



## HISTORIC SITE PRESERVATION BOARD STAFF REPORT

DATE: April 14, 2014

OLD BUSINESS

SUBJECT: PROPOSED TEXT AMENDMENTS TO MUNICIPAL CODE SECTION 8.05 "HISTORIC PRESERVATION" FROM THE AUGUST 2014 CITY COUNCIL / HSPB STUDY SESSION

FROM: Department of Planning Services

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### SUMMARY

Text amendments to Municipal Code Section 8.05 "Historic Preservation" and recommended amendments to the designating resolutions of publicly-owned Class 1 historic sites have been prepared based on the HSPB / CC study session from August, 2014.

### RECOMMENDATION:

Adopt Resolution No. \_\_\_\_ "A RESOLUTION OF THE HISTORIC SITE PRESERVATION BOARD OF THE CITY OF PALM SPRINGS, CALIFORNIA, RECOMMENDING APPROVAL BY THE CITY COUNCIL OF TEXT AMENDMENTS TO MUNICIPAL CODE SECTION 8.05."

Adopt Resolution No. \_\_\_\_ "A RESOLUTION OF THE HISTORIC SITE PRESERVATION BOARD OF THE CITY OF PALM SPRINGS, CALIFORNIA, RECOMMENDING APPROVAL BY THE CITY COUNCIL OF AMENDMENTS TO THE DESIGNATING RESOLUTIONS OF EACH PUBLICLY-OWNED CLASS 1 HISTORIC SITE TO INCORPORATE LISTINGS OF THE HISTORIC CHARACTER-DEFINING INTERIOR FEATURES OF EACH SITE."

### BACKGROUND AND PREVIOUS ACTIONS:

In August 2014, a subcommittee of the City Council (Mills/Foat) met with a subcommittee of the Historic Site Preservation Board (Ploss/La Voie) to discuss possible text revisions to the Municipal Code Section 8.05 "Historic Preservation".

The direction to staff from the study session was to propose amendments the Municipal Code Section 8.05 "Historic Preservation" to:

1. Clarify the definition of historic "site" (PSMC 8.05.020).
2. Clarify what is subject to HSPB review for alterations to "interior arrangement" in

public buildings (PSMC 8.05.180 (3)(c)).

In addition to these, the participants of the study session also agreed on the importance of identifying and listing the character-defining features of the interiors of public buildings on historic sites that contribute to the historic significance of those sites. The purpose of these listings is two-fold: (1) to clarify what areas within public buildings are subject to HSPB approval of proposed alterations and (2) to inform the HSPB of the specific components to consider when evaluating requests for approval of proposed alterations to the interiors of public buildings.

It was agreed that the HSPB would recommend a listing of the character-defining interior features for each public building that is a Class 1 historic site. The City Council would consider incorporating these lists by amendment to the designating resolutions for such sites. These recommendations are listed in the attached "Exhibit A".

#### ANALYSIS:

Zoning Code Section PSZC 94.07.01 (*zoning ordinance text amendment*) provides a procedure for consideration of text amendments to the zoning code. The procedure for processing the proposed Municipal Code text amendments outlined herein is consistent with that code section.

#### Clarifying the definition of "Site".

Currently, Municipal Code Section 8.05.020(a) provides the definition of "Historic Site" as follows.

##### *(a) Historic Site.*

*An historic site is any real property such as: a building; a structure, including but not limited to archways, tiled areas and similar architectural elements; an archaeological excavation or object that is unique or significant because of its location, design, setting, materials, workmanship or aesthetic effect and:*

- (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*

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*(7) That has yielded or may be likely to yield information important to national, state or local history or prehistory.*

The ambiguity of this definition is that a historic “site” can be real property, or an archaeological excavation, or an object. The City’s historic preservation ordinance 8.05.185 denotes that a permit is required for “a person who desires to construct (including new construction), alter, move or demolish a structure within or upon a Class 1 historic site or an historic district” – and yet by definition, it is not clear whether the “a historic site” in this case means “the site”, “the structure” on the site or “an object” that is part of a structure on the site.

