

Chapter 16.49 HISTORIC PRESERVATION*

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* Editor's Note: Prior ordinance history: Ordinance Nos. 3197, 3243, 3333 and 3523.

16.49.010 Purpose.

It is found that the protection, enhancement, perpetuation and use of structures, districts and neighborhoods of historical and architectural significance located within the city are of cultural and aesthetic benefit to the community. It is further found that the economic, cultural and aesthetic standing of this city will be enhanced by respecting the heritage of the city. The purposes of this chapter are to:

- (a) Designate, preserve, protect, enhance and perpetuate those historic structures, districts and neighborhoods which contribute to the cultural and aesthetic heritage of Palo Alto;
 - (b) Foster civic pride in the beauty and accomplishments of the past;
 - (c) Stabilize and improve the economic value of certain historic structures, districts and neighborhoods;
 - (d) Develop and maintain appropriate settings for such structures;
 - (e) Enrich the educational and cultural dimensions of human life by serving aesthetic as well as material needs and fostering knowledge of the living heritage of the past;
 - (f) Enhance the visual and aesthetic character, diversity and interest of the city;
 - (g) Establish special requirements so as to assure the preservation and the satisfactory maintenance of significant historic structures within the downtown area.
- (Ord. 3721 § 1 (part), 1986)

16.49.020 Definitions.

Throughout this chapter, the following definitions shall apply:

- (a) "Downtown area" means that area of the University Avenue business district subject to Chapter 18.48 of Title 18 of the Palo Alto Municipal Code (the Zoning Code) and all

zones within the geographical boundaries shown on the maps incorporated into Chapter 18.48, including planned community and public facility districts.

(b) "Historic categories" means those categories established to define and categorize the historic structures/sites on the historic inventory. Those categories are as follows:

Category 1: "Exceptional building" means any building or group of buildings of preeminent national or state importance, meritorious work of the best architects or an outstanding example of the stylistic development of architecture in the United States. An exceptional building has had either no exterior modifications or such minor ones that the overall appearance of the building is in its original character.

Category 2: "Major building" means any building or group of buildings of major regional importance, meritorious works of the best architects or an outstanding example of an architectural style or the stylistic development of architecture in the state or region. A major building may have some exterior modifications, but the original character is retained.

Category 3 or 4: "Contributing building" means any building or group of buildings which are good local examples of architectural styles and which relate to the character of a neighborhood grouping in scale, materials, proportion or other factors. A contributing building may have had extensive or permanent changes made to the original design, such as inappropriate additions, extensive removal of architectural details, or wooden facades resurfaced in asbestos or stucco.

(c) "Historic district" means a collection of buildings in a geographically definable area possessing a significant concentration or continuity of buildings unified by past events, or aesthetically by plan or physical development. A district should have integrity of design, setting, materials, workmanship and association. The collective value of a historic district taken together may be greater than the value of each individual building. All structures/sites within a historic district are categorized as significant on the historic inventory.

(d) "Historic inventory" means the current edition of the Palo Alto Historical and Architectural Resources Report and Inventory, and the master list of categories for those structures or sites.

(e) "Historic structure/site" means any structure or site within the city which has been identified as having historic or architectural significance and has been placed on the historic inventory of the city of Palo Alto, including structures and sites within categories 1, 2, 3 or 4, and all structures within historic districts.

(f) "Significant building" means any building, group of buildings or site categorized on the historic inventory as number one or number two and all structures within historic districts. (Ord. 3721 § 1 (part), 1986)

16.49.030 Historic resources board.

(a) Composition. The historic resources board shall be composed of seven members appointed by the city council and serving without pay. Members shall have demonstrated interest in and knowledge of history, architecture or historic preservation. One member shall be an owner/occupant of a category 1 or 2 historic structure, or of a structure in a historic district; three members shall be architects, landscape architects, building designers or other design professionals and at least one member shall possess academic education or practical experience in history or a related field.

