

Chapter 8.05 HISTORIC PRESERVATION – DRAFT (02-08-11)

Article I General Provisions

8.05.010 Purpose and authority.

This chapter is adopted pursuant to the authority of Government Code Section 37361 for the purpose of preserving areas and specific buildings, structures and resources of the city which reflect elements of its cultural, social, economic, political, architectural, ecological and or archaeological history. This chapter is intended to stabilize and improve buildings, structures or areas which are considered to be of historical, architectural, archaeological or ecological value, to foster civic beauty, to strengthen the local economy and to promote the use of specific buildings and other resources for the education and welfare of the citizens. (Ord. 140 § 1 (part), 1981)

8.05.020 Definitions.

(a) Historic Site

An historic site is any real property such as: a parcel, one or more buildings or structures, including but not limited to archways, tiled areas and similar architectural elements; an archaeological excavations; or object other resources that is unique or significant which because of its location, design, setting, association, materials, workmanship or aesthetic effect, and meets the findings of Section 8.05.145 and is so designated under the provisions of this Chapter.:

- ~~(1) That is associated with events that have made a meaningful contribution to the nation, state or community; or~~
- ~~(2) That is associated with lives of persons who made meaningful contribution to national, state or local history; or~~
- ~~(3) That reflects or exemplifies a particular period of the national, state or local history; or~~
- ~~(4) That embodies the distinctive characteristics of a type, period or method of construction; or~~
- ~~(5) That presents the work of a master builder, designer, artist, or architect whose individual genius influenced his age; or that possesses high artistic value; or~~
- ~~(6) That represents a significant and distinguishable entity whose components may lack individual distinction; or~~
- ~~(7) That has yielded or may be likely to yield information important to national, state or local history or prehistory.~~

(b) Historic District

A historic district is any area two or more parcels of the city of Palm Springs which together have the characteristics of a Historic Site, as defined, containing a number of structures, natural features or sites having historic, architectural, archaeological, cultural or aesthetic significance meet the findings of Section 8.05.145 and are so designated as an historic district under the provisions of this chapter. (Ord. 1320 § 1, 1988; Ord. 1140 § 1 (part), 1981).

Comment [C1]: Definition provides a more comprehensive list of possible candidates, and simplifies the definitional criteria. Findings are moved to Article III.

Comment [C2]: Definition is clearer and simpler. District is now tied to findings.

Article II Historic Site Preservation Board

Comment [C3]: No changes to this Article.

8.05.030 Creation of historic site preservation board.

There is created an historic site preservation board. The board consists of seven members who shall be appointed by the city council. The council shall seek nominations from the historical society board of directors, but are not required to accept such nominations. (Ord. 1140 § 1 (part), 1981)

8.05.040 Qualification of members.

To be eligible for appointment to the board, an individual must have demonstrated knowledge and interest in the cultural, socioeconomic, architectural or archaeological history of the area, either through experience, training, education or occupation. (Ord. 1320 § 2, 1988; Ord. 1140 § 1 (part), 1981)

8.05.050 Term—Vacancies.

Members of the board shall be appointed or removed in accordance with and shall be subject to all the provisions of Chapter 2.06 of the Palm Springs Municipal Code, as the chapter now reads, or as it may thereafter be amended from time to time. (Ord. 1512 § 3, 1995; Ord. 1140 § 1 (part), 1981)

8.05.070 Vacancy caused by absence from meetings.

If a member of the board is absent without cause from three successive regular meetings of the board, the office becomes vacant automatically. The board shall immediately notify the city council of the vacancy. (Ord. 1140 § 1 (part), 1981)

8.05.080 Time and place of regular meetings.

The board shall fix the time and place of its regular meetings in accordance with state law; provided, however, that such meetings shall be not less than once in each three months. (Ord. 1140 § 1 (part), 1981)

8.05.090 Appointment of officers.

The board shall appoint a chairperson and vice-chairperson from among its members. The chairperson and vice-chairperson serve for a term of one year and until the successor of each is appointed and takes office. The secretary shall be the planning director or his/her designee. (Ord. 1320 § 3, 1988; Ord. 1140 § 1 (part), 1981)

8.05.100 Adoption of rules—Quorum.

The board shall adopt rules for the transaction of its business. Four members of the board constitute a quorum for the transaction of business. (Ord. 1140 § 1 (part), 1981)

8.05.110 Board records.

The board shall keep a public record of its resolutions, transactions, findings and determinations. (Ord. 1140 § 1 (part), 1981)

8.05.120 Duties of officers.

(a) Chairperson.

