



CITY OF PACIFIC GROVE PLANNING COMMISSION AGENDA REPORT

TO: PLANNING COMMISSION

FROM: LYNN BURGESS, AICP, CHIEF PLANNER
COMMUNITY DEVELOPMENT DEPARTMENT

MEETING DATE: **OCTOBER 23, 2008**

SUBJECT: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PACIFIC GROVE AMENDING CHAPTERS 23.73 AND 23.76 OF THE PACIFIC GROVE MUNICIPAL CODE TO RECONFIGURE THE HISTORIC RESOURCES COMMITTEE AND ARCHITECTURAL REVIEW BOARD AND THEIR DUTIES, AND TO CLARIFY AND STRENGTHEN THE PROTECTION OF HISTORIC RESOURCES IN THE HISTORIC PRESERVATION ORDINANCE

CEQA STATUS: CEQA CATEGORICAL EXEMPTION SECTION 15308, CLASS 8

I. RECOMMENDATION

Staff recommends that the Planning Commission 1) continue to deliberate on final revisions to Municipal Code Chapters 23.73 and 23.76, 2) hold a public hearing, and 3) make findings and recommendations to the City Council for adoption of the proposed code amendments.

II. BACKGROUND

On August 7, 2008, the Planning Commission received a presentation on the draft code amendments to Chapters 23.73 and 23.76, held a public hearing, requested that the HRC/PC Subcommittee review and make recommendations on the public comments received, and continued the item to August 21, 2008.

On August 11, 2008, the HRC/PC Subcommittee met to go over all of the comments received at the Planning Commission hearing and to prepare additional revisions to the draft code amendments to address those concerns. Those revisions were included as Attachments A and B to the August 21, 2008 Agenda Report.

On August 21, 2008, the Planning Commission reviewed, received public comments, and made preliminary decisions on the Subcommittee's recommended changes to Chapter 23.73 and to Sections 23.76.010 through 23.76.020 of Chapter 23.76. The Commission continued the item to the September 4, 2008 meeting to complete its review of Chapter 23.76.

On September 4, 2008, the Planning Commission continued its review of the Subcommittee's recommended changes to Chapters 23.73 and 23.76, received public comments, and made preliminary decisions on the code amendments. The Commission continued the matter to September 18, 2008 to complete its discussion of the following four topics:

- Composition of HRC & ARB, Chapter 23.73
- Wording of evaluation criteria 23.76.025(e)
- How to integrate the issues of dismantling and engulfment into demolitions, Section 23.76.090
- Legal review of enforcement and penalties, Section 23.76.130.

On September 18, 2008, the Planning Commission continued its review of the draft ordinance amendments and received public testimony. The Commission tentatively decided to retain two separate review boards and to reconfigure the composition and duties of both boards. The Commission also made tentative decisions on the restructuring of the demolition section of the ordinance and revisions to the enforcement and penalty section as well as the evaluation criteria. Finally, the Commission requested that Commissioner Bailey work with staff to clarify language as needed. The Commission continued the matter to a special meeting on October 23, 2008.

Attached for your consideration is a draft City Council Ordinance incorporating all of the Planning Commission's direction to date (see Attachment A). All substantive changes made subsequent to the September 18, 2008 meeting are shaded for easy reference. Staff consulted with Marie Nelson of the State Office of Historic Preservation regarding the review board composition to ensure compliance with the State's CLG program requirements. Commissioner Bailey provided an extensive rewrite of Sections 23.73.010 and 23.76.080 as well as general edits throughout the document.

III. PROPOSED ACTION

Staff recommends that the Planning Commission hold a public hearing on the attached draft ordinance and discuss the final changes. Upon conclusion of the Commission's deliberations on this matter, staff recommends that the Commission approve the following motion:

The Planning Commission recommends that:

1. The City Council find that this action qualifies as a Class 8 Categorical Exemption under Section 15308 of the CEQA Guidelines;
2. The City Council adopt the draft City Council Ordinance in Attachment A (staff will remove all text shading prior to submittal to the Council);
3. The City Council form an ad hoc committee to work with staff to:
 - a) Seek application for Certified Local Government (CLG) status with the State Office of Historic Preservation;

- b) Begin preparation of an Historic Context Statement for the City of Pacific Grove; and
 - c) Once approved as a CLG, apply for grant funds for completion of an Historic Context Statement and an update of the City's historic survey;
4. The City Council establish an Historic Assessment Deposit System and retain an historic preservation consultant to prepare all historic assessments for development applications; and
 5. The City Council direct staff, during the next General Plan amendment cycle, to clarify the statement under Program C of Chapter 7, Historic and Archaeological Resources, of the Pacific Grove General Plan, pertaining to the need to comply with the Secretary of the Interior's Standards for consistency with state law.

This action qualifies as a Class 8 Categorical Exemption under Section 15308 of the California Environmental Quality Act Guidelines.

RESPECTFULLY SUBMITTED BY:

LYNN BURGESS, AICP
CHIEF PLANNER

Attachment:

- A. Draft City Council Ordinance Amending Chapters 23.73 and 23.76

ATTACHMENT A

DRAFT ORDINANCE FOR OCTOBER 23, 2008 PLANNING COMMISSION PUBLIC HEARING
[Changes made subsequent to 9/18/08 PC meeting are shaded.]

DRAFT ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY OF PACIFIC GROVE
AMENDING EXISTING CHAPTERS 23.73 AND 23.76 OF THE PACIFIC GROVE
MUNICIPAL CODE TO MODIFY THE GUIDELINES AND PROCEDURES FOR
HISTORIC PRESERVATION, AND TO REPLACE THE EXISTING HISTORIC
RESOURCES COMMITTEE WITH AN ESTABLISH THE HISTORIC REVIEW BOARD,
AND TO RESTRUCTURE THE DUTIES OF THE ARCHITECTURAL REVIEW BOARD**

WHEREAS, on or about January 30, 2002, the City Council, the Planning Commission, the Architectural Review Board, and the Historic Resources Committee held a joint study session to address the effectiveness of the City’s Historic Preservation Ordinance, set forth in Chapters 23.73 and 23.76; and

WHEREAS, as a result of the joint study session, the Historic Resources Committee (“HRC”) was directed to study and prepare a report based on the concerns expressed by the study session participants regarding the Ordinance; and

WHEREAS, the HRC spent more than one year on this task, but its recommendations did not proceed to the adoption process, and in 2005, with the authorization of the City Council, the HRC revitalized its study of the City’s Historic Preservation Ordinance; and

WHEREAS, in October 2007, the HRC began to present its proposed revisions to Chapters 23.73 and 23.76 to the City’s Planning Commission for review and comment; and

WHEREAS, the City retained a Historic Preservation Consultant, who conducted a peer review of the Committee’s proposed revisions to the Ordinance and reported out at a joint meeting of the HRC and the Planning Commission on April 30, 2008; and

WHEREAS, as a result of the joint meeting, the Planning Commission established a special subcommittee, with members from both the HRC and the Planning Commission, to further revise the Ordinance, and to propose modifications to the structure and responsibilities of the HRC and the Architectural Review Board (“ARB”); and

WHEREAS, the Planning Commission has considered the proposed modifications to the Pacific Grove Municipal Code to revise the Historic Preservation Ordinance, to replace the existing Historic Resources Committee with an Historic Review Board, and to the restructure and the responsibilities of the newly-created Historic Architectural Review Board (“HARB”) at public hearings held on August 7, August 21, September 4

and September 18, 2008 and, at its special meeting of ~~August 24~~ October 23, 2008, recommended approval of these changes; and

WHEREAS, the proposed ordinance meets the qualifications of CEQA Categorical Exemption Section 15308, Class 8, since the ordinance amendments enhance and broaden the protection for historical resources, which are considered environmental resources under CEQA.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF PACIFIC GROVE DOES ORDAIN AS FOLLOWS:

SECTION 1. The foregoing recitals are adopted as findings of the City Council as though set forth fully herein.

SECTION 2. Chapter 23.73 of the Pacific Grove Municipal Code, entitled, “Architectural Review Board,” shall be renamed “Architectural Review Board and Historic Review Board”.