The proposed new definition of “historic site” starts by asserting that a historic site is real property as identified by Assessor Parcel Numbers (or “APN”). It is real property with unique characteristics that contribute to an understanding and awareness of the community’s history. The characteristics may be present in the form of a building, structure, or object on the site, and could include all or a portion of the site itself<sup>1</sup>, but at least one of those characteristics must be present for the site to meet the definition of “historic”. Thus the proposed definition begins as follows:

*“A historic site is any legal parcel of real property as defined by a County assessor parcel number (APN) and an associated legal description and is so designated by resolution of the Palm Springs City Council because the site possesses characteristics that contribute to an understanding and awareness of the community’s history.” These characteristics could include a building, structure, or object on the site and/or all or a portion of the site itself. A historic site shall possess one or more of the following characteristics:*

The remainder of the proposed definition of “historic site” incorporates the seven criteria as currently outlined in PSMC 8.05

Staff has also proposed a working linkage between this definition of “site”, the resolutions that designate a site as “historic”— the important linkage is for the defining resolutions to identify the defining characteristics that contribute to a site’s historic significance – these characteristics become the factors to be considered when evaluating alterations to a historic site.

Thus PSMC 8.05.160 “Findings and Decisions – Resolution”. Is proposed to be amended to read, *“The resolution shall include a listing of the character-defining features or elements that contribute to the historic significance of the site or district.”*

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<sup>1</sup> “Building, structure, object, and site” are categories of historic resources as defined in the National Register of Historic Places. The National Historic Preservation Act of 1966 created the National Register of Historic Places, which is the United States federal government’s official list of districts, sites, buildings, structures, and objects deemed worthy of preservation. It is administered by the National Park Service, an agency within the Office of the United States Secretary of the Interior. In 2014, Palm Springs was recognized by the Secretary of the Interior and the California Office of Historic Preservation as a Certified Local Government. This definition incorporates these nationally recognized standards.

This linkage between the definition of historic "site" and a clear listing in the designating resolution of what components or characteristics in or on that site contribute to the historic significance of the site will:

- resolve the ambiguity that presently exists in the definition of "site",
- provide a valuable reference tool for the HSPB to more efficiently and objectively process proposed alterations to historic sites.
- help inform and educate the public on the reason certain sites are deemed "historic".

Clarifying "interior arrangement" regarding alterations to public buildings.

Section 8.05.180 (3)(c) is proposed to be revised to include the following text:

*"Review by the Historic Site Preservation Board of proposed alterations to the interiors of public buildings shall be limited to public spaces within those buildings. Such review shall assure that the proposed alterations do not adversely impact or materially impair the character-defining features or elements of the interior that contribute to the historic significance of the site"*

Where the term "interior arrangement" is found, it is proposed to be replaced with the term "public spaces within a public building"; and any reference to the board's review of public spaces within public buildings is referenced back to the paragraph above limiting HSPB review.

Clarifying Factors to be Considered: aligning with National Standards and CEQA.

Factors to be considered when evaluating alternations to historic sites are identified in Section 8.05.190. Regulating designated historic sites routinely involves evaluating proposed alterations. The final linkage between clarifying the definition of "site" and "interior arrangement" involves consideration of the "review factors" when evaluating alterations to historic sites. Staff proposed revisions to the review factors also based on nationally recognized review standards and CEQA. PSMC 8.05.190 is proposed to be amended as follows:

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

- (1) The general compatibility of the proposed alterations on the design, arrangement, texture material and integrity of the historic site or district as defiend by the U.S. Secretary of the Interior Standards for the Treatment of Historic Properties.*
- (2) The archaeological or ecological significance of the area.*
- (3) Whether the proposed alteration causes a significant adverse impact upon, or materially impairs the character-defining features or elements that contribute to the historic significance of the historic site or district."*

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SUMMARY.

In Section 8.05.020, the proposed text amendment provides a clearer definition of a historic **site**. In Section 8.05.160 the amendment provides that resolutions include a listing of what characteristics of a historic site are **significant and defining**. In Section 8.05.185, the amendment limits what **interior components of public buildings** require HSPB review for proposed alterations. Lastly, in Section 8.05.190, the amendment proposes a clearer set of **review factors** based on the Nationally-recognized Secretary of the Interior Standards for the Treatment of Historic Structures, and language consistent with the evaluation of historic resources under the California Environmental Quality Act (CEQA).

Finally, minor typographic errors, clarification in nomenclature, and other minor adjustments recommended by staff are highlighted in the attached draft text amendment.

ENVIRONMENTAL ASSESSMENT

The proposed text amendments are deemed a Project under the guidelines of the California Environmental Quality Act (CEQA). Pursuant to Section 15305 (Minor Alteration to Land Use Limitations) the proposed text amendment is Categorically Exempt from further analysis under CEQA.



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Flinn Fagg, AICP  
Director of Planning Services

Attachments:

Draft Text Amendment Municipal Code Section 8.05 “Historic Preservation”.