(b) Terms of Office. Members shall serve for terms of three years and until their

respective successors are appointed. Terms shall be staggered so that three positions are refilled one year, and four positions are refilled two years later. Commencing on October 21, 1991, there shall be one member whose term expires May 31, 1992, and one member whose term expires May 31, 1994. Subsequent appointments shall be made for terms of three years, or until their successors are appointed. Terms of office commence June 1.

(c) Appointment. In filling vacancies on the historic resources board, the following procedures shall be followed by the city council:

(1) Following notification of vacancy or pending vacancy on the historic resources board, the city clerk shall advertise the same in a newspaper of general circulation in the city, including the council agenda digest, four times within two weeks.

(2) Written nominations and applications shall be submitted to the city clerk within one week of the date of the last notice to be forwarded to the city council for its consideration. Notwithstanding the foregoing, if the nomination or application of an incumbent board member is not submitted to the city clerk within the period specified above, said period shall be extended for an additional five days during which the city clerk shall accept written nominations and applications of nonincumbents.

(3) The Palo Alto Historic Association shall be given notice of vacancies on the board and shall be encouraged to have its members submit applications.

(4) The city council shall review all nominations and applications, and conduct such interviews as it deems necessary prior to selections.

(5) Final selection and appointment shall be made by the city council at a regular city council meeting after the period for submittal of nominations and applications has expired.

(d) Organization. The board shall hold meetings twice monthly or at the pleasure of the chairperson, and shall establish such rules as may be appropriate and necessary for the orderly conduct of its business. The board shall elect a chairperson and a vice chairperson from its membership who shall serve in such capacity for terms of one year each. The chairperson shall preside over meetings of the board, and in the absence or disability of the chairperson, the vice chairperson shall perform the duties of the chairperson.

Four members shall constitute a quorum and decisions of the board shall be determined by majority vote of those members present at the meeting. Action minutes shall be kept by the board.

(e) Duties. It is the duty of the historic resources board to:

(1) Render advice and guidance to a property owner upon the owner's application for alteration of any historic single-family or duplex building in the downtown area and any such building designated as significant elsewhere in the city.

(2) Inform the architectural review board of the historical and/or architectural significance of historic commercial and multiple-family structures in the downtown area and any such buildings designated as significant elsewhere in the city that are under review by the architectural review board. Submit recommendations to the architectural review board regarding proposed exterior alterations of such historic structures.

(3) Recommend to the council the designation of additional buildings and districts as historic.

(4) Research available information and add historical information to the inventory sheets of historic structures/sites. This inventory is maintained in the department of planning and community environment.

(5) Perform such other functions as may be delegated from time to time to the historic resources board by the city council.
(Ord. 4047 §§ 1-3, 1991; Ord. 3876 § 1, 1989; Ord. 3721 § 1 (part), 1986)

16.49.040 Designation of historic structures/sites.

(a) Procedure for Designation of Historic Structures/Sites or Districts. Any individual or group may propose designation as a historic structure/site or district. Such proposals shall be reviewed by the historic resources board, which will make its recommendation to the council. Designation of a historic structure/site or district must be approved by the city council. The procedure for such designation is as follows:

(1) Any proposal for designation shall be filed with the department of planning and community environment and shall include the following data:

(A) The address and assessor's parcel number of the site or boundaries of the proposed district;

(B) A description detailing the structure/site or district's special aesthetic, cultural, architectural, or engineering interest or value of a historic nature;

(C) A description of the historical value of the structure/site or district;

(D) A description of the current condition of and any known threats to the structure/site or district;

(E) What restoration, if any, would be necessary to return the structure/site or district to its original appearance;

(F) Sketches, drawings, photographs or other descriptive material;

(G) Other supporting information.

(2) Each proposal shall be considered by the historic resources board at a public hearing within sixty days of the receipt of the proposal. In any case where an application for a planning or building permit affecting the exterior of a building is pending concurrently with a proposal for designation, the recommendation of the historic resources board shall be made within twenty days of receipt of the proposal.

(3) Notice of the time, place and purpose of the hearing shall be given at least twelve days prior to the date of the hearing by publication at least once in a newspaper of general circulation, or by mail to the applicant, to the owner or owners of the property, and to the owners of property within three hundred feet of the site.