The chairperson shall preside at all meetings of the board. He/she shall appoint each committee and shall perform the duties necessary or incidental to his/her office.

(b) Vice-chairperson.

The vice-chairperson is chairperson in the absence of the chairperson or in case of inability of the chairperson to act.

(c) Secretary.

The secretary shall keep minutes of each meeting and shall record the official actions taken. On all official actions on which a vote is taken, the secretary shall record the vote by roll call, in alphabetical order, with the chairman voting last. The secretary shall certify each official act and resolution of the board. The secretary shall maintain records of operations and shall perform such other duties as the board assigns. (Ord. 1320 § 4, 1988; Ord. 1140 § 1 (part), 1981)

Article III Procedure for Designation of Historic Sites or Historic Districts

8.05.125 Historic Designation – Created by council.

The city council may designate one or more historic sites or districts by following the procedures specified in this chapter. Designations will be made by categorizing nominated sites and districts into one of the following classifications and such other categories as may be designated by resolution:

Class 1

Structure or site still exists as it did during the historical period or is restorable, and Structure/site qualified for city designation; may be qualified at the federal, state and/or county level. Archival file will be maintained. Structure/site may not be modified nor objects removed without the approval of the city council, except in accordance with the provisions of this Chapter; Usage may be limited by the city council to the extent that it may impair the integrity of the site. Site will may be plaqued. (Intended for use when the structure or site still exists as it did during the historical period or is restorable).

Class 2

Site is occupied by a newer structure or use which is different from that of the historical period, or historic structure is unusable, nonconforming, unrestorable or the like, and Site qualified for city designation; may be qualified at the federal, state and/or county level. Archival file will be maintained. Site is eligible for plaquing may be plaqued. (Intended for use when the site is not occupied by a modern structure or use which is different than that of the historical period or if structure is unusable, nonconforming, unrestorable or the like).

Class 3

Structure/site was constructed before 1945, or a different year to be determined by the city council, or construction date cannot be confirmed. Eligible for a six-month stay of demolition in accordance with Section 8.05.170 et seq. Action of the HSPB may include recommendation to reclassify. All structures built prior to the subject date would be automatically so classified.

Historic District

Qualified for city designation; may be qualified at the federal, state and/or county level. Archival file will be maintained and shall contain:

- 1) a statement regarding the basis for establishing the district,
2) the criteria for determining both within the district,
3) a map delineating contributing and noncontributing structures or sites, and
4) site-specific review requirements for all contributing and non-contributing sites and structures within the district.

Contributing structures/sites shall be subject to Class 1 regulations until such time that they may be reclassified. Noncontributing structures/sites shall be subject to review by the HSPB before demolition or construction. Each site within a district, whether developed or vacant, shall be identified as contributing or non-contributing and be assigned a review procedure. If no specific review procedures are identified in the historic district, the following procedures shall be used:

- 1) Contributing structures and sites shall be subject to Section 8.05.180 et seq.
2) Non-contributing structures shall be subject to Section 8.05.170 et seq.

Comment [C4]: Intent statement made a specific part of the definition. Modifications not subject to Council approval, but refers to Article IV (Certificates of Approval).

Comment [C5]: Intent statement made a specific part of the definition.

Comment [C6]: Stay of Demolition now refers to appropriate section, rather than "six-month stay". Action to reclassify is redundant.

Comment [C7]: KEY POLICY ISSUE: Within historic district, development of any property - contributing or non-contributing, vacant or developed - would be subject to procedures and findings established by the district. Absent any specific rules in the district, contributing structures and sites would be treated as Class 1, non-contributing structures and sites would be subject to an advisory-only review by the HSPB (see Section 8.05.227). Also, non-contributing structures would be subject to Class 3 status regarding proposed demolition.

3) Development of non-contributing vacant sites shall be subject to Section 8.05.227.