SECTION 3. The text set forth in existing Section 23.73.010 of the Pacific Grove Municipal Code entitled, “Established” of Chapter 23.73, Architectural Review Board, shall be changed by the deletion of all text shown in ~~strikeout text~~ and the addition of all text shown in bold, italic, underscored text (***bold, italic, underscored text***), as follows:

23.73.010 Established.

(a) There is hereby established an Architectural Review Board (ARB) and an Historic Review Board (HRB) as follows:

(1) The ARB shall consist of seven (7) voting members, appointed by the Mayor, with the approval of the City Council. Five (5) of the members of the ARB shall also constitute the membership of the HRB, and each of those five (5) members shall have a demonstrated interest, competence, or knowledge in historic preservation. At least one (1) joint member of the ARB and HRB shall be a licensed architect, and one (1) joint member shall be a licensed contractor. One (1) additional joint member is encouraged to be appointed from among professionals in the disciplines of history, architecture, architectural history, planning, prehistoric and historic archeology, folklore, cultural anthropology, curation, conservation, and landscape architecture or related disciplines, such as urban planning, American Studies, American civilization, or cultural geography, to the extent that such professionals are available in the community. One (1) joint member shall be a representative of the Heritage Society of Pacific Grove, and one (1) joint member shall be a lay person or professional with demonstrated special interest, competence, experience, or knowledge in historic preservation. Two (2) additional members of the ARB shall not serve on the HRB. These members shall be professionals or lay people with demonstrated interest, competence, or knowledge in the design or building fields. All appointees shall serve for a two (2) year term, and may be removed at the pleasure of the City Council. Three (3) of the ARB members shall be appointed for terms ending on January thirty-first in odd-numbered years, and four (4) for terms ending on January thirty-first in even-numbered years. A member’s seat shall be

deemed vacated upon two (2) consecutive absences from regular meetings without being excused by the chair.

(2) The HRB shall consist of five (5) voting members of the ARB with demonstrated interest, competence, or knowledge in historic preservation, appointed by the Mayor, with the approval of the City Council. These five (5) members also serve on the ARB and shall include one (1) licensed architect and one (1) licensed contractor. A third professional joint member is encouraged to be appointed from among the disciplines of history, architecture, architectural history, planning, prehistoric and historic archeology, folklore, cultural anthropology, curation, conservation, and landscape architecture or related disciplines, such as urban planning, American Studies, American civilization, or cultural geography, to the extent that such professionals are available in the community. One (1) member shall be a representative of the Heritage Society of Pacific Grove, and one (1) member shall be a lay person or professional with demonstrated special interest, competence, experience, or knowledge in historic preservation. All members must attend at least one training session each year that is certified as meeting the requirements of the Certified Local Government (CLG) program. All appointees shall serve for a two (2) year term, and may be removed at the pleasure of the City Council. Two (2) of the HRB members shall be appointed for terms ending on January thirty-first in odd-numbered years, and three (3) for terms ending on January thirty-first in even-numbered years. A member’s seat shall be deemed vacated upon two (2) consecutive absences from regular meetings without being excused by the chair.

SUMMARY OF ARB/HRB COMPOSITION

<u>ARB Membership (7)</u>			<u>HRB Membership (5)</u>	
<u>1</u>	<u>Licensed Architect</u>	<u>Joint member*</u>	<u>1</u>	<u>Licensed Architect</u>
<u>2</u>	<u>Licensed Contractor</u>	<u>Joint member*</u>	<u>2</u>	<u>Licensed Contractor</u>
<u>3</u>	<u>Professional Historian or professional from related field**</u>	<u>Joint member*</u>	<u>3</u>	<u>Professional Historian or professional from related field**</u>
<u>4</u>	<u>Heritage Society Representative (can be one of the above professionals or a lay person)</u>	<u>Joint member*</u>	<u>4</u>	<u>Heritage Society Representative (can be one of the above professionals or a lay person)</u>
<u>5</u>	<u>Lay person or professional</u>	<u>Joint member*</u>	<u>5</u>	<u>Lay Person or professional</u>
<u>6</u>	<u>Lay person or professional</u>	<u>ARB only</u>		
<u>7</u>	<u>Lay Person or professional</u>	<u>ARB only</u>		

*Positions on both boards are held by the same person. All joint members of the ARB and HRB must have demonstrated interest, competence, or knowledge of historic preservation.

** A third professional member is encouraged to be appointed from among the disciplines of history, architecture, architectural history, planning, prehistoric and historic archeology, folklore, cultural anthropology, curation, conservation, and landscape architecture or related disciplines, such as urban planning, American Studies, American civilization, or cultural geography, to the extent that such professionals are available in the community.

(b) The ARB and HRB shall meet the second and fourth Tuesdays of each month and may independently adopt such rules as needed for the conduct of its deliberations including the selection of the member who shall serve as chair. An affirmative vote of four (4) or more members shall be required for any action by the ARB. An affirmative vote of three (3) or more members shall be required for any action by the HRB.

(c) The ARB and HRB shall utilize a combined meeting agenda, with the ARB items listed first and the HRB items listed second. Once the ARB items are concluded, the two (2) ARB members not on the HRB shall step down, and the HRB items on the agenda shall immediately commence.

(d) The secretary of the Planning Commission shall serve as secretary to the ARB and HRB. The Community Development Director or his or her representative shall serve as an ex officio member of both boards.

~~(a) There is hereby established an architectural review board consisting of seven voting members, appointed by the mayor, with the approval of the city council. Not less than two of the members shall have professional experience as an architect, landscape architect, engineer, designer or draftsman and, in addition, two persons shall be persons with experience in the building industry. Two of the seven members shall also be members of the historic resources committee. All appointees shall serve for a two-year term, and may be removed at the pleasure of the city council. Three of the board members shall be appointed for terms ending on January thirty-first in odd-numbered years, and four for terms ending on January thirty-first in even-numbered years. A member's seat shall be deemed vacated upon two consecutive absences from regular meetings without being excused by the chair.~~

~~(b) The architectural review board shall meet the second and fourth Tuesdays of each month and may adopt such rules as needed for the conduct of its deliberations including the selection of the member who shall serve as chair. An affirmative vote of a majority of the total members of the architectural review board shall be required for any action by the board.~~

~~(c) The secretary of the planning commission shall serve as secretary to the architectural review board. The community development director or his or her representative shall serve as an ex officio member.~~

SECTION 4. The text set forth in existing Section 23.73.020 of the Pacific Grove Municipal Code entitled, "Purpose", of Chapter 23.73, Architectural Review Board, shall be renamed "Purpose, Power, and Duties" and shall be changed by the deletion of all text shown in strikeout text (~~strikeout text~~) and the addition of all text shown in bold, italic, underscored text (***bold, italic, underscored text***), as follows:

23.73.020 Purpose, Power, and Duties.

The purpose of the Architectural Review Board shall be:

(a) to Grant architectural approval, where required under this title Chapter, for development applications involving structures that are not determined to be historic resources pursuant to the California Environmental Quality Act (CEQA), in order to promote the orderly and harmonious development of the city and to protect the architectural heritage of the city of Pacific Grove.

- (b) Advise the City Council on Architectural Review Guideline amendments;
- (c) Participate in CEQA reviews when they are related to development applications; and
- (d) Conduct other duties as set out in Chapter 23.73, or as directed by the City Council.

The purpose of the Historic Review Board shall be:

- (a) Oversee the administration of the Pacific Grove Historic Resources Register (HRR), and recommend for adoption, as necessary, timely revisions of the Register criteria and procedures as may be advisable;
- (b) Determine the appropriate Historic Resources Register status for properties brought before the HRB for review;
- (c) Grant architectural approval, where required under Chapters 23.73 and 23.76, for development applications involving structures determined to be historic resources and placed on the Historic Resources Register, in order to promote the orderly and harmonious development of the city and to protect the historical and architectural heritage of the city of Pacific Grove;
- (d) Grant demolition, dismantling, relocation, and historic preservation permits, where required under Chapter 23.76, for development applications involving historic resources;
- (e) Participate in development, distribution, and presentation of public information materials related to the city’s Historic Resources Register and historic preservation goals and policies, or oversee such activities;
- (f) Advise the City Council on historic preservation programs and Historic Preservation Ordinance amendments;
- (g) Advise the City Council on Architectural Review Guideline amendments; and
- (h) Participate in CEQA and Section 106 reviews when they are related to development applications;
- (i) Prepare and submit an annual report to the State Office of Historic Preservation, or oversee such activity; and
- (j) Conduct other duties as set out in Chapter 23.73, Chapter 23.76, or as directed by the City Council.

SECTION 5. The text set forth in existing Section 23.73.030 of the Pacific Grove Municipal Code entitled, “Approval of drawings and sketches”, of Chapter 23.73, Architectural Review Board, shall be renamed “Approval of Plans” and shall be changed by the deletion of all text shown in strikeout text (~~strikeout text~~) and the addition of all text shown in bold, italic, underscored text (***bold, italic, underscored text***), as follows:

23.73.030 Approval of ~~drawings and sketches~~ Plans.

No building permit or zoning permit shall be approved in any case requiring architectural approval, until the ~~drawings and sketches~~ ***plans*** required to be submitted for approval have been finally approved and determined as to all buildings, structures, grounds, and landscaping covered by the building permit or zoning permit. The building permit or zoning permit shall be consistent with and in accordance with the ~~drawings and sketches~~ ***plans*** as finally approved.

