

Redwood City

Sec. 40.1. TITLE:

This Chapter shall be known as the Historic Preservation Ordinance of the City of Redwood City. (Ord. No. 1815, § 1, 3-10-80)

Sec. 40.2. PURPOSE:

The purpose of this Chapter is to promote the public health, safety, and general welfare by providing for the identification, protection, enhancement, perpetuation, and use of improvements, buildings, structures, signs, objects, features, sites, places, and areas within the City that reflect special elements of the City's historic, architectural, cultural, aesthetic, and other heritage for the following reasons:

- A. To safeguard the City's heritage by providing for the protection of landmarks representing significant elements of its history;
- B. To encourage public knowledge, understanding, and appreciation of the City's past;
- C. To foster civic and neighborhood pride and a sense of identity based on the recognition and use of historic and cultural resources;
- D. To promote the enjoyment and use of historic and cultural resources appropriate for the education and recreation of the people of the City;
- E. To preserve diverse and harmonious architectural styles and design preferences reflecting phases of the City's history and to encourage complementary contemporary design and construction;
- F. To enhance property values and to increase economic and financial benefits to the City and its inhabitants;
- G. To strengthen the economy of the City by protecting and enhancing the City's attractions to residents, visitors and tourists;
- H. To identify as early as possible, and resolve conflicts between the preservation of historic and cultural resources and alternative land uses;
- I. To conserve valuable material and energy resources by ongoing use and maintenance of the existing built environment; and
- J. To implement the historic landmarks element of the general plan. (Ord. No. 1815, § 1, 3-10-80)

Sec. 40.3. DEFINITIONS:

The following words and phrases shall have the meaning respectively ascribed to them:

ALTERATION: Any exterior change or modification, or private action, of any historic or cultural resource or of any property located within a historic district including, but not limited to, exterior changes to or modifications of structure, architectural details or visual characteristics such as paint color and surface texture, grading, surface paving, new

structures, cutting or removal of trees and other natural features, disturbance of archaeological sites or areas, and the placement or removal of any exterior objects such as signs, plaques, light fixtures, street furniture, walls, fences, steps, paintings and landscape accessories affecting the exterior visual qualities of the property. "Alteration" may also mean interior changes necessary to prevent deterioration and decay of any exterior architectural features.

COMMISSION: The Planning Commission of the City of Redwood City.

COMMITTEE: The historic resources advisory committee.

EXTERIOR ARCHITECTURAL FEATURE: The architectural elements embodying style, design, general arrangement and components of all of the outer surfaces of an improvement, including, but not limited to, the kind, color and texture of the building materials and the type and style of all windows, doors, lights, signs and other fixtures appurtenant to such improvement.

HISTORIC DISTRICT: Any area containing improvements which have a special character, historic interest, or aesthetic value or which represent one or more architectural periods or styles typical to the history of the City, and which improvements constitute a district section of the City that has been designated a historic district pursuant to this Chapter.

HISTORIC LANDMARK: Any improvement that has special historic, cultural, aesthetic or architectural character, interest or value as part of the development, heritage, or history of the City, the State, or the nation, and that has been designated pursuant to this Chapter.

HISTORIC or CULTURAL RESOURCE: Improvements, buildings, structures, signs, features, sites, places, areas or other objects of historic aesthetic, educational, cultural or architectural significance to the citizens of the City, which may or may not have been officially designated as "historic districts," "historic landmarks" or "historic sites" as hereinafter defined.

HISTORIC SITE: A parcel or part thereof on which a historic or cultural resource is situated and any abutting parcel or part thereof constituting part of the premises on which the cultural resource is situated and which has been designated a historic site pursuant to this Chapter.

IMPROVEMENT: Any building, structure, place, parking facility, fence, gate, wall, work of art or other object constituting a physical betterment of real property, or any part of such betterment.

