

**City of Sacramento (2000)**

## Chapter 15.124-HISTORIC PRESERVATION

Article I-General Provisions

15.124.010 Findings. The City Council finds and declares that:

- A. The City of Sacramento has a rich history. Significant aspects of that history need to be recognized and preserved.
- B. Preservation of historic resources is important to promote the public health and safety and the economic and general welfare of the people of Sacramento.
- C. Well-preserved and retained historic resources are essential to maintain and revitalize the City and its neighborhoods and stimulate economic activity, and, further, the preservation and continued use of historic resources are effective tools to sustain and revitalize neighborhoods and business districts within the City.
- D. The City's historic structures, sites and other resources are irreplaceable and need to be protected from deterioration, inappropriate alterations, demolition and archeological site damage.
- E. Preservation of Sacramento's historic resources enhances the City's economic, cultural, and aesthetic standing, its identity, and its livability, marketability, and urban character.

15.124.020 Purpose. The purpose of this Chapter shall be to:

- A. Identify, protect, and encourage the preservation of significant architectural, historic, prehistoric, and cultural structures, sites, resources and properties in the City.
- B. Provide a mechanism, through surveys, nominations and other available means, to compile, update and maintain an inventory of historic resources within the City.
- C. Ensure the preservation, protection, enhancement, and perpetuation of historic structures, sites, and other resources to the fullest extent feasible.
- D. Encourage, through both public or private action, the maintenance or rehabilitation of historic structures, sites and other resources.
- E. Encourage development that sensitively incorporates the retention, preservation and re-use of historic structures, sites, and other resources.
- F. Safeguard the City's historic resources, both public and private projects.
- G. Provide for consistency with state and federal preservation standards, criteria, and practices.
- H. Protect and enhance the City's attraction to tourists and visitors.
- I. Foster civic pride in the character and quality of Sacramento's historic resources and in the accomplishments of its people through history.
- J. Encourage new development that will be aesthetically compatible with historic resources.

15.124.030 Definitions.

"Board" means the Design Review & Preservation Board as designated in Article II of this Chapter.

"Building Official" means the Building Official designated in Chapter 15.04 of Title 15 of the Sacramento City Code, and his or her designee(s).

"California Environmental Quality Act " means the California Public Resources Code Section 21000 et seq. as it may be amended. The California Environmental Quality Act may also be referred to in this Chapter as "CEQA".

"California Register" means the California Register of Historical Resources as defined in California Public Resources Code Section 5020.1 as it may be amended from time to time.

"California Register Resource" means any resource designated on the California Register as it may be amended from time to time.

"Certificate of Appropriateness" shall mean the certificate required pursuant to Article VI herein prior to undertaking any of the following work or improvements on a Landmark, Contributing Resource or Non-Contributing Resource, or pursuant to Sections 15.124.190, on a Nominated Resource.

- (i) installation or replacement of exterior windows or doors;
- (ii) construction of new fencing or walls, or alteration of existing fencing or walls;
- (iii) replacement or alteration of exterior paint or other exterior architectural coating or treatment on a Landmark, where the exterior paint or other exterior architectural coating or treatment has been identified as a significant Feature or Characteristic of a Landmark;

"Certified Local Government" (CLG) means a local government that has been certified by the National Park Service to carry out the purposes of the National Historic Preservation Act of 1966 (16 U.S.C. Sec. 470 et seq.) as amended, pursuant to Section 101(c) of that Act and the regulations adopted under the Act,

which are set forth in Part 61 (commencing with Section 61.1) of Title 36 of the Code of Federal Regulations.

"City" means the City of Sacramento.

"Contributing Resource" means a Resource designated as a Contributing Resource by the City Council in accordance with Article IV this Chapter.

"Council" means the City Council of the City of Sacramento.

"Dangerous Building" means a dangerous building as that term is defined in Section 8.96.110 of the Sacramento City Code.

"Development Project" means and includes the following:

- (i) the alteration, modification or rehabilitation of the exteriors of Landmarks, Contributing Resources and Non-Contributing Resources;
- (ii) the alteration, modification or rehabilitation of interiors of Landmarks and Contributory Resources where the interiors constitute "Features or Characteristics" as defined herein; or
- (iii) new construction within a Historic District;

"Feature or Characteristic" means fixtures, components or appurtenances attached to, contiguous with or otherwise related to a structure or property including landscaping, setbacks, distinguishing aspects, roof attributes, overlays, moldings, sculptures, fountains, light fixtures, windows, and monuments. "Feature or Characteristic" may include historically and/or architecturally significant interior areas that are accessible to or made available to the public, including, without limitation, areas commonly used as public spaces such as lobbies, meeting rooms, gathering rooms, public hallways, great halls, bank lobbies or other similar spaces. Interior areas that generally are not accessible to or made available to the public, but which occasionally may be visited by business invitees or members of the public, including those on a tour of a facility, do not constitute a "Feature or Characteristic" for purposes of this Chapter.

"Historic Resource" and "Cultural Resource" mean, for the purposes of environmental reviews related to CEQA and the City's compliance with CEQA, those properties listed in the Sacramento Register and the City's Inventory, as defined herein. "Historic Resource" and "Cultural Resource" shall also include those properties specified as a Historic Resource or Cultural Resource by CEQA, by the CEQA Guidelines, or by any other provision of California law.

"Immediately Dangerous Building or Structure" means an immediately dangerous building or structure as defined in Section 8.96.120 of Title 8 of the Sacramento Code.

"Historic District" means a geographic area designated as a Historic District by the Council in accordance with Article IV of this Chapter.

"Historic District Plan" means a plan adopted by the Council pursuant to Article IV this Chapter or the prior versions of this Chapter.

"Landmark" means all Historic Resources designated as Landmarks by the Council in accordance with Article IV of this Chapter.

"Listed Historic Resource" means any Resource listed in the Sacramento Register in accordance with this Chapter. "Listed Historic Resource" includes any Resource designated by the City Council as a Landmark or as a Contributing Resource.

"Listed Historic Resource" does not include a non-contributing resource in a Historic District. "Listed Historic Resource" shall include National Register Resources other than the Old Sacramento National Historic Landmark, Historic District.

"Mills Act" means California Government Sections 50280 et seq., as it may be amended from time to time.

"National Environmental Protection Act" means 42 U.S.C. Secs. 4321 et seq., as it may be amended from time to time. The National Environmental Protection Act may be referred to in this Chapter as NEPA.

"National Historic Preservation Act" means 16 U.S. Secs. 470 et seq., as it may be amended from time to time.

"National Register of Historic Places" means the official inventory of districts, sites, buildings, structures and objects significant in American history, architecture, archeology and culture which is maintained by the Secretary of the Interior under the authority of the Historic Sites Act of 1935 and the National Historic Preservation Act of 1966 (16 U.S.C. 470 et seq., 36 C.F.R. Sections 60, 63).

"National Register Resource" means any Resource listed in the National Register of Historic Places.

"Nominated Resource" means a Resource nominated for placement on the Sacramento Register as provided for in Article IV of this Chapter.

"Nomination" means a nomination for placement of a Resource on the Sacramento Register pursuant to Article IV of this Chapter.

"Non-Contributing Resources" means all Resources within a Historic District that are not identified as Contributing Resources.

"Old Sacramento National Historic Landmark, Historic District" means the Old Sacramento National Historic Landmark, Historic District as listed and described on the National Register of Historic Places established pursuant to the National Historic Preservation Act, an area located in the Sacramento Central City roughly bounded by the Sacramento River on the west, Capitol Mall on the south, the Interstate 5 freeway on the east and I Street and the I Street Bridge on the north.

"Preservation Director" means the Preservation Director as designated in Article III of this Chapter.

"Resource" means any building, structure, site, area, place, feature, characteristic, appurtenance, landscape, landscape plan, or improvement.

"Richards Boulevard Area Architectural and Historical Property Survey" means the "Richards Boulevard Area Architectural and Historical Property Survey" prepared for the City by Historic Environment Consultants, as updated and revised in September 2000.

"Sacramento Register" means the Register created by Article IV of this Chapter.

"Secretary of the Interior Standards" means the Secretary of the Interior Standards for Treatment of Historic Properties found at 36 C.F.R. 68.3, as it may be amended from time to time.