SECTION 6. The text set forth in existing Section 23.73.040 of the Pacific Grove Municipal Code entitled, “architectural review board approval required”, of Chapter 23.73, Architectural Review Board, shall be renamed “**Architectural Review Board and Historic Review Board Approval Required**” and shall be changed by the deletion of all text shown in ~~strikeout text~~ and the addition of all text shown in bold, italic, underscored text (***bold, italic, underscored text***), as follows:

23.73.040 Architectural Review Board and Historic Review Board Approval Required.

Approval of the **Architectural Review Board (ARB)** shall be required for the following ***if the structure is not determined to be an historic resource:***

- (a) Any new construction of, or exterior modification or addition to, any building or structure, except as specified in Section 23.73.042.
- (b) The installation or enlargement of any “solar energy device” as defined in Section 801.5 of the California Civil Code. Such review shall not prohibit or unreasonably restrict the use of a solar energy system, but shall be for the purposes of assuring a design consistent with the intent of this **Chapter**. The **Architectural Review Board** shall take into account whether or not the device enjoys the protection of the California Shade Control Act of 1978 (California Public Resources Code Sections 25980 through 25986) by a location of five **(5)** feet or more from a boundary or ten **(10)** feet or more above the ground. No fee shall be charged for a review under this subsection.
- (c) Any modification or addition to the roof overhang, roofing material and siding material for any mobile home installed in other than the R-1-M-H District.
- (d) Whenever prescribed by this code.

Approval of the Historic Review Board (HRB) shall be required for the following if the structure is determined to be an historic resource:

(a) ***Exterior change or modification to an historic resource, including but not limited to:***

- (1) Changes or modifications to surface texture;***
- (2) Grading or surface paving;***
- (3) Cutting or removal of trees and other natural features; and***
- (4) Disturbance of archaeological sites or areas.***

(b) The installation or enlargement of any “solar energy device” as defined in Section 801.5 of the California Civil Code. Such review shall not prohibit or unreasonably restrict the use of a solar energy system, but shall be for the purposes of assuring a design consistent with the intent of this **Chapter**. The ~~architectural review board~~ **HRB** shall take into account whether or not the device enjoys the protection of the California Shade Control Act of 1978 (California Public Resources Code Sections 25980 through 25986) by a location of five **(5)** feet or more from a boundary or ten **(10)** feet or more above the ground. No fee shall be charged for a review under this subsection.

(c) The demolitions, ***dismantling***, or relocations of any structure on the **Historic Resources inventory Register** (~~historic demolition permit~~), pursuant to Sections 23.76.090 and 23.76.100.

(d) Exceptions to land use regulations involving structures on the **Historic Resources Inventory Register** (historic preservation permits) pursuant to Section 23.76.060.

(e) Whenever prescribed by this code.

SECTION 7. The text set forth in existing Section 23.73.042 of the Pacific Grove Municipal Code entitled, “Architectural Review Board approval not required”, of Chapter 23.73, Architectural Review Board, shall be renamed “**ARB Approval Not Required**” and shall be changed by the deletion of all text shown in strikeout text (~~strikeout text~~) and the addition of all text shown in bold, italic, underscored text (***bold, italic, underscored text***), as follows:

23.73.042 Architectural Review Board ARB Approval Not Required.

Architectural approvals of ***by*** the Architectural Review Board ***ARB*** shall not be required for the following:

(a) Single-family dwellings in R-1 zoning districts for (1) exterior additions less than twenty-five percent (***25%***) of the dwelling's existing square footage which do not enlarge or create a second story, (2) color, (3) landscaping, (4) modifications or additions either visually insignificant or not visible from any adjacent public street, as determined by the Chief Planner. These exceptions shall not apply to projects in other zoning districts, ~~to structures on the historic resources inventory~~, to projects for which a variance or use permit is required, or to projects in the Coastal Zone. ***These exceptions also shall not apply to projects involving structures on the Historic Resources Register or to projects involving structures which are potential historic resources for purposes of CEQA.***

(b) A second unit requiring a use permit under Section 23.80.040(b) if the project is either visually insignificant or not visible from any adjacent public street, as determined by the Chief Planner. ***This exception shall not apply to projects involving structures on the Historic Resources Register, or to projects involving structures that are potential historic resources for purposes of CEQA.***

(c) Projects eligible for administrative approval by the Chief Planner, as specified in Section 23.73.045.

SECTION 8. The text set forth in existing Section 23.73.045 of the Pacific Grove Municipal Code entitled, “Administrative Architectural Approval” of Chapter 23.73, Architectural Review Board, shall be changed by the deletion of all text shown in strikeout text (~~strikeout text~~) and the addition of all text shown in bold, italic, underscored text (***bold, italic, underscored text***), as follows:

23.73.045 Administrative Architectural Approval

In zoning districts other than R-1, ~~The Chief Planner shall be authorized to grant administrative architectural approval outside of the R-1 zoning districts in the situations and according to the procedures described in this section.~~

Administrative architectural applications may be approved, conditionally approved, or denied by the Chief Planner. The Chief Planner shall not ~~hear~~ ***review*** any proposed project that does not comply with applicable zoning regulations, General Plan provisions, and ~~or~~ ***Architectural Review Guidelines***. Administrative approvals shall not be allowed for any structures ***located within the Coastal Zone nor resources listed*** on the ~~Historic Resources inventory~~ ***Register***, unless otherwise specified in ~~Chapter Section 23.76.060(c)~~, or in the Coastal Zone.

(a) Eligibility for administrative architectural review.

Administrative architectural approvals may be granted only when in the judgment of the Chief Planner the project meets the criteria under 23.73.045(b) and one of the following apply:

- (1) The project is necessary for a demonstrated emergency that threatens the structure that is proposed to be changed;
- (2) The project is not visible from any adjacent street;
- (3) The project is considered to be minor; results in less than ten percent **(10%)** increase in floor area; has materials, trim and finishes that match the existing structure; and does not add or expand a second story. Projects that are considered to be minor include roof material changes of like or similar materials, door or window additions, window replacements, alterations to decks or exterior stairs, changes to siding, water heater enclosures, and foundation skirting; or

(4) For historic resources, the project meets all of the criteria for an exception to HRB review, pursuant to Section 23.76.060(c).

(b) Criteria for review and approval.

The same rules and procedures that govern the ARB's Architectural Review Board's treatment of approvals, as set out in Chapter 23.73, shall also apply to administrative architectural approvals. Projects receiving administrative architectural approval shall also meet the following criteria:

- (1) Maintains consistency with the architectural style of the building;
- (2) Does not appreciably alter the appearance and character of a structure; and
- (3) Conforms to the materials used elsewhere on the structure; and
- (4) ~~For design change amendments to prior architectural approvals, cumulative administrative approvals shall not appreciably~~ **Does not substantially** alter the approved design **with cumulative administrative approvals of design change amendments.**

(c) Notice posting — Administrative Hearings.

Property for which an application for administrative architectural approval is proposed shall be posted by with a notice describing the application and listing the time and date of the administrative hearing on the application. Such posting shall be on or adjacent to the property itself in a conspicuous place, as well as at the City Hall in a public place, and must be in place at least seven **(7)** days prior to the hearing.

The Community Development Department shall establish a regularly scheduled day and time for administrative hearings.

(d) Posting of Decision – Appeal.

The Community Development Department shall prepare, within ten **(10)** days of the administrative hearing, a record of any decision, including the date of the hearing, a brief summary of the decision and the reasons for it, and the staff person responsible for the decision. This record shall be posted at the City Hall in a public place. This same record of decisions shall be reported as an informational item at the next regularly scheduled meeting of the Architectural Review Board **ARB or HRB, whichever applies,** under the title Administrative Architectural Approvals.

(1) Any interested party may, within ten **(10)** days of such posting of the decision at City Hall, appeal an administrative architectural decision to the Architectural Review Board **ARB or HRB, whichever applies,** by submitting the appropriate application, the appeal fee, and a written statement including reasons for the appeal. Any administrative architectural decision that is appealed shall be placed on a regular agenda of the Architectural Review Board **ARB or HRB, whichever applies,** to be heard de novo.

(2) Notwithstanding the time limit for appeal set out in subsection (d)(1) of this section, the Architectural Review Board **ARB or HRB, whichever applies,** shall always have until their next regularly scheduled meeting following the administrative action to decide to review such action. The vote of three **(3)** members of

the Architectural Review Board ***ARB or HRB, whichever applies***, shall suffice to call an action for review. An action so called shall be reviewed within thirty ***(30)*** days of the ***administrative*** decision to call and shall be heard *de novo*. Said review is to ***may*** result in affirming the administrative decision with suggestions or directions, or overruling the decision and making a determination.

(3) If there is no appeal within ten ***(10)*** days after posting or no Architectural Review Board ***ARB or HRB*** call-up, the administrative architectural approval decision shall be final.