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA TO AMEND SECTION 8.05 (HISTORIC PRESERVATION) OF THE PALM SPRINGS MUNICIPAL CODE (PSMC) CLARIFYING THE DEFINITION OF A HISTORIC SITE, INTERIOR ELEMENTS OF PUBLIC BUILDINGS SUBJECT TO HSPB REVIEW, ELEMENTS THAT CONTRIBUTE TO THE QUALIFICATIONS OF A HISTORIC SITE OR DISTRICT AND OTHER MINOR MISCELLANEOUS CORRECTIONS AND CLARIFICATIONS.

DRAFT Summary

*The City Attorney will prepare a summary of Ordinance to be published pursuant to the Government Code.*

*This ordinance amendment clarifies the definition of a historic site and those interior elements of public buildings that are subject to HSPB review. The amendment adds a requirement that a listing of the historic defining features be included in designating resolutions on historic properties that would assist the Board in its evaluation of proposed alterations to historic sites. It limits HSPB review on proposed alterations to non-contributing sites in historic districts and simplifies the factors to be considered on alterations that are subject to HSPB review. Finally, the amendment addresses miscellaneous minor typographical corrections and clarifications that do not alter the intent or scope of the ordinance.*

WHEREAS, on August 5, 2014, a subcommittee of the City Council and a subcommittee of the Historic Site Preservation Board of Palm Springs, California conducted a study session at which was discussed among other things, a desire to clarify ambiguity that exists in Municipal Code Section 8.05 (Historic Preservation) with respect to (1) the use of the terms "site", "building" and "structure", (2) the term "interior arrangement" and how it is applied to public buildings, and (3) to clarify in the designating resolutions for Class 1 sites and districts what specific areas, components, elements, or characteristics including open space, are present on the site that contribute to the historic significance of such sites or districts, and

WHEREAS, within Municipal Code Section 8.05, the term "site", "structure" and "building" are inconsistently used when referring to historic sites, and

WHEREAS, the term "interior arrangement" is ambiguous in terms of clarifying what interior areas of public buildings are subject to HSPB review of proposed alterations and in terms of identifying the elements, components or characteristics including open space, within those areas that contribute to the historic significance of the interior of public buildings or sites, and

WHEREAS, identifying in resolutions that designate Class 1 historic sites or historic districts those specific areas, components, elements, or characteristics including open space that contribute to the historic significance of such sites or districts will improve the City's ability to appropriately evaluate requests for alterations to such sites and will further the purpose and authority of the Historic Preservation ordinance as outlined in PSMC Section 8.05.010, and

WHEREAS, a Municipal Code Text Amendment (MCTA) was initiated pursuant to Chapter 94.07.01 (Text Amendment); and

WHEREAS, the proposed amendment is considered a "project" pursuant to the terms of the California Environmental Quality Act ("CEQA"), and it has been recommended that the proposed amendment be determined to be Categorical Exempt from the provisions of CEQA under Section 15305 (Minor Alterations in Land Use Limitations) of the Guidelines for the California Environmental Quality Act because the proposed zone text amendment proposes only insignificant changes in definitions; and

WHEREAS, a notice of public hearing of the City Council of the City of Palm Springs, California to consider (Municipal Code Text Amendment) was given in accordance with applicable law; and

WHEREAS, on \_\_\_\_\_ a public hearing of the City Council was held to review said case, and at said hearing the City Council reviewed and considered all of the evidence presented in connection with the hearing on the project, including, but not limited to, the staff report, and all written and oral testimony presented.

THE CITY COUNCIL HEREBY FINDS AS FOLLOWS:

SECTION 1. Pursuant to CEQA, the City Council determines that the proposed municipal code text amendment is Categorical Exempt from the provisions of CEQA under Section 15305 (Minor Alterations in Land Use Limitations) of the Guidelines for the California Environmental Quality Act because the proposed text amendment proposes only insignificant changes in definitions in Section PSMC 8.05 (Historic Preservation).

SECTION 2: Pursuant to PSZC Section 94.07.01 (Zoning Ordinance Text Amendment), the City Council finds as follows:

- A. The proposed text amendment is consistent with the intent of the municipal code in that it furthers the orderly and consistent administration of the business of the City in promoting and protecting the public health, safety and welfare of the people of the City of Palm Springs as it relates to Municipal Code 8.05 "Historic Preservation".
- B. The proposed text amendment is consistent with the City's general plan as follows

- a. Goal RC10 states "*Support, encourage, and facilitate the preservation of significant archaeological, historic, and cultural resources in the community.*"

Clarifying the terminology within the historic preservation ordinance will facilitate the sensitive review and evaluation of historic sites and contributing sites within historic districts.