"Significant Feature or Characteristic" means a Feature or Characteristic identified by the City Council as significant from a historical standpoint pursuant to Article IV of this Chapter.

"State Historical Building Code" means the State Historical Building Code as contained in Part 8 of Title 24 (California Building Standards Code) of the California Code of Regulations, as it may be amended from time to time.

"Structure" means a Resource created principally to shelter or support human activity.

"Supportive Structures" means those structures identified as "Supportive Structures" within Preservation Areas under City Ordinance No. 85-076.

"Survey" means a process by which Resources are documented for Landmark or Historic District consideration.

"Zoning Code" shall mean Title 17 of the City Code, as it may be amended from time to time.

#### Article II Design Review And Preservation Board

15.124.040 Board- Name. The "Design Review and Preservation Board" shall be constituted and shall have the powers and duties as specified herein.

#### 15.124.050 Board- Appointment.

- A. The Board shall consist of nine (9) members.
- B. Pursuant to Section 232 of the City Charter, members of the Board shall be appointed by the Mayor, with the consent of the City Council.
- C. All members of the Board shall be residents of the City at the time of their appointment, except that the Mayor may nominate non-resident member(s) if the Mayor determines that no qualified resident individual(s) have applied for an available opening on the Board.
- D. Each member of the Board shall have demonstrated interest in historic preservation, the cultural resources of the City, urban design, landscape or architectural design, or the physical development of the City.
- E. Seven (7) of the members of the Board shall be qualified by reason of training or professional experience as follows:
  1. Seat 1: A member who is a Landscape Architect.
  2. Seat 2: A member who is a Licensed Architect.
  3. Seat 3: A member who is a Registered Structural Engineer.
  4. Seat 4: A member who has training or experience in real estate development, real estate brokerage, real estate financing, real estate law, or real estate property management.
  5. Seat 5: A member who has training or experience in Sacramento area regional history, Sacramento area ethnic history, or Sacramento area cultural development history, and who meets the Secretary of the Interior's professional standards for historians.
  6. Seat 6: A member who has training or experience in urban design or planning;
  7. Seat 7: A member who has training or experience in architectural history, with a particular emphasis on North American architectural history and development, and who meets the Secretary of the Interior's professional standards for architectural historians.

- F. Seats 8 and 9 shall be filled by at-large members, and may, but need not, include a person with training or experience as a professional archeologist, and a person who is a member of the Sacramento business community.

15.124.060 Board - Term of Office. For all members of the Board in office as of the effective date of this Chapter, their terms shall expire as provided for in the ordinance in effect at the time of their appointment. For all appointments made after the effective date of this Chapter, the term of office for each member of the Board shall be four years. The maximum number of full consecutive terms a member may serve is two. The maximum number of consecutive years a member may serve is ten. The seat numbering designated in Paragraphs E and F of Section 15.124.050 shall be assigned by the Board Secretary as each seat existing at the adoption of this Chapter becomes vacant.

15.124.070 Board- Removal from Office. The removal of members from the Board shall be governed by Section 232 of the City Charter.

15.124.080 Board – Vacancies. A vacancy in a seat on the Board shall be filled by appointment for the remainder of the term of the former member. The appointment shall be made by the Mayor and shall be subject to approval by the City Council. Each appointee shall possess the qualifications required for the seat being filled.

15.124.090 Board – Compensation. Each member of the Board shall receive compensation as determined by the City Council.

15.124.100 Board - Rules and Procedures. The Board shall adopt its own rules of procedure, which shall include a provision requiring the Board to select a chairperson from its membership annually during the first quarter of the calendar year. A quorum shall be required for the Board to take any action. A quorum shall be five (5) members present who have not been required to abstain due to a conflict of interest. The Board shall act by a majority vote of the quorum. The Board shall be subject to, and shall comply with, the requirements of the Brown Act.

15.124.110 Board - Powers and Duties. Unless otherwise specified herein the powers and duties of the Board shall be as follows:

- A. Make recommendations to the City Council regarding the Historic Preservation Element of the City's General Plan.
- B. Review and recommend to the City Council the inclusion or deletion of Landmarks and Historic Districts in the Sacramento Register using the criteria stated in Article IV of this Chapter.
- C. Review and make recommendation to the State Office of Historic Preservation regarding nominations of property located within the City of Sacramento to the National Register of Historic Places.
- D. Hear appeals of Preservation Director actions as provided for in this Chapter.
- E. Approve, approve with conditions and/or mitigation measures, or disapprove applications for Development Projects.
- F. Certify and/or ratify applicable environmental documents, or when acting in an advisory capacity only, recommend certification or ratification of environmental documents, in accordance with CEQA or NEPA.
- G. Make recommendations to the City Council, the Planning Commission, the City Manager, or any other entity, for purposes of providing historic preservation incentives, including, without limitation, procedural, economic and tax incentives, acquisition of property, development rights, preservation easements, conservation easements, land use, zoning, development restrictions, penalties and sanctions, fee adjustments, and negotiated settlements.
- H. Make recommendations to the City Council and City Manager regarding the periodic update of the City's preservation program, standards, procedures, and criteria, including revisions to this Chapter.
- I. Recommend standards for review of Development Projects in addition to those standards set forth herein and forward the recommended standards to the City Council for the City Council's consideration and adoption.
- J. Evaluate and comment upon proposals and environmental reviews pending before other public agencies affecting the physical development, historic preservation and urban design in the City.
- K. Exercise those powers and duties granted or imposed pursuant to the provisions of Chapter 17.132 (design review) of Title 17 (the Zoning Code) of the City Code.
- L. Make recommendations to the City Council and the City Manager for enforcement and penalties concerning matters covered in this Chapter.
- M. Coordinate with, and make recommendations to, other governmental agencies regarding historic preservation matters.

- N. Consult with and advise the City Council in connection with the exercise of the Board's duties and functions;
- O. Make recommendations to the Housing Code Advisory and Appeals Board concerning repairs, stabilization, weatherization or demolition or partial demolition of Listed Historic Resources.
- P. Assume duties assigned to the Board by the City Council pursuant to the Certified Local Government provisions of the National Historic Preservation Act of 1966, or duties that may be assigned to the Board through any agreement(s) approved by the City Council. This shall include undertaking review and comment upon those projects on which the City, as a Certified Local Government, has an obligation or opportunity to provide review and comment under the National Historic Preservation Act, including but not limited to private and public projects undertaken within the Old Sacramento National Historic Landmark, Historic District.
- Q. Encourage and foster public participation regarding the historic preservation program, participation in the surveying of historic resources, developing preservation components in neighborhood plans and in other planning documents, the preparation or development of Landmark Project review standards guidelines and Historic District Plans, Landmark and Historic District nominations, and other activities that encourage the preservation of Sacramento's historic resources.
- R. Consider, in accordance with the nomination process provided in Article IV of this Chapter, nominations for addition(s) or deletion(s) to the Sacramento Register, designation of Landmarks and Historic Districts expansion or alteration of the boundaries of any Historic District, and the identification of Contributing Resources and Non-Contributing Resources in Historic Districts.
- S. Any other powers and duties conferred upon the Board by the City Council.

15.124.120 Board – Meetings. The Board shall meet at least once each month.

15.124.130 Board – Secretary. The Preservation Director, or his or her designee, shall serve as a non-voting Secretary to the Board.

Article III Preservation Director

15.124.140 Preservation Director - Office Established. To implement the City's historic preservation program and to assist the Board in the performance of its historic preservation duties pursuant to this Chapter, there is hereby created the position of Preservation Director. The Preservation Director shall be appointed by the City Manager.