A specific plan, containing special regulations pertaining to the subject area, may be adopted for each district. (Ord. 1320 § 5, 1988; Ord. 1140 § 1 (part), 1981)

8.05.135 Investigation and study: Historic Designation – Initiation of application.

~~The city council, historic site preservation board or property owner may initiate an application for historic designation. Initiation may result in shall conduct or cause to be conducted such preliminary surveys, studies or investigations as it deems deemed necessary to adequately inform the historic site preservation board and city council prior to the public hearing, and shall make available to any interested person the results of; any. The results of any such survey, study or investigation shall be made available to any interested person.~~ (Ord. 1140 § 1 (part), 1981)

Comment [C8]:
KEY POLICY ISSUE!!
Clarifies that initiation to designate rests with Council, HSPB or property owner. No third party applications.

8.05.140 Historic Designation – Public Hearing Required; Notice of public hearing.

(a) Prior to adoption of a recommendation for designation of a historic site or district, the historic site preservation board shall conduct a public hearing.

(b) Mailed notice of the public hearing shall be provided at least ten days prior to the hearing to the owners of all property lying within the area proposed to be designated as an historic site or district or and within three hundred feet of the outer boundaries of the area proposed to be designated as an historic site or district, and in addition to such mailed notice, notice of such hearing shall be published in a newspaper of general circulation within the city at least ten days prior to such hearing. If mailed notice as required above would result in notice to more than two hundred fifty persons, as an alternative to such mailed notice, notice may be given by placing a display advertisement in a newspaper of general circulation in the city, and by posting such notice in at least three conspicuous places within the proposed boundaries of such site.

(bc) Notice may be combined. Notice of public hearing before the city council may be combined with the notice of public hearing before the historic site preservation board; provided, that the date set for public hearing before the city council shall be not more than sixty days later than the date set for public hearing by the historic site preservation board. For good cause, the public hearing before the city council may be continued from time to time, without further published notice, by announcing that fact at the time and place set for the public hearing before the city council. (Ord. 1140 § 1 (part), 1981)

8.05.145 Historic Designation – Findings and recommendation to the city council.

Following such public hearing, the historic site preservation board shall make the following findings upon which it shall base its recommendation to the city council concerning the designation of such proposed historic site or district:

- (1) That it is associated with events that have made a meaningful contribution to the nation, state or community; or
- (2) That it is associated with lives of persons who made meaningful contribution to national, state or local history; or
- (3) That it reflects or exemplifies a particular period of the national, state or local history; or

Comment [C9]: Findings from definition section (above) relocated here. This is a more appropriate place and is consistent with the organization of other permit procedures.

- (4) That it embodies the distinctive characteristics of a type, period or method of construction; or
- (5) That it presents the work of a master builder, designer, artist, or architect whose individual genius influenced his age; or that possesses high artistic value; or
- (6) That it represents a significant and distinguishable entity whose components may lack individual distinction; or
- (7) That it has yielded or may be likely to yield information important to national, state or local history or prehistory.
- (8) For proposed historic districts:
 - a. That the contributing properties contained within the proposed district boundaries present a distinct historic identity;
 - b. That contributing and non-contributing sites, structures and resources are specifically identified;
 - c. That contributing site and structures predominate within the district boundaries; and
 - d. That reasonable and appropriate review procedures are established for each property which uphold the historic identity of the district.

Comment [C10]: A new finding for historic districts is proposed in order to assure that clear documentation is provided for the identity of the district, contributing and non-contributing properties and the basis for future review.

The historic site preservation board shall consider all evidence presented prior to or at the public hearing which:

- 1) Indicates if a proposed historic site or district qualifies for the proposed designation;
- 2) Identifies any modifications to the proposed boundaries of a proposed district; and
- 3) Indicates if a proposed contributing or non-contributing structure or site merits a different status within a proposed historic district.

Comment [C11]: A new Section is added to assure property owners that any information they may present will be considered by the Board.