SECTION 9. The text set forth in existing Section 23.73.050 of the Pacific Grove Municipal Code entitled, “Application — Form — Fee — Posting” of Chapter 23.73, Architectural Review Board, shall be renamed “Process for Architectural Approval” and shall be changed by the deletion of all text shown in strikethrough text (~~strikethrough text~~) and the addition of all text shown in bold, italic, underscored text (***bold, italic, underscored text***), as follows:

23.73.050 Application — Form — Fee — Posting Process for Architectural Approval.

Application shall be made on a form prescribed by the ***appropriate*** board and shall be accompanied by a fee established by resolution of the council.

Where a use permit is required for the ~~development~~ ***project*** and the use permit fee has been paid, the council shall, by resolution, establish a reduced fee.

The application shall be accompanied by ~~maps, drawings, or sketches~~ ***plans*** showing existing and proposed site plans, elevations of proposed buildings or structures, the types of materials to be used, the colors to be used, the proposed landscaping and treatment of the grounds, locations, appearance, wording, and lighting of any sign proposed, and any other ~~drawings~~ ***plans*** as may be requested by the ***appropriate*** board to make the determination as set forth in Section 23.73.060.

Property for which an application for architectural approval is made shall be posted by a notice describing the application and listing the time and date of the ~~architectural review board~~ ***ARB or HRB*** hearing on the application. Such posting may be on the property itself or adjacent thereto, but in any event in a conspicuous place, and shall be made at least seven ***(7)*** days prior to the hearing.

SECTION 10. The text set forth in existing Section 23.73.060 of the Pacific Grove Municipal Code entitled, “Application — Determination” of Chapter 23.73, Architectural Review Board, shall be renamed “Basis for Architectural Approval” and shall be changed by the deletion of all text shown in strikethrough text (~~strikethrough text~~) and the addition of all text shown in bold, italic, underscored text (***bold, italic, underscored text***), as follows:

23.73.060 Application — Determination Basis for Architectural Approval.

The ~~architectural review board~~ ***ARB or HRB, whichever applies***, shall determine from the data submitted whether the architecture and general appearance of the buildings, structures, grounds, and landscaping of the completed project site will be in keeping with the character of the neighborhood and that the completed project will not be detrimental to the orderly and harmonious development of the city nor impair the desirability of investment or occupation in the neighborhood. The ***appropriate*** board shall be guided by and make reference to applicable provisions of the *Architectural*

Review Guidelines in making its determinations. **The HRB shall also apply the criteria listed in Section 23.76.030 and the Secretary of the Interior’s Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings (1995, National Park Service), as amended, in making its determinations.**

The application may be approved as submitted, may be disapproved, or may be approved subject to conditions, specified changes, or additions. The approval of the board shall be noted by the endorsement upon the sketches **plans** by the board’s stamp.

The architectural review board **ARB and HRB** shall promptly report to the **Planning Commission** each determination it makes.

If a building permit has not been applied for within one year from the date of architectural review board **ARB or HRB** approval, the approval shall be null and void and a new application shall be required.

SECTION 11. The text set forth in existing Section 23.73.070 of the Pacific Grove Municipal Code entitled, “23.73.070 Application — Points to consider” of Chapter 23.73, Architectural Review Board, shall be renamed “General Design Guidelines” and shall be changed by the deletion of all text shown in strikeout text (~~strikeout text~~) and the addition of all text shown in bold, italic, underscored text (**bold, italic, underscored text**), as follows:

23.73.070 Application — Points to consider General Design Guidelines.

In carrying out the purposes of this chapter, the board **ARB or HRB, whichever applies in each specific case,** shall consider ~~in each specific case~~ any or all of the following as may be appropriate.

(a) **Siting.**

The siting of any structure on the property **should be considered in the context of** ~~as compared to~~ the siting of other structures in the immediate neighborhood and the surrounding area.

(b) **Design.**

~~All structures shall have simplicity of mass and detail and shall not strive for bizarre effects. There shall be an appropriate use of material. Colors shall be in good taste and never harsh, garish, or inappropriate to the other colors designated for the structure or to the surrounding environment. Architectural character shall be aesthetically pleasing of itself and shall either harmonize with adjacent structures, or shall compliment architectural characteristics of adjacent structures by means of dignified contrast therewith.~~

~~———— In consideration of architectural or stylistic character and detail the simple dignity of early California architecture and the romantic character of the Victorian styles as exemplified in the early buildings of Pacific Grove shall be considered as models suitable for emulation, but studied copying of past styles shall be considered as neither necessary nor greatly to be desired.~~ **The ARB and HRB shall review proposed projects in accordance with the Architectural Review Guidelines, as amended, or succeeding document(s). The HRB shall also apply the criteria listed in Section 23.76.030 and the Secretary of the Interior’s Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings (1995, National Park Service), as amended, in making its determinations.**

(c) **Landscaping.**

Landscaping shall be designated as required by this title, and existing native trees and plants shall be preserved wherever possible.

The ~~architectural review board~~ **ARB and HRB** shall have the right to refer a landscaping plan to the city beautification and natural resources committee for recommendation.

At least eighty percent **(80%)** of the street frontage of gasoline or service stations unused for driveways shall be landscaped.

Parking lots, used car lots, service stations, or similar uses, which park or store ~~over~~ **more than (5)** vehicles, shall be landscaped.

(d) **Parking and Paving.**

The size, location, and arrangement of on-site parking and paved areas together with ingress, egress, and internal traffic circulation shall be considered and shall be subject to the board's approval.

SECTION 12. The text set forth in existing Section 23.73.080 of the Pacific Grove Municipal Code entitled, "Appeal to Planning Commission and City Council" of Chapter 23.73, Architectural Review Board, shall be changed by the deletion of all text shown in strikeout text (~~strikeout text~~) and the addition of all text shown in bold, italic, underscored text (**bold, italic, underscored text**), as follows:

23.73.080 Appeal to Planning Commission and City Council.

(a) In case any person is not satisfied with the action of the ~~architectural review board~~ **ARB or HRB**, he or she may, within ten **(10)** days ~~(five days, in the case of a single-family dwelling not listed on the historic resources inventory)~~ of the date of the decision of the board, appeal in writing to the Planning Commission. The fee for such an appeal shall be as set by resolution of the Council. The Planning Commission shall consider the matter within thirty **(30)** days of such appeal. The Planning Commission may ~~within said thirty-day period~~ affirm the action of the ~~architectural review board~~ **ARB or HRB** with suggestions or directions, or overrule the ~~architectural review board~~ **ARB or HRB** and make its own determinations.

(b) Notwithstanding the time limit for appeal set out in subsection (a) of this section, the Planning Commission and the Council shall always have until their next regularly scheduled meeting following ~~architectural review board~~ **ARB or HRB** action to decide to review such action. The vote of three **(3)** members of either body shall suffice to call an action for review. An action so called shall be reviewed within thirty **(30)** days of the decision to call. Said review is to result in affirming the action of the ~~architectural review board~~ **ARB or HRB** with suggestions or directions, or overruling the board and making determinations.

(c) With respect to any matters on appeal or call as provided in subsections (a) and (b) of this section, a hearing *de novo* shall be held. Posting, notice and public hearing shall be required only in those instances where the subject action required posting, notice and public hearing before the ~~architectural review board~~ **ARB or HRB**, **whichever applies.**

(d) Any person not satisfied with any action of the Planning Commission may appeal to the City Council pursuant to the procedures prescribed by Section 23.72.130.

SECTION 13. The text set forth in existing Section 23.76.010 of the Pacific Grove Municipal Code entitled, "Purpose" of Chapter 23.76, Historic Preservation, shall be changed by the deletion of all text shown in strikeout text (~~strikeout text~~) and the

addition of all text shown in bold, italic, underscored text (***bold, italic, underscored text***), as follows:

23.76.010 Purpose.

The protection, enhancement, perpetuation and use of structures and neighborhoods of historical and architectural significance located within the city are of cultural and aesthetic benefit to the community. The economic, cultural and aesthetic standing of the city will be enhanced by respecting the city's heritage. ***The purpose of preservation is to identify, protect, and preserve the resources of Pacific Grove's cultural and architectural history, and to assert pride in the community and what makes it unique.*** The purposes of this chapter are to:

(a) Preserve, ***and*** protect, enhance and perpetuate those historic structures ***resources*** and neighborhoods which contribute to ***constitute*** the cultural and aesthetic heritage of Pacific Grove, ***including but not limited to buildings, structures, landscapes, landmarks, neighborhoods, districts, and archaeological sites;***

(b) Further the city's goals of ***Advance the*** rehabilitating ***on of*** the existing housing stock and protecting the affordable housing supply through preservation and adaptive reuse of historic buildings ***resources;***

(c) Foster ***preservation efforts that enhance*** civic pride in the beauty and accomplishments of the past ***and knowledge of the living heritage of the past;***

(d) Preserve buildings ***resources*** significantly identified with people or events of historical and cultural importance to Pacific Grove's past;

(e) Enrich the dimensions of human life by serving aesthetic as well as material needs and fostering knowledge of the living heritage of the past;