15.124.150 Preservation Director – Authority. The Preservation Director shall have the authority to:

- A. Oversee the operation of the City's historic preservation office;
- B. Advise the City Council, the Planning Commission, the Design Review and Preservation Board, the Housing Code Advisory and Appeals Board, and the City Manager on historic preservation issues;
- C. Conduct surveys and updates of surveys, throughout the City, as may be required by California law or more often at the Preservation Director's choosing, and maintain a list of Resources eligible for Landmark, Contributing Resource and Historic District consideration;
- D. Consult with City departments regarding rehabilitation standards and historic resources surveys performed in conjunction with Development Projects;
- E. Consult with City departments regarding potential protections, mitigations, thresholds of significance and standards suitable for historic resources involved in a Development Project, or other discretionary actions;
- F. Make recommendations to the Board, Planning Commission, and Council regarding Development Projects;
- G. Implement the City's historic preservation program;
- H. Take such steps, including training, as are necessary for the City to remain a Certified Local Government. This shall include undertaking review and comment upon those projects on which the City has an obligation, as a Certified Local Government, to provide review and comment under the National Historic Preservation Act, including but not limited to private and public projects undertaken within the Old Sacramento National Historic Landmark, Historic District;
- I. Make preliminary determinations regarding nominations for inclusion on the Sacramento Register and proposals for deletion from the Sacramento Register;
- J. Take appropriate steps to ensure that the Sacramento Register is properly maintained and regularly updated and made available for public review and use. The Preservation Director shall also take appropriate steps to maintain and regularly update a list or compilation of resources within the City that are on the California Register of Historical Resources or the National Register of Historic Places, and to make the list or compilation available for public review and use;

K. Perform such other functions as are provided for in this Chapter or any other applicable law.

Article IV. The Sacramento Register, The Criteria and Requirements for Placement on, or Deletion from, the Sacramento Register, and Nomination and Hearing Process

15.124.160 Sacramento Register.

- A. The ordinances adopting designations and deletions of Landmarks, Contributing Resources and Historic Districts shall be known, collectively, as the Sacramento Register.
- B. The original Sacramento Register and any subsequent amendments, inclusions, or deletions thereto shall be on file with the City Clerk. The City Clerk shall deliver a copy of the Sacramento Register, as it is amended, to the Planning Director, the Preservation Director, the Building Official, the City Office of Environmental Affairs, the Code Enforcement Manager, the Neighborhood Area Directors, the head of the City's Geographic Information Systems, the Director of the Sacramento History & Science Commission, and the Manager of the Sacramento Central Library.
- C. All Structures and Preservation Areas designated on the "Official Register" as of the date of enactment of this Chapter are included on the Sacramento Register. All Structures individually designated on the "Official Register" as Essential or Priority Structures are hereby designated "Landmarks" on the Sacramento Register, and shall be subject to the restrictions and conditions applicable to Landmarks. All geographic areas previously designated as Preservation Areas designated on the "Official Register" are hereby designated as "Historic Districts" on the Sacramento Register, and shall be subject to the restrictions and conditions applicable to Historic Districts.
- D. The Preservation Director shall take appropriate steps to ensure that the Sacramento Register is properly maintained and regularly updated. The Preservation Director shall also take appropriate steps to maintain and regularly update a list or compilation of resources within the City that are on the California Register of Historical Resources or the National Register of Historic Places, and to make the list or compilation available for public review and use.

15.124.170 Criteria and Requirements for Placement on, and Deletion from, the Sacramento Register. The criteria and requirements for placement on, or deletion from, the Sacramento Register as a Landmark, Historic District or Contributing Resource are as follows:

- A. Addition to the Sacramento Register: Landmarks: A Nominated Resource shall be added to the Sacramento Register as a Landmark if the City Council finds, after holding the hearing(s) required by this Chapter, that all of the requirements set forth below are satisfied:
  - 1. Requirements:
    - a. The Nominated Resource meets one or more of the following criteria:
      - i. It is associated with events that have made a significant contribution to the broad patterns of the history of Sacramento, the region, the state or the nation;
      - ii. It is associated with the lives of persons significant in Sacramento's past;
      - iii. It embodies the distinctive characteristics of a type, period, or method of construction;
      - iv. It represents the work of an important creative individual or master;
      - v. It possesses high artistic values; or
      - vi. It has yielded, or may be likely to yield, information important in the prehistory or history of Sacramento, the region, the state or the nation.
    - b. The Nominated Resource has integrity of location, design, setting, materials, workmanship and association. Integrity shall be judged with reference to the particular criterion or criteria specified in "a" above;
    - c. The Nominated Resource has significant historic or architectural worth, and its designation as a Landmark is reasonable, appropriate and necessary to promote, protect and further the goals and purposes of this Chapter.
  - 2. Factors to be Considered: In determining whether to place a Nominated Resource on the Sacramento Register as a Landmark, the following factors shall be considered:
    - a. A structure removed from its original location is eligible if it is significant primarily for its architectural value or it is the most important surviving structure associated with a historic person or event.
    - b. A birthplace or grave is eligible if it is that of a historical figure of outstanding importance and there is no other appropriate site or structure directly associated with his or her productive life.
    - c. A reconstructed building is eligible if the reconstruction is historically accurate, if the structure is presented in a dignified manner as part of a restoration master plan; and if no other, original structure survives that has the same association.

- d. Properties that are primarily commemorative in intent are eligible if design, age, tradition, or symbolic value invest such properties with their own historical significance.
  - e. Properties achieving significance within the past fifty (50) years are eligible if such properties are of exceptional importance.
- B. Addition to the Sacramento Register: Historic Districts: A geographic area nominated as a Historic District shall be added to the Sacramento Register as a Historic District if the City Council finds, after holding the hearing(s) required by this Chapter, that all of the requirements set forth below are satisfied:
- 1. Requirements
    - a. The area is a geographically definable area;
    - b. The area possesses either:
      - i. A significant concentration or continuity of buildings unified by: a) past events; or b) aesthetically by plan or physical development;
      - ii. The area is associated with an event, person, or period significant or important to Sacramento history; or
      - iii. The designation of the geographic area as a Historic District is reasonable, appropriate and necessary to protect, promote, and further the goals and purposes of this Chapter and is not inconsistent with other goals and policies of the City.
  - 2. Factors to be Considered: In determining whether to place a geographic area on the Sacramento Register as a Historic District, the following factors shall be considered:
    - a. A Historic District should have integrity of design, setting, materials, workmanship and association.
    - b. The collective historic value of the buildings and structures in a Historic District taken together may be greater than the historic value of each individual building or structure.
- C. Addition to the Sacramento Register: Contributing Resources: A Nominated Resource shall be added to the Sacramento Register as a Contributing Resource if the Council finds, after holding the hearing(s) required by this Chapter, that all of the following requirements are satisfied:
- 1. The Nominated Resource is within a Historic District;
  - 2. The Nominated Resource either embodies the Significant Features and Characteristics of them Historic District or adds to the historical associations, historical architectural qualities or archaeological values identified for the Historic District;
  - 3. The Nominated Resource was present during the period of historical significance of the Historic District and relates to the documented historical significance of the Historic District;
  - 4. The Nominated Resource either possesses historic integrity or is capable of yielding important information about the period of historical significance of the Historic District; and
  - 5. The Nominated Resource has important historic or architectural worth, and its designation as a Contributing Resource is reasonable, appropriate and necessary to protect, promote and further the goals and purposes of this Chapter.
- D. Deletions from the Sacramento Register: An application to delete a Listed Historic Resource from the Sacramento Register may be approved if the City Council finds, after holding the hearings required by this Chapter, that the Listed Historic Resource no longer meets the requirements set forth above; provided that where a Landmark or Contributing Resource is proposed for deletion due to a loss of integrity, the loss of integrity was not the result of any illegal act or willful neglect by the owner or agent of the owner.

15.124.180 Procedures for Nomination of Resources for Placement on Sacramento Register and for Requests for Deletion of Resources from the Sacramento Register.

- A. Nominations Proposed by Preservation Director, Design Review and Preservation Board and City Council: The City Council, Design Review and Preservation Board and the Preservation Director shall have the authority to nominate Resources for placement on the Sacramento Register as Landmarks, Historic Districts or Contributing Resources, subject to compliance with the requirements of this section.
- 1. The Design Review and Preservation Board shall initiate Landmark, Contributing Resource and Historic District nominations by adopting a resolution of intent to consider a nomination either on its own motion, or at the request of the Preservation Director or the City Council. The City Council may nominate Landmarks, Contributing Resources and Historic Districts by adopting a resolution identifying the nominated Resource and transmitting its resolution to the Design Review and Preservation Board. The Design Review and Preservation Board shall adopt a resolution of intent to consider nominations for Resources nominated by the City Council.