Within thirty days after~~No later than the next regularly scheduled meeting of the historic site preservation board following the conclusion of the public hearing, the historic site preservation board shall file its recommendation with the city council, together with a report of findings, hearings, and other supporting data. (Ord. 1140 § 1 (part), 1981)~~

8.05.150 Historic Designation – Public hearing by city council.

The city council shall hold a public hearing upon notice given in the same manner and to the same persons as required for the public hearing before the historic site preservation board, which notices may be combined as stated elsewhere in this chapter in accordance with Section 8.05.140. (Ord. 1140 § 1 (part), 1981)

Comment [C12]: This section is simplified and redundant / conflicting is language eliminated.

8.05.155 Conduct of hearing.

At the public hearing the city council shall receive all evidence and hear all interested persons, and the matter shall then be submitted to the city council for decision. (Ord. 1140 § 1 (part) 1981)

8.05.160 Historic Designation – Findings and decisions – Resolution.

If the city council shall find that the purposes of this chapter are furthered by designation of property as an historic site or district, such findings shall be based on

Comment [C13]: Includes language that recognizes the authority of the City Council to impose special conditions on any particular designation.

Section 8.05.145 and stated as findings of fact in a resolution designating such property within such historic site or district. From and after the adoption of such resolution, all property within such historic site or district shall be subject to the conditions of the Council's designation resolution, if any, and the rules and regulations of this Chapter governing the demolition, preservation, rehabilitation or alteration of historic sites. (Ord 1140 § 1 (part), 1981)

8.05.165 Markers for designated historic sites.

(a) Upon designation of an historic site by the city council, the historic site preservation board may determine which historic sites shall be marked with uniform and distinctive markers. The markers shall be of a design approved by the historic site preservation board ~~planning commission~~.

(b) As a courtesy, notice may be given to the Riverside County historical commission and the California Department of Parks and Recreation (Office of Historic Preservation) regarding the proposed location of markers prior to installation to permit recommendations by those agencies. (Ord. 1140 § 1 (part), 1981)

8.05.166 Initiation of proceedings—National Register.

(a) The historic site preservation board may initiate proceedings for designation of an historic site or district or the recommendation of a property for nomination to the National Register by motion, and shall then hold at least one public hearing prior to making a recommendation to the city council.

(b) The city council may initiate proceedings for designation of an historic site or district or the recommendation of a property for nomination to the National Register by motion, and shall then refer to the matter to the historic site preservation board for public hearing and recommendation.

(c) Upon final action by the city council recommending a property for nomination to the National Register, the recommendation will be forwarded by appropriate application to the state of California Department of Parks and Recreation. (Ord. 1320 § 7, 1988)

Article IV Rules and Regulations for Historic Sites and Historic Districts

8.05.170 Stay of demolition.

At any time after the initiation of proceedings for designation of an historic site or district, the historic site preservation board may, upon its own motion or upon the application of any interested person, issue an order staying any proposed or threatened demolition or alteration of the exterior of any structure within or upon such proposed site.

~~At any time after the initiation of proceedings for the re-designation of a non-contributing structure within a historic district, the historic site preservation board may, upon its own motion or upon the application of any interested person, issue an order staying any proposed or threatened demolition of such non-contributing structure.~~

8.05.171 Effect of stay order

Upon the issuance of a stay order, no permit shall be given for the demolition or exterior alteration of any structure or the interior arrangement of a public building described in such stay order, and any such active permit previously issued shall forthwith be suspended.

Such stay order shall be effective for no longer than one hundred twenty days, and is intended to afford time for necessary studies, hearings and determination whether such site should be designated as an historic site. Such stay order may be extended once for a period not to exceed sixty days. (Ord. 1140 § 1 (part), 1981)

8.05.175 Effect of stay order – Exceptions

~~Upon the issuance of a stay order, no permit shall be given for the demolition or exterior alteration of any structure or the interior arrangement of a public building described in such stay order, and any such permit previously issued shall forthwith be revoked; provided, however, that a stay order shall not prevent the performance of any repairs, demolition, or removal necessary for the protection of public health or safety, and as ordered by the chief building official of the city to be performed by the owner or occupier of such structure. (Ord. 1140 § 1 (part), 1981)~~

8.05.180 Alterations to Designated Sites – Certificate of Approval required

No person may undertake any of the following within or upon a designated Class 1 historic site without a certificate of approval from the historic site preservation board:

- (1) Construction of a new structure, when the parcel is designated Class 1 or located on a contributing site (developed or vacant) within a designated historic district;
- (2) Additions, The moving, demolition or alterations, renovations or restorations of a designated or contributing n-existing structure or other designated feature or resource in any manner which affects the-its exterior appearanceof the structure;
- (3) Additions, alterations, renovations or restorations of the interior of a designated public building or structure; or
- (2)(4) Demolition or relocation of any designated or contributing structure;

Comment [C14]: Adds Stay of Demolition option for non-contributing structures when under consideration for redesignation.