(f) ***e*** Enhance the visual and aesthetic character, diversity and interest of the city by ***Maintain***ing the existing scale and the eclectic styles of buildings ***historic resources*** and their settings;

(g) ***f*** Control the demolition ***or destruction*** of historic structures ***resources*** in order to preserve, to the greatest extent feasible, the diverse qualities that define the character of the community of Pacific Grove and that reflect the distinct phases of its cultural and architectural history;

(h) ***g*** Enhance property values and increase economic and financial benefits to the city, its inhabitants, and property owners;

(i) ***h*** Protect and enhance the city's attraction to tourists ***residents*** and visitors, thereby stimulating business;

(j) ***i*** Conserve valuable material and energy resources by ongoing use and maintenance of the existing built environment;

j ***Ensure consistency with State and Federal historic preservation standards, criteria, and practices; and***

k ***Provide a mechanism to compile, update, and maintain the city's Historic Resource Register, Historic Context Statement and Surveys.***

SECTION 14. The text set forth in existing Section 23.76.020 of the Pacific Grove Municipal Code entitled, "Definitions" of Chapter 23.76, Historic Preservation, shall be changed by the deletion of all text shown in strikeout text (~~strikeout text~~) and the addition of all text shown in bold, italic, underscored text (***bold, italic, underscored text***), as follows:

23.76.020 Definitions.

Throughout this chapter, the following definitions shall apply:

(a) “Addition” means expansion of the size of a an historic **resource** building by construction physically connected with the existing structure.

(b) “Alteration” means any exterior change or modification to a an building **historic resource**, which alters fifty percent or less of the total lateral length of the exterior walls, including porches and other projections, within a twenty-four month period. However, if the proposed modification alters more than twenty-five percent of the surface of all exterior walls facing a public street, this shall constitute a demolition; see the definition of demolition in subsection (c) below.

Exception: **Routine Maintenance** and repair as defined in Section 23.76.020(i) **(x)**. Painting is also exempt.

(c) “California Environmental Quality Act” (“CEQA”) means Public Resources Code Section 21000 et. seq. and the implementing State CEQA Guidelines codified in the California Code of Regulations Section 15000 et. seq.

(d) “California Register of Historical Resources” (“California Register”) means the authoritative guide used to identify the state’s historic resources and to indicate what properties are to be protected, to the extent prudent and feasible, from substantial adverse change as required by the Public Resources Code Section 5024.1 et. seq. and the regulations codified in the California Code of Regulations Section 4850 et. seq.

(e) “Certified Local Government” (“CLG”) means a local government that has been certified to carry out the provisions of the National Historic Preservation Act, as amended (16 U.S.C. 470).

(f) “Conservation” means preservation of materials or parts of buildings that are of historic significance. It applies to objects and parts rather than to whole structures.

~~(c)~~ **(g) “Demolition” means an act or process which that destroys a an historic resource building, or a major portion of a an historic resource building, or impairs its structural integrity. Demolition includes:**

- ~~(1)~~ (1) Destruction of the entire building.
- ~~(2)~~ (2) “Partial demolition:” all changes to the exterior of a building, including but not limited to moving or removing windows, doorways, walls, or other structural features, if such changes alter more than twenty-five percent of the surface of all exterior wall facing a public street, and/or if these changes alter more than fifty percent of the total lateral length of the exterior walls, including porches and other projections of the building within a twenty-four month period.

Exception: Maintenance and repair as defined in Section 23.76.020(g).

(h) “Dismantling” means to disconnect or disassemble exterior walls and/or floor and/or roof systems either on a temporary or permanent basis.

(i) “Historic Context Statement” means a dynamic narrative document, adopted by the City Council and subject to revisions and additions, that identifies significant events, patterns of development, people and groups, and cultural values that may be represented by historic resources.

(j) “Historic District” means a geographic area which contains a concentration of historic buildings, structures or sites united historically, culturally, or architecturally.

~~(d)~~ **(k) “Historic resources Review Board (HRB) committee” means a committee board created to perform certain duties hereunder, as more particularly set forth at Section 23.76.024 in Chapters 23.76 and 23.73.**

~~(e)~~ **(l) “Historic Resources inventory Register,” formerly known as the Historic Resources Inventory, means (i) the list of historically significant structures,**

buildings, properties, sites and districts existing structures initiated in 1978 through a matching grant from the State Office of Historic Preservation and adopted by the city of Pacific Grove. The list was updated by the Heritage Society and the city of Pacific Grove to include structures built prior to 1927*, and (ii) other properties determined by the **city of Pacific Grove** historic resources committee to be of architectural and/or historical significance.

~~*This date was chosen because of the existence of two separate sources of verification, the 1926 Sanborn maps and the 1926 county assessor's records. Each structure was visited and viewed to determine its suitability for the list. Poor condition was not a reason for exclusion. However, inappropriate and/or irreversible external alterations which resulted in a structure's loss of integrity led to the exclusion of the structure from the list.~~

(f) **(m) "Historic integrity" means is the authenticity of an historic resource's physical** property's historic identity, evidenced by the survival of physical characteristics that existed during the property's historic **resource's** period **of significance**.

(n) **"Historic resource" means any resource that is listed or is eligible to be listed on the City's Historic Resources Register, including but not limited to resources on the California or National Registers of Historic Places.**

(o) **"National Register of Historic Places" means the official federal list of districts, sites, buildings, structures, and objects significant in American history, architecture, archaeology, engineering, and culture as authorized by the National Historic Preservation Act of 1966 as amended (16 U.S.C. 470 et. seq.).**

(p) **"Office of Historic Preservation" ("OHP") means the office responsible for administering the state historic preservation program in California.**

(g) **"Periods of significance" are the time periods in which a resource achieved its historical significance.**

(r) **"Preservation" is the act or process of applying measures necessary to sustain the existing form, integrity, and materials of an historic resource. Work, including preliminary measures to protect and stabilize the property, generally focuses upon the ongoing maintenance and repair of historic materials and features rather than extensive replacement and new construction.**

(h) **(s) "Reconstruction" means the process of reproducing by new construction the exact form and detail of a vanished structure resource, or part thereof, as it appeared during a specific period of time.**

(i) **(t) "Rehabilitation" means the process of returning a property to a state of utility through repair or alteration which makes possible an efficient contemporary and compatible use while preserving those portions or features of the property resource that are significant to its historical, architectural, and cultural values.**

(j) **(u) "Relocation" means any change movement in the location of an structure historic resource on its site or to another property-, including raising or lowering it either permanently or temporarily.**

(v) **"Reproduction" means replacement of an historic feature that has deteriorated or been lost. The new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. The features to be replaced shall be substantiated by documentary, physical, or pictorial evidence.**

(k) **(w) "Restoration" means the process of returning an historic resource building to a documented prior condition its form and condition as represented by a specified period of time using materials that are as similar as possible to the original materials.**

~~(g)-(x)~~ ***“Routine Maintenance and repair”*** means the act or process of conserving or repairing a structure without modifying the form, detail, or type of material. Maintenance and repair includes the placement of a concrete foundation for buildings and structures listed on the city's historic resources inventory.

(y) “Secretary of the Interior’s Standards & Guidelines for Rehabilitation (“Secretary’s Standards”) means the Secretary of the Interior’s Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings (1995, National Park Service), as amended.

(z) “Survey” is a systematic process for gathering information about, identifying, and evaluating the quantity and quality of a community’s historical resources for land use planning purposes.

SECTION 15. The text set forth in existing Section 23.76.021 of the Pacific Grove Municipal Code entitled, “Historic resources committee”, of Chapter 23.76, Historic Preservation, shall be renamed **“Historic Review Board (HRB)”** and shall be changed by the deletion of all text shown in ~~strikeout text~~ and the addition of all text shown in bold, italic, underscored text (***bold, italic, underscored text***), as follows:

23.76.021 Historic resources committee Review Board (HRB).

(a) The historic resources committee ***HRB*** shall consist of seven ***five (5)*** members. ***All members shall have*** having a demonstrated interest, ***competence, or knowledge of historic preservation.*** ~~in and knowledge of historic preservation and the cultural resources of Pacific Grove. One of members shall be a licensed architect with preservation experience, one shall be a licensed general contractor with preservation experience, and one shall be a representative of the Heritage Society.~~ ***Additional provisions for the composition of the board are set forth in Section 23.73.010. The power and duties of the HRB are set forth in Chapter 23.73.020.***

~~(b) The mayor, with approval of the council, shall appoint all members, provided that the Heritage Society shall appoint its member. Terms of all members shall be two years. Three of the committee members shall be appointed for terms ending on January thirty-first in even-numbered years and four shall be appointed for terms ending on January thirty-first in odd-numbered years.~~

~~(c) The committee shall select one of the membership to be chairperson for a one-year term, to commence at the first meeting in February.~~

~~(d) All meetings shall be open to the public and shall be held at a time and place determined to facilitate public convenience and involvement.~~

~~(e) The committee shall meet no less frequently than once a month.~~

~~(f) Powers and duties of the committee shall be as follows:~~

~~(i) Determination of additions and deletions from the historic resources inventory, per Section 23.76.030;~~

~~(ii) Other duties as set out in this chapter or as directed by the city council.~~

~~(g) An affirmative vote of a majority of the total members of the historic resources shall be required for any action by the committee.~~

SECTION 16. A new section 23.76.022 entitled “Historic Context Statement” shall be added to Chapter 23.76 of the Pacific Grove Municipal Code, entitled “Historic

Preservation,” as set forth in bold, italic, underscored text (***bold, italic, underscored text***), as follows:

23.76.022 Historic Context Statement

The purpose of an Historic Context Statement is to provide a framework for identifying historic resources and determining their relative significance. Upon adoption of an Historic Context Statement for Pacific Grove by the City Council, it shall be used to further define the meaning and intent of the evaluation criteria set forth in Section 23.76.030, as a means of determining whether a resource should be listed in the City’s Historic Resources Register. The Historic Context Statement is a dynamic document and shall be updated from time to time.