- a. Notice of Hearing: Written notice shall be given by first class, prepaid mail not less than ten (10) days prior to the hearing before the Board on whether to adopt a resolution of intent to nominate a Resource for placement on the Sacramento Register to the following individuals: The owner(s) of the Resource(s) proposed for Nomination, as shown on the latest equalized assessment roll. In the case of a nomination regarding a Historic District, the notice shall be provided to all property owners within the proposed district, as shown on the latest equalized assessment roll.
  - b. Form and contents of notice:
    - i. Common address and Assessors Parcel Number, if any, of the Resource proposed for Nomination.
    - ii. A general explanation of the requirements, benefits and restrictions associated with a Nomination;
    - iii. The date and place of the public hearing or hearings before the Board.
2. The owner(s) of properties nominated as Landmarks or Contributing Resources and the owner(s) of properties within the geographic area nominated as a Historic District shall be notified in writing within a reasonable period of time, not to exceed twenty (20) days, of the Design Review and Preservation Board's adoption of a resolution of intent. Notice shall be given by first class, prepaid mail sent to owners at the addresses shown on the latest equalized assessment rolls. Form of notice: Notice given pursuant to this provision shall include at least the following:
- a. Notification that the Resource has been nominated for placement on the Sacramento Register as a Landmark or Contributing Resource, as appropriate. In the case of a Nomination of a Historic District, the notice shall include a description of the proposed boundaries of the District, and whether the owner(s)' property is proposed to be added as a Contributing or Non-Contributing Resource;
  - b. A general explanation of the Nomination process and the effect of being nominated, and the opportunity for appeal of the Preliminary Determination of the Preservation Director;
  - c. A general explanation of the effect of being a Nominated Resource, including the restrictions on alteration and demolition;
  - d. A general explanation of the hearing process for determining whether the Nominated Resource qualifies as a Landmark or Contributing Resource, or in the case of a Proposed Historic District, the hearing process for determining whether the geographic area qualifies as a Historic District; and
  - e. A general explanation of the effect of placement on the Sacramento Register, including the restrictions on alteration and demolition, as well as the general benefits from placement on the Register.
- B. Pursuant to Section 15.124.190, Resources nominated as Landmarks, Contributing Resources or Resources within a Landmark District shall be considered to be a Landmark, Contributing Resource or Resource within a Landmark District for purposes of Article VI, and shall be subject to the restrictions of Article VI following adoption of the resolution of intent, for the time period specified in Section 15.124.190.
- C. Process for Proposing Deletion from Sacramento Register: The procedure for proposing deletion of a Listed Resource from the Sacramento Register shall be as follows:
1. Application by Owners of Landmarks and Contributing Resources:
    - a. Application for Deletion: Landmarks and Contributing Resources: The owner(s) of a Landmark or Contributing Resource may propose deletion of the Listed Historic Resource from the Sacramento Register.
    - b. All applications to delete a Listed Resource from the Sacramento Register shall be submitted to the Preservation Director. The Preservation Director shall determine if an application is or is not complete, and the date that the application Nomination is or is not complete. The Preservation Director shall determine the date that the application is complete.
    - c. Notice of Application for Deletion: Where an application is filed for deletion of a Listed Resource from the Sacramento Register, notice shall be given to the following persons within a reasonable period of time following receipt of the application:
      - i. All property owners, as shown on the latest equalized assessment roll, within five hundred (500) feet of the Nominated Resource(s). In the case of a nomination regarding a Historic District, the Nomination Notice shall be provided to all property owners within the proposed district and within five hundred (500) feet of the boundary of the proposed district.

- ii. Anyone who has in writing to the Board Secretary requested notice of the Nomination.
  - d. Preliminary Determination of Preservation Director: Within such time that is reasonable and practicable after the Preservation Director has determined that an application for deletion is complete, the Preservation Director shall make a preliminary determination on whether the Listed Historic Resource is eligible for consideration for deletion from the Sacramento Register. The Preservation Director shall find that the Listed Historic Resource is eligible for consideration for deletion from the Sacramento Register if the Director finds that there is a reasonable likelihood that the Listed Resource will be deleted from the Sacramento Register, following completion of the notice and hearing requirements of this Chapter, for its failure to meet the criteria specified in 32.04.402 above. The Preservation Director shall issue a written decision on his/her preliminary determination whether the Listed Resource is eligible for consideration for deletion from the Sacramento Register.
  - e. Notice of Preliminary Determination: Written notice of the Preliminary Determination of the Preservation Director shall be given to the owner(s) and others who received notice of the application for deletion pursuant to (c) above.
  - f. Appeal: The owner(s) who apply to delete a Listed Historic Resource from the Sacramento Register shall have the right to appeal to the Design Review and Preservation Board, and thereafter the City Council, a preliminary determination that a Listed Resource is not eligible for consideration for deletion, in accordance with the provisions of Article VIII herein.
2. Deletions of Historic Districts Proposed by Preservation Director, Design Review and Preservation Board, and City Council: The Design Review and Preservation Board may initiate a proceeding to delete a Historic District by adopting a resolution of intent to delete a Historic District, either on its own motion or at the request of the Preservation Director or the City Council. The City Council may adopt a resolution identifying the Historic District proposed for deletion, and transmitting its resolution to the Design Review and Preservation Board. No other person may propose deletion of a Historic District.
  3. Periodic Deletion of Structures No Longer Eligible for the Sacramento Register: The Preservation Director shall periodically propose and process for deletion from the Sacramento Register those Listed Historic Resources which have been lawfully removed, demolished or disturbed to such an extent that, in the Preservation Director's opinion, they no longer qualify for placement on the Register.

15.124.190 Nominated Resources: Protections Pending Final Decision.

- A. Subject to the time limits set forth in Subsection B below, any Nominated Resource proposed for consideration as a Landmark or Contributing Resource shall be considered to be a Landmark or Contributing Resource for purposes of Article VI herein, and it shall be subject to the restrictions and protections of Article VI as if it were a Landmark or Contributing Resource. Any geographic area proposed for consideration as a Historic District shall be considered to be a Historic District for purposes of Article VI herein, and the Resources located within the proposed Historic District shall be subject to the restrictions and protections of Article VI as if they were located within a Historic District.
- B. The restrictions of Subsection A above shall apply for a period of 180 days from the date of adoption by the Board of a resolution of intent to consider a nomination of a property as a Landmark, a Contributing Resource or a property within a Historic District. After 180 days have elapsed from the date of the resolution of intent, if the City Council has not adopted an ordinance designating the nominated Resource as a Landmark, Contributing Resource or Historic District, the restrictions and protections established by Subsection A above shall no longer apply unless the Council has adopted an ordinance to extend the 180-day limit to consider the nomination. The Council may extend the time period an additional 180 days.
- C. Listed Historic Resources proposed for deletion from the Sacramento Register shall be subject to the restrictions and protections of Article VI unless and until a final decision is made by the City Council to delete the Listed Historic Resources from the Sacramento Register.

15.124.200 Process for Evaluating Nominations for Placement on the Sacramento Register and Proposals for Deletion from the Sacramento Register. The Council shall hear and decide nominations for placement on the Sacramento Register and proposals for deletion of Listed Historic Resources from the Sacramento Register. Prior to the Council hearing a nomination for placement on the Sacramento Register or proposal for deletion from the Sacramento Register, the Board shall hold a hearing and make a recommendation to the City Council for inclusion on, or deletion from, the Sacramento Register.

15.124.210 Hearing by the Board: Notice and Form of Notice. The Board shall conduct a public hearing or hearings on nominations for placement on the Sacramento Register and proposals for deletion from the Sacramento Register. At the conclusion of the hearing(s), the board shall make a recommendation to the City Council on the nomination or proposal.

A. Notice of Hearing: Notice of the hearing before the Board shall be provided as follows:

1. Written notice shall be given not less than twenty (20) days prior to the hearing to the following individuals:
  - a. The owner(s) of the Nominated Resource(s) or the owner(s) of the Listed Resource proposed for deletion, as shown on the latest equalized assessment roll. In the case of a nomination or proposal for deletion regarding a Historic District, the notice shall be provided to all property owners within the proposed district or the district proposed for deletion, as shown on the latest equalized assessment roll.
  - b. Where the Resource is proposed for inclusion on, or deletion from the Register as a Landmark, all property owners within five hundred (500) feet of the Resource, as shown on the latest equalized assessment roll. In the case of a nomination regarding a Historic District, the Nomination Notice shall be provided to all property owners within the proposed district and to all property owners whose property abuts property proposed for inclusion in the Historic District.
  - c. Anyone who has in writing to the Board Secretary requested notice of the Nomination.
2. In the event of a Nomination or proposed deletion of a Historic District, the Preservation Director shall also send a copy of the notice to the Secretary of the Planning Commission. The Planning Commission may review the proposed designations and boundaries of the Historic District, or the proposed deletion, and may forward its recommendations to Board for the Board's consideration. Failure of the Planning Commission to provide comments shall not prevent the Board from acting on the Nomination or proposed deletion.
3. In the case of a Nomination or application for deletion of a Resource other than a Historic District, the Board Secretary shall also post the notice on the Nominated Resource or Resource proposed for deletion, or in a location in the public right-of-way in a location adjacent to the Resource.