Comment [C15]: Relocates from next section language regarding the effect of a Stay of Demolition on the issuance and status of building permits.

Comment [C16]: Removes language so that section only deals with exceptions, as indicated by the section title.

Comment [C17]: KEY POLICY ISSUE!!

A statement of what is subject to HSPB review, including contributing sites in historic districts. Non-contributing structures are subject to stays of demolition, and the flexibility allowed to future historic districts. Is recognized (see last sentence)

- (3)(5) A change in land use which affects the exterior appearance of a structure or the interior arrangement of public buildings;
- (6) The erection, remodeling or replacing of a sign which affects the exterior appearance of a designated or contributing structure, or designated feature, resource or site.

In the event an adopted historic district includes contrary provisions, the provisions of the historic district shall prevail.
 (Ord. 1320 § 8, 1988; Ord. 1140 § 1 (part), 1981)

8.05.185 Certification of Approval - Application for permit to construct or alter structures.

A person who desires to undertake any of the activities identified in Section 8.05.180 construct (including new construction), alter, move or demolish a structure within or upon a Class 1 historic site or an historic district shall file an application for a Certificate of Approval upon a form prescribed by the city. The application shall include all necessary information required by the rules of the historic site preservation board. When the application is filed, it shall be referred to the historic site preservation board for review at its next meeting. (Ord. 1320 § 9, 1988; Ord. 1140 § 1 (part), 1981)

~~8.05.190 Certificate of Approval - Factors to be considered upon application.~~

In reviewing and acting upon each application, the historic site preservation board shall consider:

- (1) The historic value and significance, or the architectural value and significance or both, of the ~~structure designated historic site or district and its relation to the historic value of the surrounding area;~~
- (2) The relationship of the ~~exterior proposed construction, alterations or other modifications architectural features of any structure to the rest of the existing structure itself and the historic designation to the surrounding area;~~
- (3) The general compatibility of ~~exterior proposed design, arrangement, texture and material with the existing which is proposed by the applicant structure and historic designation;~~
- (4) Archaeological or ecological significance of the area.

(Ord. 1140 § 1 (part), 1981)

~~8.05.195 Certificate of Approval - Board action restricted to exterior features - Exception.~~

The historic site preservation board shall consider and pass upon only the exterior features of a structure and may not consider the interior arrangement of the structure, except in the case of public buildings. The board may not disapprove applications except in regard to the considerations set forth in this chapter and in rules and regulations adopted by the board pursuant to this chapter.

It is the purpose and intent of this chapter that the board be strict in its judgment of plans for structures considered to have historic or architectural value according to its judgment after detailed studies of the historic and architectural history of the city.

~~It is also the purpose of this chapter and the intent of the city council that the board be lenient in its judgment of plans for structures which have little or no historic value or plans for new construction except for plans which seriously impair the historic~~

Comment [C18]:
 Clarifies the basis for review of a Certificate of Approval, including references to the factors that lead to the designation.

or architectural value of surrounding structures or the archaeological or ecological value of surrounding area. In adopting this chapter the city council does not intend to limit new construction, alteration, or repairs to any particular period or architectural style. (Ord. 1140 § 1 (part), 1981)

8.05.200 Certificate of Approval - Procedure upon application.

(a) Upon the filing receipt of an application for a Certificate of Approval, the secretary of the board shall set the matter for review and shall give notice in accordance with the rules of the board. The board shall make its decision within forty-five days from the date the application is filed no later than the second regular meeting from the date the application is deemed complete for filing. If the board fails to act within forty-five days the specified time, the application is considered approved unless the applicant and the board agree to an extension of time.