SECTION 17. The text set forth in existing Section 23.76.025 of the Pacific Grove Municipal Code entitled, “Evaluation criteria” of Chapter 23.76, Historic Preservation, shall be renumbered Section 23.76.030. The text set forth in existing Section 23.76.030 of the Pacific Grove Municipal Code entitled, “Historic resources inventory—Additions and deletions” shall be renumbered Section 23.76.025, shall be renamed “Maintenance of the Historic Resources Register” and shall be changed by the deletion of all text shown in strikeout text (~~strikeout text~~) and the addition of all text shown in bold, italic, underscored text (***bold, italic, underscored text***), as follows:

23.76.030~~025~~ Historic resources inventory — Additions and deletions Maintenance of the Historic Resources Register

(a) Properties may be **brought before** added to the historic resources inventory either by initiation of the **HRB for review**, historic resources committee or **to determine their appropriate Historic Resources Register status, either** by written request of the property owner, **the Heritage Society of Pacific Grove, the Community Development Department, or a vote of three (3) members of the HRB.** The historic resources committee shall determine **Following seven (7) days’ posting and notice of hearing, including notice to the owner, the HRB shall hold a public hearing to determine whether or not to place the property on the Register** whether or not the property should be added based on the criteria listed in Section 23.76.025~~030~~.

(b) Property owners may request that property be deleted from the historic resources inventory by submitting a written request to the historic resources committee. The historic resources committee shall determine following hearing, whether or not the property should be deleted based on the criteria listed in Section 23.76.025. **The owner of a property on the Historic Resources Register may apply to the City to have the property removed from the Register at a public hearing of the HRB. Substantial evidence must be presented that demonstrates the property is not an historic resource.**

(c) **Minor technical changes to the Historic Resources Register necessary to correct errors or due to address changes shall not be subject to public hearing and shall be completed by Community Development Department staff and approved by the Chief Planner. Administrative changes shall be confirmed by the HRB at its next scheduled meeting. Should changes not be confirmed, a duly noticed and posted public hearing shall be held.**

(d) **Resources included in the Historic Resources Register shall be considered historic resources for purposes of CEQA.**

SECTION 18. The text set forth in existing Section 23.76.030 of the Pacific Grove Municipal Code entitled, “Historic resources inventory — Additions and deletions” of Chapter 23.76, Historic Preservation, shall be renumbered Section 23.76.025. The text set forth in existing Section 23.76.025 of the Pacific Grove Municipal Code entitled, “Evaluation criteria” of Chapter 23.76, Historic Preservation, shall be renumbered Section 23.76.030, shall be renamed “Evaluation criteria for the Pacific Grove Historic Resources Register (HRR)” and shall be changed by the deletion of all text shown in ~~strikeout text~~ and the addition of all text shown in bold, italic, underscored text (***bold, italic, underscored text***), as follows:

23.76.025030 ***Evaluation Criteria for the Pacific Grove Historic Resources Register (HRR).***

The City is committed to preserving all local historic resources that qualify under certain evaluation criteria that are unique to Pacific Grove, in addition to others that apply to the California Register of Historical Resources. The Historic Resources Register is the City’s officially adopted list of its recognized local historic resources. The Register includes historic resources that are associated with Pacific Grove’s distinctive history and its architecture. The evaluation criteria below are to be used to determined historic significance. The criteria specifically address local resources as they relate to the history, growth, and development of the city of Pacific Grove. In order to understand the historic importance of a resource, sufficient time must have passed to obtain a scholarly perspective on the events or individuals associated with the resource. A resource less than fifty (50) years old may be considered for listing on the Historic Resources Register if it is of significant architectural importance or if it can be demonstrated that sufficient time has passed to understand its historical importance. Owner consent is not required for nomination to or listing on the Register.

A resource must meet at least one (1) of the following criterion to qualify:

(a) (b) Whether it is the site of a significant historic event; It is 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;

(b) (c) Whether it is strongly identified with a person who, or an organization which, significantly contributed to the culture, history or development of the city of Pacific Grove; It is associated with the lives of persons important to local, California, or national history;

(c) (d) Whether it is a particularly good example of a period or style; It embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of a master, or possesses high artistic values;

(d) (a) Whether the structure has significant character, interest or value as part of the development, heritage or cultural characteristics of the city of Pacific Grove, the state of California, or the United States; It yields, or has the potential to yield, information important to the prehistory or history of Pacific Grove, the local area, California, or the nation;

(e) — Whether it is one of the few remaining examples in the city of Pacific Grove possessing distinguishing characteristics of an architectural type or specimen;

(f) — Whether it is a notable work of an architect or master builder whose individual work has significantly influenced the development of the city of Pacific Grove;

(g) — Whether it embodies elements of architectural design, detail, materials or craftsmanship that represent a significant architectural innovation;

(h) ~~(e)~~ Whether it has a unique location or ***It is uniquely located or displays*** singular physical characteristics representing an established and ***that have become over time a*** familiar visual feature of a neighborhood, community, or of the city of Pacific Grove;

(i) ~~(f)~~ Whether ***It was built during the periods of significance identified in the Historic Context Statement and represents a property type associated with an important theme or aspect of the Historic Context Statement, and*** it retains the integrity of the original design;

(j) — Whether it contributes to the architectural aesthetics and continuity of the street;

(k) ~~(g)~~ Whether ***It*** is located within a geographically definable area possessing a concentration of historic properties, which visually contribute to each other and are unified aesthetically ***or contributes to the architectural aesthetics and continuity of the area;***

(h) It is listed on, or eligible for, the California Register of Historical Resources and/or the National Register of Historic Places.

SECTION 19. The text set forth in existing Section 23.76.040 of the Pacific Grove Municipal Code entitled, “State Historic Building Code” of Chapter 23.76, Historic Preservation, shall be moved to Section 23.76.060(a) and Section 23.76.040 shall be deleted.

SECTION 20. The text set forth in existing Section 23.76.050 of the Pacific Grove Municipal Code entitled, “Ordinary maintenance and repair” of Chapter 23.76, Historic Preservation, shall be renamed “Routine maintenance and repair” and shall be changed by the deletion of all text shown in strikeout text (~~strikeout text~~) and the addition of all text shown in bold, italic, underscored text (***bold, italic, underscored text***), as follows:

23.76.050 ~~Ordinary~~*Routine Maintenance and Repair.*****

Nothing in this chapter shall be construed to prevent ordinary ***routine*** maintenance and repair of a building ***resource*** on the ***H***istoric ***R***esources inventory ***Register.*** ***Conservation and repair of existing materials is strongly encouraged. Routine maintenance does not require architectural review, but may require a building permit. Routine maintenance and repair may include the placement of a concrete foundation for structures listed on the City’s Historic Resources Register if no relocation (including raising and lowering the resource) is involved. Replacing shingle siding in-kind, painting, and roofing materials replacement of in-kind materials or new non-combustible roofing material that matches the historic appearance of the resource shall be considered routine maintenance. Replacement of original gutters and changes to rafter tails or other architectural details is NOT considered routine maintenance.***

SECTION 21. The text set forth in existing Section 23.76.060 of the Pacific Grove Municipal Code entitled, “Incentive— Exceptions to land use regulations” of Chapter 23.76, Historic Preservation, shall be renamed “Incentives” and shall be changed by the deletion of all text shown in strikeout text (~~strikeout text~~) and the addition

of all text shown in bold, italic, underscored text (***bold, italic, underscored text***), as follows:

23.76.060 Incentives — Exceptions to land use regulations.

(a) State Historical Building Code.

The California State Historical Building Code (SHBC) provides alternative building regulations for the rehabilitation, preservation, restoration or relocation of structures designated as cultural resources. As required by state law, the SHBC shall be used for qualified historic buildings on ***or eligible for the Historic Resources inventory Register*** in the city’s building permit procedure.