- b. Policy RC 10.3 states "*Continue to protect individual historic sites, buildings, and neighborhoods as set forth by the Historic Preservation Ordinance and other related historic ordinances.*"

The proposed text amendments further the purpose of the historic preservation ordinance by refining the definitions used therein, and assist the Historic Site Preservation Board and the City Council in review and evaluation of proposed alterations to historic sites and contributing sites within historic districts.

**SECTION 3:** Palm Springs Municipal Code Section 8.05. shall be amended as follows:

## **Chapter 8.05 HISTORIC PRESERVATION**

### **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 of the city which reflect elements of its cultural, social, economic, political, architectural and archaeological history. This chapter is intended to stabilize and improve buildings, structures or areas which are considered to be of historical, cultural, social, economic, political, architectural, archaeological or ecological value, to foster civic beauty, to strengthen the local economy and to promote the use of specific buildings for the education and welfare of the citizens. (Ord. 140 § 1, 1981)

#### **8.05.020 Definitions.**

- (a) Historic Site.

An historic site is any legal parcel of real property as defined by a County assessor parcel number (APN) and an associated legal description, so designated by resolution of the Palm Springs City Council, such as: a building; a structure, including but not limited to archways, tiled areas and similar architectural elements; an archaeological excavation or object because the site possesses characteristics that contribute to an understanding and awareness of the community's history. These characteristics could include a building, structure, or object on the site and/or all or a portion of the site itself. — that is unique or significant because of its location, design,



~~setting, materials, workmanship, or aesthetic effect and:~~ A historic site shall possess one or more of the following characteristics:

- (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
  - (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 has yielded or may be likely to yield information important to national, state or local history or prehistory.
- (b) Historic District.

Any area of the city of Palm Springs containing a number of structures, natural features or sites having historic, architectural, archaeological, cultural or aesthetic significance and designated as an historic district under the provisions of this chapter.

- (c) Demolition.

The term "demolition" means the total tearing down or destruction of the building envelope as described in the State Energy Code, as may be amended from time to time. (Ord. 1844 § 1, 2014; Ord. 1320 § 1, 1988; Ord. 1140 § 1, 1981)

## **Article II. Historic Site Preservation Board**

### **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, 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, 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, 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, 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, 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, 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, 1981)

**8.05.110 Board records.**

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

**Article III. Procedure for Designation of Historic Sites or Historic Districts**

**8.05.125 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/site qualified for city designation; may be qualified at the federal, state and/or county level. An archival file will be maintained. Structure/site may not be modified nor objects removed without the approval of the Historic Site Preservation Board city council; usage may be limited by the City Council to the extent that it may impair the integrity of the site. The City may, at its choosing, install a marker or plaque, viewable from the public way, which conveys the historic significance of the site to the public. Site will 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 qualified for city designation; may be qualified at the federal, state and/or county level. Archival file will be maintained. The City may, at its choosing, install a marker or plaque, viewable from the public way, which conveys the historic significance of the site to the public. Site is eligible for plaquing. (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/A site or parcel on which a structure exists that was constructed before 1969, or a year to be determined by the City Council, or construction date cannot be confirmed. Eligible for a six-month stay of demolition. 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 a map delineating contributing and noncontributing structures or sites. 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. Only Major Architectural applications as defined in Zoning Code Section 94.04 for proposed alterations on non-contributing sites within a historic district are subject to this requirement. A Context Statement developed in accordance with the United States Secretary of the Interior Standards and Guidelines for Historic Preservation shall be established for the district. A specific plan, containing special regulations pertaining to the subject area, may be adopted for each district. (Ord. 1844 § 2, 2014; Ord. 1320 § 5, 1988; Ord. 1140 § 1, 1981)

**8.05.135 Investigation and study.**

The historic site preservation board shall conduct or cause to be conducted such preliminary surveys, studies or investigations as it deems 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 such survey, study or investigation. (Ord. 1140 § 1, 1981)

**8.05.140 Notice of public hearing.**

(a) 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 within 500 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.