PRESERVATION: The identification, study, protection, restoration, rehabilitation or enhancement of historic and cultural resources. (Ord. No. 1815, § 1, 3-10-80; Ord. No. 1923, § 1, 1-6-86)

Sec. 40.4. PLANNING COMMISSION TO ADMINISTER CHAPTER:

The Planning Commission is hereby designated to be the official authority for the administration of this Chapter, in accordance with the powers and duties, and subject to such exceptions as hereinafter set forth. (Ord. No. 1815, § 1, 3-10-80; Ord. No. 1870, § 1, 7-11-83; Ord. No. 1923, § 2, 1-6-86)

Sec. 40.4.1. HISTORIC RESOURCES ADVISORY COMMITTEE:

The Commission shall appoint an Historic Resources Advisory Committee to advise and make recommendations to the Commission in accordance with the provisions of this

Chapter. The Committee shall consist of seven (7) members, one of whom shall be a Planning Commissioner, and the remaining six (6) members shall be appointed from, but not limited to, such professions, disciplines and interests as: members of the Redwood City Heritage Association and other preservation related organizations; licensed architects and structural engineers; urban planners and landscape architects; attorneys and real estate experts; members of community groups and residents within historic districts, occupants of historic landmarks and owners of historic sites. Not less than five (5) such members shall, at the time of their appointment and continuously during their incumbency, be residents and electors of the City.

The term of office of each member shall be three (3) years, except that two (2) of the members first appointed shall be designated to serve a term of one year, two (2) for a term of two (2) years, and three (3) for a term of three (3) years, so as to provide a continuity of membership on the Committee. Thereafter, the term of each member shall be three (3) years. An appointment to fill an unexpired term shall be for the remainder of such unexpired term.

The Historic Resources Advisory Committee shall hold regular meetings at least once a month. If a member of the Committee is absent from three (3) successive regular or noticed special meetings duly held by the Committee, except by permission of the Committee, the appointment of such member to the Committee shall be considered to be terminated; and the Committee shall give notice of such vacancy to the member so terminated and to the Planning Commission. (Ord. No. 1923, § 10, 1-6-1986; Ord. No. 2157, § 1, 2-22-1999)

Sec. 40.5. POWERS AND DUTIES OF COMMISSION:

The Commission shall have the following powers and duties:

- A. Establish criteria for, conduct and keep current a comprehensive survey and register of historic and cultural resources within the boundaries of the City.
- B. Adopt specific guidelines for the designation of landmarks, landmark sites and historic districts subject to the provisions of Section 40.6 of this Chapter.
- C. Review and comment upon the conduct of land use, housing and redevelopment, Municipal improvements and other types of planning and programs undertaken by any other agency of the City, the County or State as they relate to the historic and cultural resources of the community.
- D. Adopt standards to be used by the Commission in reviewing applications for permits to construct, change, alter, modify, remodel, remove or significantly affect any historic or cultural resource. Such standards shall include the Standards for Rehabilitation adopted by the United States Secretary of the Interior, as set forth in 36 Code of Federal Regulations part 1208, as said part may from time to time be amended.
- E. Recommend to the City Council the purchase with public or private funds, as such may become available, of property interests for purposes of historic preservation.
- F. Investigate and report to the City Council on the use of various Federal, State, local or private funding sources and mechanisms available to promote historic preservation in the City.
- G. Approve or disapprove, in whole or in part, applications for permits pursuant to this Chapter.

H. Cooperate with local, County, State and Federal governments in the pursuit of the objectives of historic preservation.

I. Render advice and guidance, upon the request of the owner or occupant of the property affected, on the restoration, alteration, decoration, landscaping or maintenance of any historic or cultural resource, including a landmark, landmark site, historic district or property in the vicinity of the foregoing within public view thereof.

J. Participate in, promote and conduct public information, educational and interpretive programs pertaining to historic and cultural resources.

K. Review and make recommendations to the City Council regarding applications for and the administration of historic property contracts submitted or entered into pursuant to the provisions of article 12 (commencing with section 50280), chapter 1, part 1, division 1, title 5, of the Government Code.