(b) Historic Preservation Permit.

Following notice of hearing (ten days published and posted), the ***HRB*** architectural review board may grant an historic preservation permit for an exception to zoning district regulations when such exception is necessary to permit the preservation or restoration of, or improvements to, a ***building resource*** listed on the ***Historic Resources inventory Register***. Such exceptions may include, but ***are*** not be limited to, parking, yards, height and coverage regulations. Such exceptions shall not include approval of uses not otherwise allowed by the zoning district regulations. In considering an application for such exception, the ***HRB*** architectural review board shall be directed and guided by the list of purposes found in Section ***s*** 23.76.010 and by Section 23.04.010.

(c) Exceptions from HRB Review.

An architectural approval application for an historic resource may be exempted from the HRB review and may follow the procedures in Section 23.73.045, if the project:

(1) conforms to the Secretary of the Interior’s Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings, as amended, the Architectural Review Guidelines of the City of Pacific Grove, or succeeding document(s); and

(2) results in less than ten percent (10%) increase in floor area;
and

(3) does not enlarge or create a second story.

SECTION 22. The text set forth in existing Section 23.76.070 of the Pacific Grove Municipal Code entitled, “Unsafe or dangerous conditions” of Chapter 23.76, Historic Preservation, shall be renumbered Section 23.76.110. The text set forth in existing Section 23.76.080 of the Pacific Grove Municipal Code entitled, “Additions and alterations” of Chapter 23.76, Historic Preservation, shall be renumbered Section 23.76.070, shall be renamed “Additions and Alterations to Historic Resources” and shall be changed by the deletion of all text shown in strikeout text (~~strikeout text~~) and the addition of all text shown in bold, italic, underscored text (***bold, italic, underscored text***), as follows:

23.76.080070 Additions and Alterations to Historic Resources.

The following shall apply to additions and alterations made to historic resources in the city of Pacific Grove:

(a) No person shall carry out or cause to be carried out on a building ***resource*** listed in the city of Pacific Grove historic resources inventory, ***any*** addition to, or exterior alteration of, any such building ***historic resource requires*** without first obtaining approval by the ***HRB*** architectural review board. ***or administrative***

architectural approval by the Community Development Department Chief Planner.

This provision applies to changes not requiring building permits as well as to changes requiring a building permit. ~~Without limitation, e~~ Examples of proposed exterior changes that must be approved by the **HRB** architectural review board before they are carried out include, **but are not limited to**: changing the profile of the building **historic resource**; closing or changing the dimensions of existing window or door openings; adding windows or doors, changing window or door framing **trim** materials, changing the type of roof or exterior wall materials and/or trim materials, **except as noted in Section 23.76.050.**

(b) Repair and reuse of existing materials are required, to the greatest extent feasible, for all exterior alterations of a resource listed on the city of Pacific Grove Historic Resources Register. This includes, but is not limited to, doors, windows, and floor and roof support systems.

(c) A Rehabilitation Plan may be required by the HRB, details of which shall be established by that board, on a case-by-case basis.

~~(b)-(d)~~ **(d)** In reviewing applications for additions to, or exterior alteration of, historic building **resources**, the **HRB** architectural review board shall consider **apply** the criteria listed in Section 23.79.025 **23.76.030**, and shall be guided but not be bound by the Secretary of the Interior’s *Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings, as amended; and the Architectural Review Guidelines* or succeeding document(s).

(e) An historic preservation permit shall not be granted when the proposed alterations change the historic resource in such a way that it no longer qualifies for inclusion on the Historic Resources Register, based on the criteria listed in Section 23.76.030. Applicants may appeal this decision to the Planning Commission.

(f) Before granting approval of alterations, the HRB shall make a finding that the alterations to the resource have not changed its eligibility for inclusion on the Historic Resources Inventory.

SECTION 23. The text set forth in existing Section 23.76.090 of the Pacific Grove Municipal Code entitled, “Demolitions” of Chapter 23.76, Historic Preservation, shall be renumbered Section 23.76.080, shall be renamed “Demolitions, Dismantlings, and Relocations” and shall be changed by the deletion of all text shown in strikethrough text (~~strikethrough text~~) and the addition of all text shown in bold, italic, underscored text (***bold, italic, underscored text***), as follows:

23.76.090080 Demolitions, Dismantlings, and Relocations.

It is the intent of the City of Pacific Grove that historic resources not be demolished, dismantled, or relocated, either in total or in part, unless extraordinary circumstances exist and all other preservation options have been exhausted. All such actions require an approved demolition, dismantling, or relocation permit.

Demolition includes:

(a) Destruction of an entire historic resource; and

(b) All changes to the exterior of an historic resource that alter more than twenty-five percent (25%) of the surface of any exterior wall that faces a public street, and/or that alter more than fifty percent (50%) of the total lateral length of the exterior walls, including porches and other projections. Such alterations include, but are not limited to, moving or removing windows,

doorways, or other structural or architectural features, or enclosing exterior walls so that they no longer function as exterior walls. Changes to the exterior of the historic resource carried out within the previous ten (10) years will be included in the demolition calculations for the current project proposal. Exception: Routine maintenance and repair as set forth in Section 23.76.050.

Dismantling includes disconnecting or disassembling exterior walls, and/or floor systems, and/or roof systems, either on a temporary or permanent basis. If the applicant provides ample evidence that dismantling is the optimal approach for rehabilitation of the resource, a dismantling permit shall still be required, but the permit shall be processed concurrently with other discretionary permits.

Relocation includes:

- (a) Relocation of the historic resource to another property;**
- (b) Relocation of the historic resource on its current site; and**
- (c) Raising or lowering the resource on a temporary or permanent**

basis. If such action is solely for the placement of a new foundation in order to advance the preservation of the resource, a relocation permit shall still be required, but the relocation permit fee shall be waived, and the permit shall be processed concurrently with other discretionary permit applications.

The following **review procedures** shall apply to demolitions, **dismantlings, or relocations** of historic resources in the city of Pacific Grove:

(a) Any person desiring to demolish, **dismantle, or relocate all or part of an building-historic resource** listed on the Pacific Grove historic resources inventory shall file an application for a historic demolition permit to demolish, dismantle, or relocate an historic resource with the **Community Development Department**.

Exceptions: Single-story detached garages, sheds, or other accessory buildings with no identified historic, cultural or architectural value, as determined by the community development director, shall be exempt from this requirement.

(b) Following ten **seven (7)** days' posting and notice of hearing, the **HRB architectural review board** shall hold a public hearing to consider the application. The following information shall be provided to the **HRB architectural review board**;

(1) The chief building inspector's evaluation of the stability of the building **historic resource** proposed for demolition, **dismantling, or relocation**;

(2) Architectural plans for the replacement structure as part of the review of any demolition permit; and

(3) Any other information deemed necessary by the **HRB historic resources committee** to evaluate the application.

(c) Following the public hearing, the **HRB architectural review board** shall take one of the following actions:

(1) Approve the permit **for demolition, dismantling, or relocation**;

(2) Deny the permit for demolition, dismantling, or relocation;

(2)(3) If a complete demolition is proposed, A approve the permit subject to a waiting period of up to one hundred eighty **(180)** days to consider documentation, relocation or other alternatives to demolition, after which waiting period the permit is deemed approved;

(i) During the waiting period, the applicant shall advertise the proposed demolition in a paper of general circulation in the city of Pacific Grove at least once during the first thirty **(30)** days following the action by the **HRB historic resources committee**. Such advertisement shall include the address at which the structure **resource** proposed for demolition is located, information as to how arrangements can be made for relocation and the date after which a demolition permit may be issued.

Evidence of this publication must **shall** be submitted to the **Community Development** director **Department Chief Planner** prior to issuance of a demolition permit.

(ii) During the waiting period, the **HRB** historic resources committee may investigate and suggest **other** preservation measures, **require the conservation of historic materials**, or **require** documentation such as photographing the building **historic resource**, preparing measured drawings and gathering related historical data.

(3) ~~Deny the permit;~~

(4) **If a complete demolition is proposed**, ~~Approve the relocation of the historic resource~~ (within the city of Pacific Grove) ~~of the building as an alternative to demolition.~~

(d) The **HRB** architectural review board shall consider the criteria listed in Section 23.76.025 **030** in determining which of the actions listed in subsection (c) of this section applies.

(e) Findings.

(1) Prior to approval or modified approval, the **HRB** architectural review board shall find that:

~~(i)~~ **(i)** The applicant has demonstrated that the action proposed is necessary to correct an unsafe or dangerous condition on the property; or

~~(ii)~~ **(ii)** The proposed action is consistent with the purposes of historic preservation as set forth in Section 23.76.010 and in the historic preservation element of the **General Plan**; or

(iii) There are no reasonable alternatives to the demolition, **dismantling, or relocation** at the time of the hearing.