(b) 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. 1829 § 3, 2013; Ord. 1140 § 1, 1981)

**8.05.145 Findings and recommendation to the city council.**

Following such public hearing, the historic site preservation board shall make findings upon which it shall base its recommendation to the city council concerning the designation of such proposed historic site or district. Within thirty days after 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, 1981)

**8.05.150 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. (Ord. 1140 § 1, 1981)

**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, 1981)

**8.05.160 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 stated in a resolution designating such property within such historic site or district. The resolution shall include a listing of the character-defining features or elements that contribute to the historic significance of the site or district. From and after the adoption of such resolution, all property within such historic site or district shall be subject to the rules and regulations governing the demolition, preservation, rehabilitation or alteration of historic sites. (Ord 1140 § 1, 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 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, 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. 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, 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 alteration of public spaces within interior arrangement of a public building as defined in Section 8.05.180 (3)(c) 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 ordered by the chief building official of the city to be performed by the owner or occupier of such structure. (Ord. 1140 § 1, 1981)

#### **8.05.180 Approval required.**

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

- (1) Construction of a new structure;
- (2) The moving, demolition or alteration of an existing structure in any manner which affects the exterior appearance of the structure;
- (3) A change in land use which affects the exterior appearance of a structure or site or the public spaces within interior arrangement of public buildings;
  - (a) Review by the Historic Site Preservation Board of proposed alterations to the interiors of public buildings shall be limited to public spaces within those buildings. Such review shall assure that the proposed alterations do not adversely impact or materially impair the character-defining features or elements of the interior that contribute to the historic significance of the site.
- (4) The erection, remodeling or replacing of a sign which affects the exterior appearance of a structure.

(Ord. 1320 § 8, 1988; Ord. 1140 § 1, 1981)

#### **8.05.185 Application for permit to construct or alter structures.**

A person who desires to construct (including new construction), alter, move or demolish a structure within or upon a Class 1 historic site or historic district shall file an application upon a form prescribed by the city. Only Major Architectural applications as defined in Zoning Code Section 94.04 for proposed alterations on non-contributing sites within a historic district are subject to this requirement. 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, 1981)

#### **8.05.190 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 and its relation to the historic value of the surrounding area;

~~(2) The relationship of the exterior architectural features of any structure to the rest of the structure itself and to the surrounding area;~~

~~(3) (1) The general compatibility of exterior the proposed alterations on the design, arrangement, texture, and material, and integrity of the historic site or district as defined by the U. S. Secretary of the Interior Standards for the Treatment of Historic Properties. which is proposed by the applicant;~~

~~(4) (2) Archaeological or ecological significance of the area.~~

~~(3) Whether the proposed alteration causes a significant adverse impact upon, or materially impairs the character-defining features or elements that contribute to the historic significance of the historic site or historic district.~~

(Ord. 1140 § 1, 1981)

#### **8.05.195 Board action restricted to exterior features—Exception.**

The historic site preservation board shall consider and pass upon only the exterior features of a structure upon a historic site or within a historic district and may not consider the interior arrangement of the structure, except in the case of public buildings. Review of alterations to the interior of public buildings shall be as set forth in Section 8.05.180 (3),(c). 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 proposed alterations to structures on historic sites or within historic districts 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 alterations to structures on historic sites or within historic districts which have little or no historic value or plans for new construction except for plans which seriously materially impair the historic 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, 1981)

#### **8.05.200 Procedure upon application.**

(a) Upon the filing of an application, 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. If the board fails to act within forty-five days, 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 on a historic site or within a historic district 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, 1981)

#### **8.05.210 Special considerations.**

(a) If an application affects the exterior appearance of a structure or proposes to demolish a structure on a historic site or within a historic district 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—a historic site or contributing site within a historic district, 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, 1981)

#### **8.05.215 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, 1981)

#### **8.05.220 Exceptions.**

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 thousand five hundred dollars in value. (Ord. 1320 § 12, 1988; Ord. 1140 § 1, 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, 1981)

#### **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, 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, 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, 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, 1981)

The Mayor shall sign and the City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same, or the summary thereof, to be published and posted pursuant to the provisions of law and this Ordinance shall take effect thirty (30) days after passage.

PASS, APPROVED, AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_ 2015.

\_\_\_\_\_  
STEPHEN P. POUGET  
MAYOR

ATTEST:

\_\_\_\_\_  
JAMES THOMPSON  
CITY CLERK

CERTIFICATION

STATE OF CALIFORNIA )  
COUNTY OF RIVERSIDE ) ss.  
CITY OF PALM SPRINGS )

I, JAMES THOMPSON, City Clerk of the City of Palm Springs, California, do hereby certify that Ordinance No. \_\_\_\_\_ is a full, true, and correct copy, and was introduced at a regular meeting of the Palm Springs City Council on \_\_\_\_\_ and adopted at a regular meeting of the City Council held on \_\_\_\_\_ by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

\_\_\_\_\_  
James Thompson, City Clerk  
City of Palm Springs, California