

Resolution No. 2017-122 N.C.S.
of the City of Petaluma, California

**RESOLUTION OF THE CITY COUNCIL OF PETALUMA APPROVING
MODIFICATIONS TO CITY COUNCIL RESOLUTION NO. 2005-198 N.C.S.
ASSOCIATED WITH REGULATIONS AND PROCEDURES FOR
REVIEW OF DEMOLITION OF HISTORIC BUILDINGS**

WHEREAS, in 2005 the City Council approved Resolution No. 2005-198 N.C.S. requiring Historic and Cultural Preservation Committee review of proposed demolition of any structure built in 1945 or earlier to address concern over the incremental loss of historic building stock; and,

WHEREAS, proposed modifications to definitions and review procedures herein replace Resolution No. 2005-198 N.C.S. but maintain the intent and purpose as outlined in the original resolution; and,

WHEREAS, revised procedures of review herein maintain the City's desired oversight of the demolition process in order to minimize the incremental loss of historic building stock while, at the same time, offering streamlined review process for demolition requests; and,

WHEREAS, these modifications to Resolution No. 2005-198 N.C.S. have been reviewed for compliance with the California Environmental Quality Act and are considered categorically exempt pursuant to California Environmental Quality Act Guideline Section 15308 (Actions by Regulatory Agencies for Protection of the Environment); and,

WHEREAS, on May 23, 2017 and June 27, 2017 the Historic and Cultural Preservation Committee considered the proposed modifications to Resolution No. 2005-198 N.C.S. at a duly noticed public hearing; and,

WHEREAS, at their June 27, 2017 meeting the Historic and Cultural Preservation Committee approved Resolution No. 2017-02 recommending the City Council adopt the modifications to regulations and procedures for review of demolition of historic buildings; and,

WHEREAS, on August 7, 2017 the City Council consider the recommended modifications to Resolution No. 2005-198 N.C.S. at a duly noticed public hearing; and,

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves modifications to the policy and associated procedures relating to proposed demolition of structures built in 1945 or earlier. Specifically, the City Council directs as follows:

1. All requests* for demolition of structures built in 1945 or earlier shall require discretionary review and approval prior to the issuance of an associated building permit.
2. Demolition means the removal of 50% or more of the exterior walls of a building or structure. Demolition may also include the addition of a second story if not appropriately designed and differentiated from the original structure to convey its history as determined by the Planning Manager. Demolition also includes the relocation of a building from one parcel of land to another or the raising of an existing structure beyond what is required for construction of a new foundation.

The removal and replacement in kind of deteriorated, non-repairable material required for the restoration or rehabilitation of a building which results in no change to its exterior appearance or character is not considered a demolition.

The initial determination of whether a project meets the above description of demolition shall be made by the Planning Manager or their designee. Any dispute over whether a project meets this definition will be decided by the Historic and Cultural Preservation Committee.

3. For proposed demolitions that are part of a larger project submittal that requires other entitlements from the City Council or Planning Commission, a determination regarding the proposed demolition shall be made in advance of any other entitlements being scheduled for review.
4. Application for demolition of a building built in 1945 or earlier must be made in one of the following ways:
 - **Building Permit.** Application for demolition that includes adequate evidence that the building proposed for demolition is not historically significant may be approved with a building permit at the discretion of the Planning Manager. The applicant shall submit the required planning plan check fee, as well as any applicable building permit fees, as established by the most current City Council approved fee schedule.
 - **Administrative Site Plan and Architectural Review.** Applications for demolition that may benefit from public notice due to community interest or location or involve a building that may have historic significance but may have lost its integrity may be approved through Administrative SPAR at the discretion of the Planning Manager. The applicant shall submit the required application and materials for Administrative SPAR, including applicable fee as established by the most current City Council approved fee schedule.

- **Major SPAR.** Applications for demolition that involve a building that may be considered historically significant, have architectural or visual features important to Petaluma, located in a designated Historic District, or be a designated Local Landmark shall be at the discretion of the Historic and Cultural Preservation Committee and processed as a Major SPAR. The applicant shall submit the required application and materials for Major SPAR, including applicable fee as established by the most current City Council approved fee schedule.
 - The Planning Manager maintains discretion to require the level of review for all demolition applications involving buildings built in 1945 or earlier based on the specifics of the application, as appropriate to maintain the intent of the demolition resolution, and to minimize the incremental loss of the city's historic building stock.
5. All applications for demolition shall include appropriate documentation to verify the date of construction and evaluation of historic significance for the applicable structure. Application may be required to include the following: application form, cost recovery form, application processing fees, historic and/or structural evaluations of subject building(s), complete site plans, floor plans and elevations of subject building and its environs, current title report and/or other appropriate documentation regarding the age of the subject building. The City reserves the right to peer review any or all of the submitted materials at the applicant's expense.
 6. The City shall recover the full cost of time expended and materials used to process the application for demolition through the established cost recovery program when an Administrative SPAR or Major SPAR is required as outlined above.
 7. Requests for demolition will be subject to the applicable provisions of the California Environmental Quality Act (CEQA). The applicable provisions in Chapter 15 of the Implementing Zoning Ordinance (Preservation of the Cultural and Historic Environment) and Section 7 of the SMART Code (Historic Resource Conservation) also remain in effect.
 8. At least ten days prior to a decision by the Planning Manager (Administrative SPAR) or a public hearing by the Historic and Cultural Preservation Committee (Major SPAR) on a demolition request, a notice shall be published in the locally designated newspaper and mailed to all property owners within 500 feet of the subject site. If necessary, the notice period will be extended as required by CEQA.
 9. Prior to approval of demolition of a building built in 1945 or earlier, regardless of its formal designation on a local, state, or federal register, the following findings must be made to support the request:

- a. The building is not listed or eligible for listing as a significant national, state or local historic resource.
- b. The building does not represent or convey important architectural, visual or cultural features that are important in preserving the character of an existing neighborhood.

If both of the above referenced findings cannot be made, the request for demolition shall be denied.

10. Final decision on the demolition request may be appealed in accordance with Implementing Zoning Ordinance Section 24.070.

**Ancillary structures such as garages, sheds and other small outbuildings, but not including barns, built in 1945 or earlier, existing on lots developed with single family uses shall be exempt from this policy and procedure. Planning Division staff will continue to process demolition requests for these types of structures administratively. The City reserves the right to forward any proposed demolitions to the Cultural and Historic Preservation Committee as stipulated in Chapter 15 of the Implementing Zoning Ordinance (Preservation of the Cultural and Historic Environment) and Section 7 of the SMART Code (Historic Resource Conservation). The appropriate provisions of the California Environmental Quality Act (CEQA) apply to these administrative procedures.*

Under the power and authority conferred upon this Council by the Charter of said City.

REFERENCE:

I hereby certify the foregoing Resolution was introduced and adopted by the Council of the City of Petaluma at a Regular meeting on the 7th day of August, 2017, by the following vote:

Approved as to form:

City Attorney

AYES:

Albertson, Vice Mayor Barrett, Mayor Glass, Healy, Kearney, King, Miller

NOES:

None

ABSENT:

None

ABSTAIN:

None

ATTEST:

Clavie Cooper

City Clerk

David Glass

Mayor