(4) The historic resources board shall recommend to the city council approval, disapproval or modification of an application for designation.

(5) The city council may approve, disapprove or modify a recommendation for designation and, in any case where an application for a planning or building permit is pending concurrently with the proposal for designation, such decision shall be made within thirty days of the recommendation, if any, of the historic resources board.

(6) After approval of the designation of a structure/site or district, the city clerk shall send to the owners of the property so designated, by mail, a letter outlining the basis for such designation and the regulations which result from such designation. Notice of this designation shall also be filed in the building department and the department of planning and community environment files.

(b) Criteria for Designation. The following criteria, along with the definitions of historic categories and districts in Section 16.49.020, shall be used as criteria for designating

additional historic structures/sites or districts to the historic inventory:

- (1) The structure or site is identified with the lives of historic people or with important events in the city, state or nation;
 - (2) The structure or site is particularly representative of an architectural style or way of life important to the city, state or nation;
 - (3) The structure or site is an example of a type of building which was once common, but is now rare;
 - (4) The structure or site is connected with a business or use which was once common, but is now rare;
 - (5) The architect or building was important;
 - (6) The structure or site contains elements demonstrating outstanding attention to architectural design, detail, materials or craftsmanship.
- (Ord. 3721 § 1 (part), 1986)

16.49.050 Exterior alteration or historic structures.

(a) Review Process. All applications for a building permit for exterior alteration to any historic structure/site in the downtown area or a significant building elsewhere in the city, new construction on a parcel where there is currently a historic structure in the downtown area or a significant building elsewhere in the city, or such application for construction within a historic district shall be reviewed as follows:

(1) Review Bodies.

(A) Pursuant to Chapter 16.48, the architectural review board shall review applications involving any historic structure/site in the downtown area and any significant structure/site elsewhere in the city, other than single-family and duplex residences. The architectural review board shall refer applications to the historic resources board for a recommendation on the proposed alteration of the structure.

(B) The historic resources board shall review applications involving single-family and duplex residences which are historic structures/sites in the downtown area or which are significant buildings elsewhere in the city. Compliance of the property owner with the recommendations shall be voluntary, not mandatory.

(C) The planning staff may review and approve minor exterior alterations pursuant to guidelines which the historic resources board may adopt. Minor exterior alterations are those alterations which the director of planning and community environment or his/her designee determines will not adversely affect the exterior architectural characteristics nor the historical or aesthetic value of the historic structure, its site or surroundings.

(2) Time Limit. Recommendations of the historic resources board on alterations to a historic single-family or duplex residence shall be rendered within thirty days of the date of referral by the architectural review board or the chief building official. Failure to provide a recommendation within the time limit shall cause an application for a commercial or multiple-family use to be returned to the architectural review board, and a single-family or duplex application to be forwarded to the chief building official for consideration of issuance of a building permit.

(b) Standards of Review. In evaluating applications, the review bodies shall consider the architectural style, design, arrangement, texture, materials and color, and any other pertinent factors. The prime concern should be the exterior appearance of the building site.

(1) On buildings not in a historical district, the proposed alterations should not adversely affect the exterior architectural characteristics nor the historical or aesthetic value of the building and its site.

(2) In historic districts, the proposed alterations should not adversely affect:

(A) The exterior architectural characteristics nor the historical, architectural or aesthetic value of the building and its site; or

(B) The relationship of the building, in terms of harmony and appropriateness, with its surroundings, including neighborhood structures;

(C) Appeals. Any interested party may appeal to the city council the decision of the architectural review board not to recommend approval of an application for a building permit to alter the exterior of any historic structure in the downtown area, or a significant structure elsewhere in the city or in a historic district. Such appeal shall be processed in accordance with Section 16.48.090.

(Ord. 3721 § 1 (part), 1986)

16.49.060 Demolition of significant buildings in the downtown area.

(a) Permit and Findings. No permit shall be issued to demolish or cause to be demolished all or any part of a significant building in the downtown area unless:

(1) The city council determines that under the historic designation, taking into account the current market value, the value of transferable development rights, and the costs of rehabilitation to meet the requirements of the building code or other city, state or federal laws, the property retains no reasonable economic use; or

(2) The chief building official or the fire chief, after consultation, to the extent feasible, with the department of planning and community environment, determines that an imminent safety hazard exists and that demolition of the building is the only feasible means to secure the public safety; or

(3) The city council determines that demolition of the building will not have a significant effect on the achievement of the purposes of this chapter.