B. Form and contents of notice:

1. Common address and Assessors Parcel Number, if any, of the Nominated Resource or the Resource proposed for deletion.
2. A general explanation of the proposed designation or proposed deletion, and in the case of a Nomination, the requirements and/or benefits thereof.
3. For Nominations, the reasons for the proposed designation, in terms of the historic, architectural, and cultural significance of the Nominated Resource(s), including a description of the proposed Significant Features and Characteristics of the proposed historic resource. The identification of Significant Features and Characteristics in the notice shall not be considered binding on the Board or Council, and nothing shall prevent or preclude the Board or Council from identifying different, additional or fewer Significant Features and Characteristics.
4. The date and place of the public hearing or hearings before the Board.

15.124.220 Proposed Designations for Inclusion on, and Proposed Deletions from, the Sacramento Register.

- A. If the Board determines that the Resource under consideration is eligible for inclusion on, or deletion from, the Sacramento Register based upon the criteria, considerations, and assessment of integrity and significance outlined in this Chapter, the Board shall then make its recommendation to the City Council as to whether the Resource should be included as a Landmark, Contributing Resource or Historic District on the Sacramento Register, or be deleted from the Sacramento Register. In its recommendation to the City Council, the Board shall specify the Significant Features or Characteristics of the Nominated Resource.
- B. In the case of Historic District recommendations, the Board shall identify as "Contributing Resource(s)" all properties, structures, features or other resources within the proposed Historic District that it determines contribute to the district's designation as a Historic District. Properties, structures, features or other resources that happen to be located within the recommended Historic District boundaries, but which have no relevance to the area's identified significance, significant physical features or identifying characteristics shall be deemed Non-Contributing Resources.

15.124.230 Action by City Council.

- A. The Board Secretary shall transmit to the City Clerk for review by the City Council the Board's recommendations on inclusion(s) or deletion(s) to or from the Sacramento Register.
- B. Upon receipt of the recommendations of the Board, the City Council shall hold a public hearing thereon and may adopt, modify or reject the action(s) recommended by the Board. In the alternative, the City Council may refer the proposed action(s) to the Board for further hearings, consideration or study. Adoption of any inclusion on or deletion from the Sacramento Register shall be made by uncodified ordinance which shall contain findings of fact in support of each designation. The uncodified ordinance shall identify Significant Feature(s) or Characteristic(s) of Resources added to the Sacramento Register, and shall identify Contributing Resources and Non-Contributing Resources in a Historic District.
- C. Notice of the Council hearing pursuant to this section shall be mailed to the owner of the affected Nominated Resource(s), and the person nominating the Nominated Resource(s), not less than twenty (20) days prior to the date of the hearing. In addition, notice shall be published once not less than twenty (20) days before the hearing in an official newspaper of the City.

15.124.240 Frequency of Nominations. When a Nomination for placement of a Resource on the Register has been denied, no new Nomination for placement of the same or substantially the same Resource may be filed or submitted for a period of three years from the effective date of the final denial of the Nomination, except that an owner of a Resource may file a new Nomination following the passage of one year from the date of final denial. Where a Nomination for deletion of a Listed Historic Resource from the Register has been denied, no new application to delete the same Listed Historic Resource may be filed or submitted for a period of one year from the effective date of the final denial.

15.124.250 Proposed Demolition or Relocation of Buildings or Structures that are at Least Fifty Years Old: Review for Nomination for Placement on Sacramento Register.

- A. If a permit is sought to demolish or relocate a building or structure that was constructed at least fifty years prior to the date of application for demolition or relocation, and that building or structure is not currently on the Official Register, is not the subject of a pending Nomination, has not been nominated for placement on the Official Register or reviewed pursuant to this section within the past three years, the permit application shall be referred to the Preservation Director to allow the Director to make a preliminary determination whether the structure should be nominated for placement on the Official Register. For purposes of this Section, a building or structure for which a building permit issued and construction commenced not less than fifty years prior to the date of application for a demolition or relocation permit shall be considered to have been constructed not less than fifty years ago, regardless of when the construction was completed, and regardless of whether the building or structure was thereafter expanded, modified or otherwise altered. Absent sufficient evidence to the contrary, the date of issuance of the building permit shall be considered to be the date on which construction commenced. Exceptions:
  - 1. Buildings and Structures within the Richards Boulevard Special Planning District: The requirements of this Section shall apply only to applications to demolish or relocate buildings or structures within the Richards Boulevard Special Planning District which are identified in the "Richards Boulevard Area Architectural and Historical Property Survey" (hereinafter "Survey"), as either potential essential structures, priority structures, or contributing structures within the potential North 16th Street Preservation Area. Applications to demolish or relocate buildings or structures which are not so identified in the Survey shall not be subject to the requirements of this Section.
  - 2. Buildings and Structures within other Surveyed Areas: To the extent that surveys have been prepared for other areas, and the Council has approved and adopted these surveys, the Council may provide, by resolution or ordinance, that this section shall apply only to those buildings or structures that the survey has identified as potential Landmarks or Contributing Resources.
- B. Upon receipt of an application to demolish or relocate a structure pursuant to Paragraph A above, the Preservation Director shall make a preliminary determination on whether the structure is eligible for consideration by the Board and Council for placement on the Sacramento Register, and shall provide notice to the property owner(s) of the preliminary determination. Notice shall be provided by first-class, prepaid mail. The Preservation Director shall make the Preliminary Determination within forty-five (45) days of the date that the application for the permit to demolish or relocate a building or structure is filed and determined or deemed to be complete. Failure of the Preservation Director to act within the forty-five (45) day period determination shall be considered to be a determination that the structure is not eligible for placement on the Register. For purposes of this section, the decision shall be considered to have been made on or before the date of mailing of the notice.

- C. In making this preliminary determination, the Preservation Director shall apply the eligibility criteria and factors specified above. The Preservation Director shall find that the Nominated Resource is eligible for consideration for placement on the Sacramento Register if the Director finds that there is a reasonable likelihood that the Nominated Resource will be placed on the Sacramento Register following completion of the notice and hearing requirements of this Chapter.
- D. The preliminary determination of the Preservation Director may be appealed by the owner or applicant pursuant to the Board, and thereafter to the Council, pursuant to the provisions of Article VIII.
- E. If an appeal of the preliminary determination of the Preservation Director is filed by the owner or applicant, the Design Review and Preservation Board shall hear and decide that appeal within thirty (30) days of the date of filing of the appeal. Notice of the appeal shall be given in the manner specified in Article VIII. Failure of the Board to act within this time period may be treated by the owner or applicant for the permit to demolish or relocate as a denial of the appeal of the Preliminary Determination that the building is eligible for consideration for placement on the Official Register, and that decision shall be subject to appeal to the City Council by the owner or applicant for the permit at any time thereafter, up to the date that the Board in fact issues a decision on the appeal. If the owner or applicant for the permit has not filed an appeal to the City Council, the issuance by the Board of a decision on the appeal more than thirty days after the date of the filing of the appeal shall be subject to appeal to the City Council in the manner specified in Article VIII.
- F. Pending a final decision on the preliminary determination of whether the building or structure is eligible for nomination for placement on the Sacramento Register, and for a period of forty-five days after a final decision that the building or structure is eligible, the building or structure shall be treated as a Nominated Resource and shall be subject to the provisions of Section 15.124.190. The forty-five day time period shall commence on the date that the preliminary determination, including any appeals, is considered final. During the forty-five day period, the Board shall consider whether to initiate nomination proceedings; and if the Board adopts a resolution of intent pursuant to 15.124.180, the provisions of Section 15.124.190 shall apply from the date of adoption of the resolution of intent.