(b) At the conclusion of its review, the board shall make its decision and shall file a certificate of approval or certificate of rejection with the building official of the city. No person may do any work upon a structure which is a subject of an application until the board has filed its certificate of approval. If the board files a certificate of rejection, the building official may not issue a building permit for such work. (Ord. 1320 § 10, 1988; Ord. 1140 § 1 (part), 1981)

8.05.210 Certificate of Approval - Special considerations.

(a) If an application affects the exterior appearance of a structure or proposes to demolish a structure in a manner which the board considers to be detrimental to the city, the board shall attempt, in cooperation with the owner, to arrive at an economically feasible plan for the preservation of the structure.

(b) If the board is satisfied that the proposed construction or alteration will not materially impair the historic or architectural value of the structure, it shall approve the application.

(c) If the board finds that the retention of the structure constitutes a hazard to public safety and the hazard cannot be eliminated by economic means available to the owner, it shall approve the application.

(d) The board may approve the application if any of the following circumstances exist:

(1) The structure is a deterrent to a major improvement program which substantially benefits the city;

(2) Retention of the structure causes an undue hardship to the owner; or

(3) Retention of the structure is not in the interest of the majority of the inhabitants of the city.

(e) The board may approve the moving of a structure of historical architectural value as an alternative to demolition. (Ord. 1320 § 11, 1988; Ord. 1140 § 1 (part), 1981)

8.05.215 Certificate of Approval – Limit on applications.

No application for the same or similar work may be filed within one year after the board has rejected it. (Ord. 1140 § 1 (part), 1981)

8.05.220 Exceptions.

Comment [C19]: This provides a more practical limit for Board action.

Comment [C20]:

KEY POLICY ISSUE!!

The value limit is increased from \$1500 to \$3500 to account for inflation from 1981 to 2009.

The regulations contained in this chapter do not apply to routine maintenance or repair to restore a structure as near as possible to its original condition after decay, injury, dilapidation or partial destruction of a structure within an historic district or upon an historic site, provided said maintenance or repair does not exceed ~~one~~ three thousand five hundred dollars in value. (Ord. 1320 § 12, 1988; Ord. 1140 § 1 (part), 1981)

8.05.225 Preexisting building permits.

This chapter does not apply to construction, alteration, moving or demolition of a structure started under a building permit issued before the effective date of this chapter. (Ord. 1140 § 1 (part), 1981)

8.05.227 Advisory Review of Vacant Sites in Historic Districts

An advisory review by the Historic Site Preservation Board may be conducted on non-contributing vacant sites within designated historic districts. Comments from the Board shall be transmitted to the Architectural Advisory Committee, Planning Commission and City Council for consideration in advance of any land use action.

Comment [C21]: Provides for advisory review of non-contributing vacant sites in historic districts.

8.05.230 Appeal.

Any person aggrieved by an action of the historic site preservation board may appeal the decision to the city council in the manner provided by Chapter 2.05 of this code. (Ord. 1226 § 14, 1984; Ord. 1140 § 1 (part), 1981)

8.05.235 Penalty for violation.

Any person who violates a provision of this chapter is guilty of an infraction and shall be punished upon first conviction by a fine not exceeding five hundred dollars for such offense. Any person who violates a provision of this chapter within five years of a prior conviction on the same grounds under this chapter shall be guilty of a misdemeanor and shall be punished by a fine not to exceed five hundred dollars, or by imprisonment in the city jail or in the county jail for a period of not more than six months, or by both such fine and imprisonment. (Ord. 1140 § 1 (part), 1981)

8.05.240 Injunctive relief.

The board may seek relief from the appropriate court to restrain or enjoin any violation of this chapter and of the orders and decisions of the board, or to compel the reconstruction of any building, structure or object which is destroyed in violation of this chapter or the orders and decisions of the board. (Ord. 1140 § 1 (part), 1981)

8.05.245 Compliance with other laws.

The provisions of this chapter are separate from and additional to all other requirements of law, including but not limited to compliance with other ordinances and codes of the city, conditions of approval of land use permits and architectural review and approval. ~~Neither a certificate of approval nor any other provisions of this chapter shall be deemed to relieve the owner or applicant from full compliance with any such laws, ordinances, codes or conditions.~~ (Ord. 1140 § 1 (part), 1981)