(b) Application for a Permit to Demolish. An application for a permit to demolish any significant building in the downtown area shall comply with Chapter 16.04 of the Palo Alto Municipal Code. In addition to the contents specified under Chapter 16.04, any application for a permit to demolish a significant building in the downtown area, on the grounds specified in Section 16.49.060(a)(1), shall contain any appropriate and relevant economic information which will enable the council to make the necessary determination.

(c) Review of Application.

(1) Historic Resources Board. Applications which are accepted as complete for a permit to demolish a significant building in the downtown area on the grounds specified in Section 16.49.060(a)(1) or (3) shall be placed on the agenda of the historic resources board for hearing and recommendation. If the historic resources board does not act on the application within thirty days of referral to it, the city council may proceed without a recommendation from the historic resources board.

(2) City Council Hearing and Decision. Any application for permit to demolish a significant building in the downtown area on the grounds specified in Section 16.49.060(a)(1) or (3) shall be heard by the city council. Notice shall be given by mailed notice to all owners of property immediately adjacent to the property that is the subject of the application, and by

publication at least once in a local newspaper of general circulation. The applicant shall have the burden of establishing that the criteria set forth in Section 16.49.060(a)(1) or (3) has been met. The council may approve, disapprove or approve the application with conditions, and shall make findings relating its decision to the standards set forth in Section 16.49.060(a). The decision of the council shall be rendered within thirty days from the date of the conclusion of the hearing.

(d) Permit to Move a Significant Building in the Downtown Area or in a Historic District. In reviewing an application for a permit to demolish a significant building in the downtown area or in a historic district on the grounds specified in Section 16.49.060(a)(1) or (3), the historic resources board may decide that the building may be moved without destroying its historic or architectural integrity and importance, and may recommend to the city council that the demolition permit be denied, but that a permit to relocate be processed, pursuant to Chapter 16.32 of this code. In that case, the time limits and notice requirements of Section 16.49.070(c) shall also be applicable.

(Ord. 3721 § 1 (part), 1986)

16.49.070 Demolition of contributing buildings in the downtown area and significant buildings other than in the downtown area.

(a) Application and Moratorium. Any person wishing to demolish a contributing building in the downtown area or a significant building other than downtown shall file an application for a demolition permit in accordance with the procedures established by Chapter 16.04 of this code. With the application, the applicant shall submit one clear photograph of the front of the building and such other information as may be required by the chief building official in accordance with the requirements for the demolition permit. A copy of the application and photograph shall be forwarded to the city council as an information item in the next council packet. The chief building official may not take action on the application for sixty days following receipt of a completed application.

(b) Referral to Architectural Review Board or Historical Resources Board. During the sixty-day moratorium, the chief building official shall refer the application for a permit to demolish to the architectural review board, in the case of all buildings other than single-family and duplex residences, for review and recommendation. The architectural review board shall refer the application to the historic resources board for recommendations on the historical and/or architectural significance of the building and the appropriate time for the moratorium. A demolition permit application for a single-family or duplex residence shall be referred to the historic resources board for recommendation.

(c) Council Action. The architectural review board, the historic resources board, or any interested person may recommend that the council extend the moratorium. The council shall agendaize such a request and may extend the sixty-day period for a period up to one year. In the case of an extended moratorium, the council, upon the recommendation of the historic resources board, may require that appropriate and reasonable public notice of the availability of the structure be provided by the applicant.