15.124.260 Reserved.

Article V Historic District Plans.

15.124.270 Historic District Plans.

- A. The Board shall promulgate and recommend to the Council for adoption a Historic District Plan for each Preservation Area existing as of the date of enactment of this Chapter, and for each Historic District designated pursuant to this Chapter. Each Historic District Plan shall include:
  - 1. A statement of the goals for review of development projects within the Historic District;
  - 2. A representation of the historical development of land uses, existing land uses, and any adopted plans for future land uses;
  - 3. A statement of findings, including the following:
    - a. The historical or pre-historical period to which the area is significant,
    - b. The predominant periods or styles of the structures or features therein, and
    - c. The Significant Features and Characteristics of said periods or styles, as represented in the Historic District, including, but not limited to, structure height, bulk, distinctive architectural details, materials, textures, archeological and landscape features and fixtures; and
    - d. A statement, consistent with Article IV herein, of the standards and criteria to be utilized in determining the appropriateness of any development project involving a Landmark, Contributing Resource or Non-Contributing Resource within the Historic District.
- B. The Board shall conduct a public hearing or hearings on the Proposed Historic District Plan. At the conclusion of the hearing or hearings, the Board may affirm, modify or rescind any portions of the proposed Historic District Plan. A notice of decision and recommendations in support thereof shall be filed in the office of the Preservation Director.
- C. The Board Secretary shall transmit the Board's recommended Historic District Plan to the City Clerk for the Council's review. The procedures set forth in Article IV of this Chapter shall govern the City Council's action on any proposed Historic District Plan. No Historic District Plan shall be considered adopted unless it had been approved by the Council.

Article VI Development Project and Demolition Review

15.124.280 General: Review Required for Development Projects Involving Landmarks, Contributing Resources and Non-Contributing Resources, and for Demolition of Landmarks and Contributing Resources.

- A. General: Except as provided below, review and approval by the Board or Director pursuant to this chapter shall be required prior to commencement of the following:
1. Any Development Project involving a Landmark, Contributing Resource or Non-Contributing Resource, or pursuant to Sections 15.124.200 and 15.124.320, a Nominated Resource, which requires issuance of a City permit, including without limitation the following:
    - a. Building Permits, including but not limited to building permits for rehabilitation, new construction and demolition;
    - b. Building move and building relocation permits;
    - c. Sewer connection or disconnection permits, except for those disconnections for repair or maintenance of existing sewer connections;
    - d. Sign permits;
    - e. Certificates of Occupancy;
    - f. Grading Permits;
    - g. Demolition permits, whether for full, major or partial demolition; or
    - h. Encroachment permits.
  2. Except as specified herein, any of the following work or improvements undertaken on either: a) a Landmark, Contributing Resource or Non-Contributing Resource; or b) pursuant to Sections 15.124.200 and 15.124.320, a Nominated Resource:
    - a. Installation or replacement of exterior windows or doors;
    - b. Construction of new exterior fencing or walls, or alteration of existing fencing or walls;
    - c. Replacement or alteration of exterior paint or other exterior architectural coating or treatment on a Landmark, where the exterior paint or other exterior architectural coating or treatment has been identified as a significant Feature or Characteristic of a Landmark;
 Pursuant to Section 15.124.285, a Certificate of Appropriateness approved by the Preservation Director shall be required prior to undertaking any of the work specified in (a) through (c) above.
- B. Exceptions: Notwithstanding Subsection A above, review by the Board or Director pursuant to this Chapter shall not be required for the following:
1. Demolition or relocation of a Non-Contributing Resource
  2. Demolition of an immediately dangerous building, provided the provisions of Section 15.124.410 of this Chapter shall be satisfied prior to demolition.
  3. The following minor projects, provided the work is determined by the Preservation Director to be consistent with the Secretary of the Interior's Standards:
    - a. Demolition or removal of insignificant features of a historic resource, including noncontributory additions, garages or accessory structures, replacement windows and later siding material;
    - b. Any undertaking requiring a permit that does not change the exterior character-defining features of a historic resource, including, but not limited to, re-roofing if the re-roofing material has a similar appearance to the existing or original roofing material and the existing roofing material is infeasible to repair; replacement of windows and doors if the replacements match the existing or original windows and doors and it is infeasible to repair the existing doors or windows.
    - c. Any addition of less than two hundred (200) square feet on side or rear elevations that are not visible from the public right of-way;
    - d. Any undertaking required by or related to health and safety needs that does not materially alter significant features of a historic resource or have an adverse effect on the significance of a historic resource;
    - e. Any other undertaking determined by the Preservation Director to be minor that does not materially alter significant features of a historic resource or have an adverse effect on the significance of a historic resource.
 Projects proposed for consideration as minor projects pursuant to this subsection shall be reviewed by the Preservation Director or designated representative prior to issuance of a building permit to determine if the work meets all of the requirements to be treated as a minor project as defined above. No hearing shall be required, and the decision of the Preservation Director or designated representative shall be final and not subject to appeal. If the Preservation Director or designated representative determines that the project does not constitute a minor project as defined above, the project shall be subject to formal review by the Board or the Preservation Director pursuant to Subsection A above and Section 15.124.300.
  4. Work and repairs required as a matter of law.

- C. It shall be unlawful and a violation of this Chapter for any person to commence or continue work on a Development Project involving a Landmark or Contributing Resource, or a Non-Contributing Resource in a Historic District unless review and approval pursuant to this Chapter has occurred; provided that Development Projects lawfully commenced prior to July 26, 2001, either with or without review under the previous version of this Chapter 15.124 of Title 15, shall not be subject to any further review under this Chapter or Title.

15.124.285 Certificates of Appropriateness. A certificate of appropriateness approved by the Preservation Director shall be required to undertake any of the work specified in Section 15.124.280. This requirement shall be in addition to any other permit or requirement required by the City Code. The Preservation Director shall, in the manner specified in Section 15.124.330, notice and hold a hearing on the application to undertake work specified in section 15.124.280.

15.124.290 Applications. The Building Official, Planning Director and designees, shall forward to the Preservation Director all applications for permits or other entitlements in which all or part of the work to be performed thereunder is subject to the review of the Board or the Preservation Director.

15.124.300 Review of Development Projects Involving Landmarks and Contributing Resources and Requests for Demolition of Landmarks and Contributing Resources.

- A. Board Review: The Board shall review and act on the following Development Projects and requests for demolition and relocation involving Landmarks and Contributing Resources:
1. Any Development Project involving a Landmark or Contributing Resource where the Preservation Director determines that the Development Project involves work on Significant Features or Characteristics or involves work that could affect the eligibility of the Listed Historic Resource for the Sacramento Register.
  2. Except as provided below, all applications for demolition or relocation of Landmarks and Contributing Resources.

Exception: The Preservation Director shall have authority to review and act upon applications for demolition or relocation of accessory buildings and structures which are not identified as Significant Features or Characteristics of the Landmark or Contributing Resource.

- B. Preservation Director Review: The Preservation Director shall review and act on all Development Projects involving Landmarks and Contributing Resources not subject to review by the Board pursuant to A above.
- C. Preservation Director Determination: The Preservation Director shall review and determine whether a Development Project application involving a Landmark or Contributing Resource is subject to review by the Board or by the Director. The determination of the Preservation Director on this issue shall be final and shall not be subject to appeal. The decision of the Board or Director on the Development Project application shall be subject to appeal pursuant to Article VIII.
- D. Director Determination re: Landmarks and Contributing Resources without Identified Significant Features and Characteristics: For Landmarks and Contributing Resources which are on the Register because they were Essential or Priority Structures on the Official Register created under the prior version of this Chapter 15.124, and for which there are no identified Significant Features and Characteristics, the Preservation Director shall identify the significant Features and Characteristics and determine whether review by the Board or Director is appropriate under A and B above.

15.124.310 Review of Development Projects Involving Non-Contributing Resources in Historic Districts. The Board shall act on Development Project applications involving new construction on vacant parcels within Historic Districts. The Director shall act on all other Development project applications involving Non-Contributing Resources in Historic Districts.

15.124.320 Review of Development Projects Involving Nominated Resources and Requests for Demolition of Nominated Resources.

