommendation to the Planning Commission as required by this Article, on applications for the designation of landmarks and historic districts, and on permit applications for construction, alteration, demolition and repair or maintenance work on landmark sites or structures. The Historic and Cultural Preservation Committee shall hear and approve, approve with
modifications, or disapprove applications for construction, alteration, demolition, and repair or maintenance work on structures in historic districts, as provided in Section 17-500 of this Article.

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

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

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

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

SECTION 17-400, DESIGNATION OF LANDMARKS AND HISTORIC DISTRICTS BY ORDINANCE.
Section 9. Article 17, Preservation of the Cultural and Historic Environment, Amended. Section 17-403 of Article 17 of Zoning Ordinance No. 1072 N.C.S. is hereby amended to read in its entirety as follows:

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

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

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

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

17-405 Initiation of Designation: Initiation of designation proceedings shall be by resolution of the City Council or by the written application of the property owners. The Planning Commission and the Historic and Cultural Preservation Committee may initiate and recommend the designation of a landmark or historic district to the City Council. Applications for designations shall be filed with the Planning Department upon forms prescribed by the Director and shall be accompanied by all data required by the Planning Commission. An application for designation of a historic district must be described by or on behalf of at least fifty-one percent (51%) of the property owners in the proposed district. The date of initiation is the date the resolution is adopted or a valid application is filed.
Section 12. Article 17, Preservation of the Cultural and Historic Environment, Amended.
Section 17-407 of Article 17 of Zoning Ordinance No. 1072 N.C.S. is hereby amended to read in its entirety as follows:

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

Section 13. Article 17, Preservation of the Cultural and Historic Environment, Amended.
Section 17-407.1 of Article 17 of Zoning Ordinance No. 1072 N.C.S. is hereby amended to read in its entirety as follows:

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

Section 14. Article 17, Preservation of the Cultural and Historic Environment, Amended.
Section 17-410 of Article 17 of Zoning Ordinance No. 1072 N.C.S. is hereby amended to read in its entirety as follows:

17-410 Conformity Required. Construction, alteration, demolition, repair, maintenance, or removal work for which a City permit is required is prohibited on a designated landmark site or in a designated historic district unless reviewed by the Historic
and Cultural Preservation Commission and/or approved by the Planning Commission as provided in Section 17-500, or unless the work conforms with the provisions of Section 17-602, Unsafe or Dangerous Conditions.

Section 15. Article 17, Preservation of the Cultural and Historic Environment, Amended.

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

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

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

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

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

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

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

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

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

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

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

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

Section 17-504 of Article 17 of Zoning Ordinance No. 1072 N.C.S. is hereby amended to read in its entirety as follows:
Hearing by Planning Commission: The Planning Commission shall hold a public hearing on the applications for modifications to landmark sites per Section 17-501. Notice of such hearing is to be given as required for conditional use permits in Section 26-504 and shall include written notice to recognized historical preservation organizations.

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

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

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

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

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.
4. Any of the criteria used by the Director to determine the historical or
cultural significance of the property.

Section 19. Article 17, Preservation of the Cultural and Historic Environment, Amended.
Section 17-507 of Article 17 of Zoning Ordinance No. 1072 N.C.S. is hereby amended to read in
its entirety as follows:

17-507 Standards for Review for Applications to Construct, Alter, or Demolish
Designated Structures or Structures in Designated Areas. When evaluating
applications, the Historic and Cultural Preservation Committee and Planning
Commission shall use the California Register of Historic Resources criteria
outlined in section 17-506 (1-4), the Secretary of the Interiors Standards and shall
consider the architectural style of the building, design, arrangement, relationship
to surrounding buildings and historic character of the area, texture, materials,
color, and any other pertinent factors. Applications shall not be approved unless:

Section 20. Article 17, Preservation of the Cultural and Historic Environment, Amended.
Section 17-507.1 of Article 17 of Zoning Ordinance No. 1072 N.C.S. is hereby amended to read
in its entirety as follows:

17.507.1 Landmark Sites: The proposed work shall not adversely affect the exterior
architectural characteristics or other features of the landmark, and, where
specified in the designating ordinance for a publicly owned landmark, its major
interior architectural features, nor adversely affect the character or historical,
architectural, or aesthetic interest or value of the landmark and its site.

Section 21. Article 17, Preservation of the Cultural and Historic Environment, Amended.
Section 17-507.2 of Article 17 of Zoning Ordinance No. 1072 N.C.S. is hereby amended to read
in its entirety as follows:
17-507.2 In Historic Districts: The proposed work shall not adversely affect the exterior architectural characteristics or other features of the property which is the subject of the application, nor adversely affect its relationship in terms of harmony and appropriateness with its surroundings, including neighboring structures, nor adversely affect the character, or the historical, architectural, or aesthetic interest or value of the district. In addition, applications shall be consistent with standards included in the designating ordinance.

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

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

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

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

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

17-509 The Director may refer other projects which are not designated as landmarks or which are not located within an historic district, to the Historic and Cultural Preservation Committee for approval upon determining that the site or structure
may be of historic or cultural significance, in accordance with any of the findings
listed under Section 17-506 (1-4) of this Article.

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

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

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

SECTION 17-700, ADOPTION OF DESIGN GUIDELINES.

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

Section 26. Pursuant to the provisions of Zoning Ordinance No. 1072 N.C.S., the City Council
hereby adopts the Rezoning to apply the Historic District Overlay to the commercial downtown
and adopts the amendments to Article 17, in accordance with the recommendation of the
Planning Commission and the following findings:
1. That the proposed project will not be detrimental to the public welfare, will be in the best interests of the City, and will be in keeping with the general intent and spirit of the zoning regulations of the City and with the General Plan.

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

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

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

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

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

IF ANY SECTION, subsection, sentence, clause or phrase or word of this ordinance is for any reason held to be unconstitutional, unlawful, or otherwise invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council of the City of Petaluma hereby declares that it would have passed and adopted this ordinance and each and all provisions thereof irrespective of the fact that any one or more of said provisions be declared unconstitutional, unlawful, or otherwise invalid.
INTRODUCED and ordered Posted/Published this 16th day of August, 1999.

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

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

NOES: None

ABSENT: Maguire, Mayor Thompson

ABSTAIN: Healy

ATTEST:

Beverly J. Kline
City Clerk

APPROVED AS TO FORM:

Vice Mayor

City Attorney

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