(Ord. 3721 § 1 (part), 1986)

16.49.080 Maintenance of historic structures in the downtown area.

The owner, lessee or other person legally in possession of a historic structure in the

downtown area shall comply with all applicable codes, laws and regulations governing the maintenance of property. Additionally, it is the intent of this section to preserve from deliberate or inadvertent neglect the exterior features of buildings designated as significant or contributory in the downtown area, and the interior portions thereof when such maintenance is necessary to prevent deterioration and decay of the exterior. All such buildings shall be preserved against such decay and deterioration, and shall remain free from structural defects through prompt corrections of any of the following defects:

- (a) Facades which may fall and injure members of the public or property;
- (b) Deteriorated or inadequate foundation, defective or deteriorated flooring or floor supports, deteriorated walls or other vertical structural supports;
- (c) Members of ceilings, roofs, ceiling and roof supports or other horizontal members which sag, split or buckle due to defective material or deterioration;
- (d) Deteriorated or ineffective waterproofing of exterior walls, roofs, foundations or floors, including broken windows or doors;
- (e) Defective or insufficient weather protection for exterior wall covering, including lack of paint or other protective covering;
- (f) Any fault or defect in the building which renders it not properly watertight or structurally unsafe.

(Ord. 3721 § 1 (part), 1986)

16.49.090 Enforcement.

- (a) Unlawful Alteration or Demolition.
 - (1) Violation - Penalties. It is unlawful for a person or entity to demolish or cause to be demolished any significant building or portion thereof in the downtown area in violation of any of the provisions of this chapter. Any person or entity violating these provisions is guilty of a misdemeanor and, upon conviction of any such violation, such person shall be punishable by a fine of not more than one thousand dollars or by imprisonment for not more than six months, or by both such fine and imprisonment.
 - (2) Civil Penalty. Any person or entity who demolishes a building or causes a demolition in violation of the provisions of this chapter may be liable civilly in a sum equal to the replacement value of the building or an amount in the court's discretion, not to exceed ten thousand dollars.
 - (3) Injunctive Relief. The city attorney may maintain an action for injunctive relief to restrain a violation or cause, where possible, the complete or partial restoration, reconstruction, or replacement in kind of any building or site demolished, altered or partially demolished in violation of this chapter.
 - (4) Restriction on Development. Alteration or demolition of a historic structure in violation of this chapter shall eliminate the eligibility of the structure's lot for any transfer of development rights, pursuant to the Palo Alto Comprehensive Plan, and such lot, if it is the site of an unlawfully demolished historic structure from which development rights have been transferred, shall not be developed in excess of the floor area ratio of the demolished structure for a period of twenty years from the unlawful demolition. A person or entity may be relieved of the penalties provided in this section if: (i) the unlawful alteration or demolition did not constitute a major alteration, as determined by the chief building official, or (ii) as to an unlawful alteration, the person or entity restores the original distinguishing qualities and character of the

building destroyed or altered. Such restoration must be undertaken pursuant to a valid building permit issued after a recommendation by the historic resources board and a finding by the city council that the proposed work will effect adequate restoration and can be done with a substantial degree of success.

(b) Failure to Abide by Maintenance Regulations.

(1) Abatement. The procedures set forth in Chapter 16.40 of the Palo Alto Municipal Code governing unsafe, dangerous or substandard buildings, whether in commercial or residential use, shall be applicable to any violations of Section 16.49.080.

(2) Misdemeanor. It is unlawful for any person or entity to fail to maintain any building in the downtown area designated as significant or contributory in violation of Section 16.49.080. Any such violation constitutes a misdemeanor punishable as set forth in Section 16.49.090(a)(1) above. Each day of violation constitutes a separate offense and may be separately punished. The chief building official and ordinance compliance inspector are authorized to exercise the authority in California Penal Code Section 836.5 and to issue citations for violation of Section 16.49.080.

(3) Civil Penalty. Any person or entity who fails to maintain any building in the downtown area designated as significant or contributory in violation of Section 16.49.080 may be liable civilly in a sum not to exceed one thousand dollars. Each day of violation constitutes a separate offense for which a penalty may be assessed.

(c) Remedies not Exclusive. The remedies provided by this section are not exclusive. (Ord. 3721 § 1 (part), 1986)

16.49.100 Severability.

If any provision or clause of this chapter is held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such invalidity shall not affect other provisions of this chapter, and clauses of this chapter are declared to be severable.

(Ord. 3721 § 1 (part), 1986)