- A. Resources Nominated as Landmarks and Contributing Resources: For purposes of this Chapter, Resources nominated as potential Landmarks and Contributing Resources shall be treated as if they are Landmarks and Contributing Resources on the Sacramento Register, and Development Projects and requests for demolition or relocation involving these Resources shall be subject to review by the Board or Director pursuant to Section 15.124.300.
- B. Other Resources within Nominated Historic Districts: Resources within geographic areas nominated for consideration as Historic Districts which are not nominated or identified as potential Contributing Resources shall be treated as Non-Contributing Resources, and Development Projects and requests for

demolition or relocation involving these Resources shall be subject to review by the Board or Director pursuant to Section 15.124.300.

15.124.330 Notice and Hearing. At least one public hearing shall be held by the Board or the Preservation Director, as appropriate, on Development Project applications and other matters for which Board or Preservation Director review is required pursuant to this Chapter. Notice of the hearing shall be given as follows:

A. Notice:

1. Written notice: Written notice of the hearing before the Preservation Director or the Board shall be given not less than ten (10) days prior to the hearing to the following:
  - a. The project applicant;
  - b. All owners of property located within five hundred (500) feet of the property which is the subject of the hearing, using for notification purposes the names and mailing addresses as shown on the latest equalized assessment roll in existence on the date the application is filed.
2. Posting: Notice of the hearing shall also be posted on the property which is the subject of the hearing in a conspicuous place for at least seven (7) days prior to the date of the hearing.

B. Form of Notice: The notice shall provide a general description of the Development Project or proposal, and the date and place of the public hearing(s) before the Preservation Director or Board.

15.124.340 Standards. The Board or the Preservation Director, as appropriate, shall apply and consider the following when reviewing a Development Project or other matter pursuant to this Chapter:

- A. The Secretary of Interior Standards;
- B. When the project involves a Resource located within a Historic District, the applicable provisions of the Historic District Plan, if any;
- C. The goals and policies of this Chapter; and
- D. The goals and policies of the General Plan and any applicable specific or community plan.

15.124.350 Decision and Findings.

- A. Projects not involving the Demolition or Relocation of a Landmark or Contributing Resource: For projects not involving the Demolition or Relocation of a Landmark or Contributing Resource, the Board or Director shall not approve the application unless the Board or Director makes one or more of the following findings concerning the project, as it may have been conditioned or modified.
  1. The project is consistent with the Secretary of Interior Standards and the goals and policies of this Chapter;
  2. The project is not fully consistent with the Secretary of Interior Standards, due to economic hardship or economic infeasibility, but the project is generally consistent with, and supportive of, the goals and policies of this Chapter. The applicant shall have the burden of proving economic hardship or economic infeasibility.
  3. The project is not fully consistent with the Secretary of Interior Standards, but is consistent with and supportive of identified goals and policies of the General Plan or applicable community or specific plan(s); and the project is either generally consistent with, and supportive of, the goals and policies of this Chapter, or if not, the benefits of the project and furthering the identified goals and policies of the General Plan or applicable community plan outweigh any impacts on achieving the goals and policies of this Chapter.
- B. Projects Involving Demolition or Relocation of a Landmark or Contributing Resource: For projects involving the Demolition or Relocation of a Landmark or Contributing Resource, the Board or Director shall not approve the application unless the Board or Director makes one or more of the following findings concerning the project, as it may have been conditioned or modified:
  1. Based upon sufficient evidence, including evidence provided by the Applicant, the property retains no reasonable economic use, taking into account the condition of the structure, its location, the current market value, the costs of rehabilitation to meet the requirements of the building code or other city, state or federal law;
  2. That the demolition or relocation of the Landmark or Contributing Resource is necessary to proceed with a project consistent with and supportive of identified goals and policies of the General Plan or applicable community or specific plan(s), and the demolition of the building or structure will not have a significant effect on the achievement of the purposes of this Chapter or the potential effect is outweighed by the benefits of the new project; or
  3. In the case of an application for a permit to relocate, that the building may be moved without destroying its historic or architectural integrity and importance; or

4. That the demolition or relocation of the Landmark or Contributing Resource is necessary to protect or to promote the health, safety or welfare of the citizens of Sacramento, including the need to eliminate or avoid blight or nuisance, and the benefits of demolition or relocation outweigh the potential effect on the achievement of the goals and policies of this Chapter.
- C. Demolition or Relocation: For purposes of this Section, demolition or relocation shall mean the complete demolition or relocation of the entirety of the Landmark or Contributing Resource; or the partial demolition or relocation of a portion of a Landmark or Contributing Resource, including where partial demolition or relocation that is part of a Development Project to remodel or alter the Landmark or Contributing Resource, where the demolition or relocation affects or may affect a Significant Feature or Characteristic, or where the demolition or relocation is other than minor, inconsequential or insignificant and has the potential to affect the historical value of the Landmark or Contributing Resource.

15.124.360 Appeal. The decision of the Preservation Director shall be subject to appeal to the Board pursuant to Article VIII herein. The decision of the Board, including the decision of the Board on an appeal from the Preservation Director, shall be subject to appeal to the City Council pursuant to Article VIII herein.

15.124.370 Expiration of Approval. Whenever the Board or the Preservation Director approves the issuance of a demolition permit or a building permit for demolition and rights thereunder have not been exercised for a period of one hundred eighty (180) days from the effective date of issuance, said approval shall expire and said permit is void notwithstanding any other provision of the Sacramento City Code to the contrary. For purposes of this Section, the term "exercise of rights" shall mean substantial expenditures in good faith reliance upon said permit. The burden of proof in showing substantial expenditures in good faith reliance upon said permit shall be placed upon the permit holder.

15.124.380 City Projects.

- A. General: Except as provided below, the provisions of this Chapter 15.124 requiring hearing(s) before the Board or the Preservation Director shall apply to Development Projects involving, or requests for demolition or relocation of, Landmarks, Contributing Resources or Non-Contributing Resources which are owned by the City of Sacramento, including public projects within the Old Sacramento National Historic Landmark, Historic District; provided that the Board or Director shall make a recommendation to the City Council or other City decision-making body, entity or person, rather than issuing a decision. When acting on City projects, the City Council or other City decision-making body, entity or person shall apply the same standards, and make the same findings, required by this Chapter for private projects.
- B. Exception: The Council may, by resolution or ordinance, exempt from review by the Director or Board individual City projects or categories of City projects.

Article VII Dangerous Buildings and Immediately Dangerous Buildings, Structures or Resources

15.124.390 Notice to Preservation Director. The Building Official, and designees, shall notify the Preservation Director upon designation of any of the following as a substandard, dangerous, or immediately dangerous building, structure or resource: any Listed Historical Resource, any resource in a Historic District, any Nominated Resource, any California Register Resource, or any National Register Resource.

15.124.400 Reports to Board. The Secretary of the Housing Code Advisory and Appeals Board and the Building Official shall forward to the Board Secretary all notices and orders involving any Listed Historic Resource within ten (10) days of any such notices or orders.

15.124.410 Demolition of Landmarks and Resources Within Historic Districts. The provisions of this Chapter shall not be construed to regulate, restrict, limit or modify the authority of the City and the Building Official or his or her designee(s) as specified below, to issue demolition or other permits under the Building Code set forth in Title 15 of the Sacramento City Code for the abatement of Listed Historic Resources determined to be immediately dangerous, pursuant to the summary procedures set forth in Chapter 8.96 of Title 8 of the Sacramento City Code; provided that, prior to approval of a demolition permit for the demolition of a Listed Historic Resource determined to be immediately dangerous, the Building Official or in his or her absence, the Code Enforcement Manager, or in the Code Enforcement Manager's absence his or her designee as specified below, shall comply with the review and consultation process specified herein.

- A. The person serving as Building Official shall personally issue any permits authorizing the demolition of structure(s) or other resource(s) on the Sacramento Register determined to be immediately dangerous after complying with the review and consultation process specified herein; provided that if the person serving as Building Official is absent or otherwise unavailable, then the Code Enforcement Manager his or her designee, shall be responsible for issuing any permits authorizing the demolition of a Listed Historic Resource determined to be immediately dangerous after complying with the review and consultation process specified below.