(2) Prior to denial, the **HRB** historic resources committee shall find that:

(i) The proposed action is not consistent with the purposes of historic preservation as set forth in Section 23.76.010 and in the historic preservation element of the **General Plan**; or

(ii) There are reasonable alternatives to the demolition, **dismantling, or relocation** at the time of the hearing.

SECTION 24. A new section 23.76.090 entitled “Reconstruction of Historic Resources” shall be added to Chapter 23.76 of the Pacific Grove Municipal Code, entitled “Historic Preservation,” as set forth in bold, italic, underscored text (***bold, italic, underscored text***), as follows:

23.76.090 Reconstruction of Historic Resources.

The HRB, at its discretion, may approve reconstruction in limited circumstances, and only after all other preservation options are exhausted.

SECTION 25. The text set forth in existing Section 23.76.100 of the Pacific Grove Municipal Code entitled, “Relocation” of Chapter 23.76, Historic Preservation, shall be deleted in its entirety.

23.76.100 Relocation.

~~Relocating a structure within the city of Pacific Grove may be permitted following the same procedural guidelines described in Section 23.76.090 including the filing of an application for relocation.~~

SECTION 26. The text set forth in existing Section 23.76.110 of the Pacific Grove Municipal Code entitled, “Minimum maintenance” of Chapter 23.76, Historic Preservation, shall be renumbered Section 23.76.100 and shall be changed by the deletion of all text shown in ~~strikeout text~~ and the addition of all text shown in bold, italic, underscored text (***bold, italic, underscored text***), as follows:

23.76.110 ***Minimum Maintenance.***

(a) Minimum maintenance is necessary to prevent an owner, or other person having legal custody and control over a property, from facilitating the demolition of an historic resource by neglecting it. All ~~building~~ ***resources*** listed on the ***Historic Resources inventory Register*** shall be kept in a state of good repair consistent with all other state and city codes so as to preserve them against decay and deterioration.

(b) The ~~Community Development director~~ ***Department Chief Planner*** may direct the property owner to maintain the historic property in a manner designed to prevent vandalism and destruction if such property is not occupied.

SECTION 27. The text set forth in existing Section 23.76.070 of the Pacific Grove Municipal Code entitled, “Unsafe or dangerous conditions” of Chapter 23.76, Historic Preservation, shall be renumbered Section 23.76.110 and shall be changed by the deletion of all text shown in ~~strikeout text~~ and the addition of all text shown in bold, italic, underscored text (***bold, italic, underscored text***), as follows:

23.76.070 ***Unsafe or Dangerous Conditions.***

None of the provisions of this chapter shall be construed to prevent construction, alteration, demolition or relocation necessary to correct the unsafe or dangerous conditions, as defined in applicable building codes, of any ~~structure~~ ***resource***, feature, or part thereof, when such condition has been declared unsafe or dangerous by the ~~chief Building inspector~~ ***Official***, where such unsafe or dangerous condition cannot be rectified through the use of the State Historical ~~Building Code~~, and where the proposed measures have been declared necessary by such official to correct the said condition. However, only such work as is necessary to correct the unsafe or dangerous condition may be performed and only after obtaining any required building permit. In the event any ~~structure~~ ***resource*** or other feature is damaged by fire or other calamity, the ~~chief Building inspector~~ ***Official*** may specify, prior to any required review by the ~~HRB historic resources committee, or the architectural review board~~, the amount of repair necessary to correct an unsafe condition. Such determination shall be made in conformance with the provisions of Public Resources Code Section 5028.

SECTION 28. The text set forth in existing Section 23.76.120 of the Pacific Grove Municipal Code entitled, “Appeals—Review” of Chapter 23.76, Historic Preservation, shall be changed by the deletion of all text shown in ~~strikeout text~~ and the addition of all text shown in bold, italic, underscored text (***bold, italic, underscored text***), as follows:

23.76.120 ***Appeals—Review.***

(a) Any person not satisfied with the action of the **HRB** architectural review board, made pursuant to the provisions of this Chapters **23.76 and 23.73**, may, appeal in accordance with the provisions of Section 23.73.080. Any person not satisfied with an action of the historic resources committee or planning commission made pursuant to the provisions of this chapter, may **within ten (10) days, appeal to the Planning Commission. The appeal shall be in writing and shall be accompanied by a fee, as set by resolution of the Council. The Planning Commission shall consider the matter within thirty (30) days of such appeal. The Planning Commission may affirm or overrule the action of the HRB at a public meeting that shall be published and posted ten (10) days prior to such hearing. Any person not satisfied with an action of the Planning Commission made pursuant to the provisions of Chapters 23.76 and 23.73,** may appeal such action to the City Council. The appeal shall be in writing and shall be accompanied by a fee as set by resolution of the Council. **The Council shall consider the matter within thirty (30) days of such appeal. The Council may affirm or overrule the action of the Planning Commission at a public meeting that shall be published and posted ten (10) days prior to such hearing.**

(b) Notwithstanding the time limit for appeal set out immediately above, the **Planning Commission** council shall always have until their **its** next regularly scheduled meeting occurring at least ten **nine (9)** days following **HRB** architectural review board, historic resources committee or planning commission action to decide to review such action. A vote of **three (3) planning commissioners** three council members shall suffice to call such action for review.

(c) With respect to a matter on appeal or review as provided in subsections (a) and (b) of this section, a hearing *de novo* shall be held. Posting, notice and public hearing requirements shall be as was required before the board or committee first hearing the matter.

(d) An appeal or review matter hereunder shall be heard within thirty **(30)** days following the date of filing the appeal or decision to review.

(e) Following hearing on appeal or review the **Planning Commission or Council** may affirm, overrule or modify the decision of the board, committee or commission, with conditions as appropriate.

SECTION 29. The text set forth in existing Section 23.76.130 of the Pacific Grove Municipal Code entitled, "Enforcement and penalties" of Chapter 23.76, Historic Preservation, shall be changed by the deletion of all text shown in strikethrough text (~~strikethrough text~~) and the addition of all text shown in bold, italic, underscored text (***bold, italic, underscored text***), as follows:

23.76.130 Enforcement and Penalties.

(a) It shall be the duty of the community development director, or the community development director's delegate, to administer and enforce the provisions of this chapter. ***Violations of this Chapter may be enforced pursuant to Chapter 1.16.***

(b) It is unlawful for a person or entity to alter or demolish or cause to be altered or demolished any building ***historic resource*** or portion thereof in violation of any of the provisions of this Chapter.

(c) ***If the City determines, after public hearing, that a*** Any person or entity who ***has altered or demolished an building historic resource or causes an*** alteration or demolition in violation of the provisions of this Chapter, ***that person or entity*** may be liable civilly in a sum equal to the replacement value of the building in

kind, or an amount set at the discretion of the Hearing Officer or court. **The person or entity causing the alteration or demolition, even when due to neglect, shall pay the appraisal fees.**

(d) The city attorney may maintain an action for injunctive relief to restrain or correct a violation, or cause, where possible, the complete or partial restoration, reconstruction or replacement in kind of any building historic resource or site demolished, altered or partially demolished, or allowed to fall below minimum maintenance standards in violation of this Chapter.

(e) ~~The property~~ **A lot** which is the site of alteration or demolition of an historic structure resource in violation of this Chapter shall not be developed in excess of the floor area ratio, or the dwelling unit density **or number of dwelling units that existed on the site immediately prior to the alteration or demolition**, of the altered or demolished structure for a period of five **ten (10)** years from the unlawful alteration or demolition. A person or entity may be relieved of the penalties provided in this subsection if, as to an unlawful alteration, the person or entity restores the original distinguishing qualities and character of the building destroyed or altered. **A property owner may be required to reconstruct the original distinguishing features of the historic resource altered or destroyed.** Such restoration reconstruction must **shall** be undertaken pursuant to a valid building permit issued after a recommendation by the HRB architectural review board, and a finding by the City Council that the proposed work will effect adequate restoration reconstruction and can be done with a substantial degree of success.

(f) The remedies provided in subsections (~~ba~~) through (e) of this section are not exclusive.

SECTION 30. If any provision, section, paragraph, sentence, clause or phrase of this ordinance, or any part thereof, or the application thereof to any person or circumstance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance, or any part thereof, or its application to other persons or circumstances. The City Council hereby declares that it would have passed and adopted each provision, section, paragraph, subparagraph, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, paragraphs, subparagraphs, sentences, clauses or phrases, or the application thereof to any person or circumstance, be declared invalid or unconstitutional.

SECTION 31. This ordinance shall become effective on the thirtieth (30th) day following passage and adoption hereof.

PASSED AND ADOPTED BY THE COUNCIL OF THE CITY OF PACIFIC GROVE THIS ____ day of _____ 2008, by the following vote:

AYES:

NOES:

ABSENT:

APPROVED:

DANIEL E. CORT, Mayor

ATTEST:

CHARLENE WISEMAN, City Clerk

APPROVED AS TO FORM:

DAVID C. LAREDO, City Attorney