- B. The Building Official, Code Enforcement Manager or designee specified, may issue a permit authorizing the demolition of a Listed Historic Resource determined to be immediately dangerous; provided that prior to issuing the demolition permit, the Building Official or designee shall first consult with the Preservation Director and the Chairperson of the Board for the purpose of discussing (i) whether the condition of the structure(s) or other resource(s) is immediately dangerous within the meaning of the Sacramento City Code; and (ii) whether there are any feasible alternatives to demolition that will protect adequately the health and safety of the public, including but not limited to abatement of the immediate threat through repair as specified in Chapters 8.96 and 8.100 of Title 8 of the Sacramento City Code, securing the premises through security fencing or other measures, stabilization, and limited demolition; and provided further that if the Building Official or designee determines that the structure is immediately dangerous and that there is no feasible alternative to demolition to abate the immediate and present threat to life, health or safety of the public, the Building Official, Code Enforcement Manager, or designee may issue a permit authorizing the demolition of the structure without complying with the consultation process, although the Building Official, Code Enforcement Manager or designee, shall make all reasonable efforts to comply with the consultation process before issuing such permit.

15.124.420 Lawful Demolition, Removal, or Disturbing of Listed Historic Resource; Deletion; Restrictions.

- A. When an individually listed Landmark on the Sacramento Register, or portion thereof, has been lawfully demolished, removed, or disturbed pursuant to any provisions of this Chapter, the City Clerk upon notice from the Preservation Director, shall cause such Landmark, or portion thereof, to be deleted from the Sacramento Register. Upon deletion, the provisions of this Chapter shall not be considered to encumber any remaining property on which the Landmark was located. Landmark(s) in which a majority of the Significant Feature(s) and Characteristic(s) are destroyed by natural disaster(s), acts of God or other similar events not attributable to the willful or intentional action of the owner or owner's agent, shall be considered lawfully demolished, removed, or disturbed for the purposes of this Section.
- B. When a Listed Historic Resource in a Historic District, or portion thereof, has been lawfully demolished, removed, or disturbed pursuant to any provisions of this Chapter, the City Clerk upon notice thereof, shall cause such Listed Historic Resource, or portion thereof, to be downgraded to a non-contributing resource in the Historic District. Listed Historic Resource(s) in a Historic District in which a majority of the Significant Feature(s) and Characteristic(s) are destroyed by natural disaster(s), acts of God or other similar events not attributable to the willful or intentional action of the owner or owner's agent shall be considered lawfully demolished, removed, or disturbed for the purposes of this Section.

Article VIII Appeals

15.124.430 Finality of Board and Preservation Director Decisions. Any decision or order of the Board or Preservation Director under this Chapter shall become final if no appeal is taken from such order or decision within the time limits prescribed by the applicable appeal provisions of this Chapter. No permit regulated by the provisions of this Chapter shall issue, nor shall any rights therein vest, until the decision of the Board or Preservation Director is final or any appeal therefrom is disposed of the manner prescribed by this Chapter.

15.124.440 Appeal of Preservation Director Actions. Except as expressly provide otherwise herein, any person dissatisfied with any decision of the Preservation Director under this Chapter may appeal the decision to the Board not later than ten (10) days after the issuance of the Preservation Director's notice of decision and findings. Such appeal is taken by filing a notice of appeal with the Board Secretary and paying an appeal fee as established by the City Council. Upon receipt of a timely appeal, the Board Secretary shall forthwith transmit to the Board chairperson all papers and documents on file with the Preservation Director relating to the appeal. Notice of the hearing before the Board shall be given in the manner specified in Section 15.124.330 provided that, to the extent that Section 15.124.330 does not otherwise require that notice be given to the appellant(s), written notice shall be given to the appellant(s).

15.124.450 Appeal of Board Actions. Except as expressly provide otherwise herein, any person dissatisfied with any decision of the Board under this Chapter, including any decision on an appeal of a decision of the Preservation Director, may appeal that decision to the City Council not later than ten (10) days after the date of the Board's notice of decision and findings. Such appeal is taken by filing a notice of appeal with the Board Secretary and paying an appeal fee as established by the City Council. Upon receipt of a timely appeal, the Board Secretary shall forthwith transmit to the City Clerk Board chairperson all papers and documents on file with the Preservation Director relating to the appeal. Notice of the hearing before the Board shall be given in the manner specified in Section 15.124.330; provided that, to the extent that Section 15.124.330 does not otherwise require that notice be given to the appellant(s), written notice shall be given to the appellant(s).

Article IX Preservation Incentives

15.124.460 Incentive Programs. The Board is authorized to develop and implement preservation incentive programs that are consistent with this Chapter.

15.124.470 California State Historical Building Code. The Building Official is authorized to use and shall use the State Historical Building Code for projects involving Landmarks and Contributing Resources. The Board and the Preservation Director are authorized to and shall utilize the State Historical Building Code for Preservation Projects.

15.124.480 Mills Act Contracts.

- A. Mills Act contracts granting property tax relief shall be made available by the City of Sacramento only to owners of properties listed in the Sacramento Register (either as Landmarks or as Contributing Resources within Historic Districts), as well as properties located within the City of Sacramento that are listed in: the National Register of Historic Places (either as individual listings or as contributing properties within National Register historic districts); or the California Register of Historical Places. Properties that have been previously listed on the above-mentioned register(s), but that have been removed from the register(s) and are no longer listed, shall not be eligible for a Mills Act contract with the City.
- B. Mills Act contracts shall be made available pursuant to California law. The Preservation Director shall make available appropriate Mills Act application materials.
- C. Mills Act contract applications shall be made to the Preservation Director, who shall, within sixty (60) days of receipt of a completed application, prepare and make recommendations on the contents of the contract for consideration by the City Council. A fee for the application, to cover all or portions of the costs of the preparation of the contract in the amounts set by City Council Resolution may be charged.
- D. The City Council shall, in public hearing, resolve to approve, approve with conditions, or deny the proposed contract. Should the City Council fail to act on the proposed contract within one (1) year of its receipt of the proposal, the proposal shall be deemed denied.
- E. A Mills Act contract application that has failed to be approved by the City Council cannot be resubmitted for one (1) year from the date of City Council action, or where the Council fails to take action, within one year from the date that the application is deemed denied pursuant to (d) above.

Article X Minimum Maintenance Requirements

15.124.490 Minimum Maintenance Requirements. The owner, lessee or other person legally in possession of a Listed Historic Resource 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 Listed Historic Resources and the interior portions thereof when such maintenance is necessary to prevent deterioration and decay of the exterior. Listed Historic Resources 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.

Article XI Enforcement and Penalties

15.124.500 Application of Chapter and Enforcement Powers. The Code Enforcement Manager and Building Official, and designees, are hereby authorized to enforce the provisions of this Chapter, and, in addition to all other powers available to them, are specifically authorized to utilize the provisions of Chapter 1.28 of Title 1 of the Sacramento City Code in the enforcement of this Chapter. The City Attorney is authorized to take such legal actions as are lawfully available, including but not limited to the remedies set forth in Chapter 1.28 of Title 1 of the City Code.

15.124.510 Prohibitions.

- A. No person shall cause, willfully or otherwise, by action or inaction, alteration of, environmental change to, damage to or demolition of any significant Feature(s) or Characteristic(s) of a Landmark or all or

portion of a Historic District, or other Listed Historic Resource, or National Register Resource or California Register Resource without first having obtained a proper City authorization for same.

B. For purposes of this Chapter, each daily violation shall be considered a new and separate offense.

C. Willful violation of this Chapter shall constitute a misdemeanor.

15.124.520 Additional Penalties. The penalties provided for in this Chapter are designated as non-exclusive, and are in addition to any other remedies the City may have.

Article XII General Provisions

15.124.530 Judicial Review. Judicial review of any final decision under this Chapter shall be filed within thirty (30) days of the date of the decision, and review shall be pursuant to Section 1094.5 of the Code of Civil Procedure.

15.124.540 Fees. The City Council may, by resolution, establish the fee(s) for submission of the Nomination, and all other applications and submissions made pursuant to this Chapter. In the absence of a City Council resolution, the Preservation Director may establish the fee and charge schedule.

15.124.550 City Code References. All references in this Chapter to sections of the City Code shall incorporate those sections as such sections may be amended from time to time.

15.124.560 Severability. Should any section or other portion of this Chapter be determined unlawful or unenforceable by a court of competent jurisdiction, the remaining section(s) and portion(s) of this Chapter shall be considered severable and shall remain in full force and effect.