L. Perform such other duties and exercise such other powers as may be specified by the City Council.

The Commission shall consider the recommendations of the Committee before taking any action pursuant to this Section. (Ord. No. 1815, § 1, 3-10-1980; Ord. No. 1923, § 3, 1-6-1986; Ord. No. 2021, § 1, 7-9-1990)

Sec. 40.6. HISTORIC DESIGNATION CRITERIA:

For the purposes of this Chapter, an improvement may be designated an historic landmark or historic site by the City Council, and any area within the City may be designated an historic district by the City Council pursuant to Section 40.7 of this Chapter if it meets the following criteria or other criteria established by the Planning Commission pursuant to Section 40.5 of this Chapter:

A. It exemplifies or reflects special elements of the City's cultural, aesthetic or architectural history; or

B. It is identified with persons or events significant in local, State or national history; or

C. It embodies distinctive characteristics of a style, type, period or method of construction, or is a valuable example of the use of indigenous materials or craftsmanship; or

D. It is representative of the notable work of a builder, designer or architect. (Ord. No. 1815, § 1, 3-10-1980)

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B. It is identified with persons or events significant in local, State or national history; or

C. It embodies distinctive characteristics of a style, type, period or method of construction, or is a valuable example of the use of indigenous materials or craftsmanship; or

D. It is representative of the notable work of a builder, designer or architect. (Ord. No. 1815, § 1, 3-10-1980)

E. If the Commission decides to hold a hearing on such application, the Planning Director shall give notice of the date, place, time and purpose of the hearing by first class mail to all applicants, owners, and occupants of the improvement or, in the case of a proposed historic district, to applicants, owners and occupants of all properties within the proposed district, at least twenty (20) days prior to the date set for the public hearing, using the name and address of such owners as shown on the latest equalized assessment rolls, if they are otherwise not known. Notice of the hearing shall also be advertised once in the official newspaper of Redwood City.

F. The Commission shall conduct a public hearing and shall provide a reasonable opportunity for all interested parties to express their opinions.

G. At the conclusion of the public hearing, but in no event more than thirty (30) days from the date set for the initial public hearing or any continuance thereof for the designation of a proposed historic landmark, historic site or historic district, the Commission shall recommend, in writing, approval in whole or in part, or disapproval in whole or in part, of the application. Such written determination shall contain a description of the actual property or properties to be designated and shall be filed with the City Council, the City Clerk and the Building Official. The City Clerk shall mail notice of such decision to the applicants and the owners and occupants of the proposed designated historic site or historic landmark or the owners and occupants of all properties within the proposed designated historic district. Notice shall also be mailed to any other interested parties as may request a copy thereof.

H. The City Council, within thirty (30) days of receipt of the recommendations from the Commission, shall by resolution approve the application in whole or in part, or shall by motion disapprove it in its entirety. The City Council shall hold a public hearing on such proposed resolution. Notice of the time and date set for the public hearing on such proposed resolution shall be mailed to all applicants and the owners and occupants of the proposed designated historic site or historic landmark or the owners and occupants of all properties within the proposed designated historic district. The Council, in its public hearing on the proposed resolution, shall provide a reasonable opportunity for all interested persons to express their opinions.

I. The City Clerk shall notify the Building Official of any official designation adopted by resolution by the City Council. The Clerk shall also file within ninety (90) days of such designation with the County Recorder a certified copy of the resolution which shall include the name of the current property owner, the designating entity, the specific historic resources designation and a legal description of the property, together with a notice briefly stating the fact of said designation and a summary of the effects said designation will have. The Clerk further shall mail a copy of the resolution approving said designation or a copy of the minute order showing disapproval of said designation, to all applicants and the owners and occupants of the proposed designated historic site or historic landmark or the owners and occupants of all properties within the proposed designated historic district, and to any other person who requests a copy.

J. Failure to send any notice by mail to any property owner where the address of such owner is not a matter of public record shall not invalidate any proceedings in connection with the proposed designation. The Commission and Council may also give such other notice as they may deem desirable and practicable.

K. No building, alteration, demolition or removal permits for any improvement, building or structure within a proposed historic district or relative to a proposed historic site or historic landmark shall be issued while the application therefor is pending. Exceptions may be considered in case of hardship as defined in Section 40.15 of this Chapter. (Ord. No. 1815, § 1, 3-10-1980; Ord. No. 1923, § 4, 1-6-1986; Ord. No. 2103, § 1, 12-11-1995)

Sec. 40.8. PERMIT REQUIRED:

It is unlawful for any person to tear down, demolish, construct, alter, remove or relocate any improvement, or any portion thereof, which has been designated an historic landmark pursuant to the provisions of this Chapter, or which lies within an historic district, or to alter in any manner any exterior architectural feature of such an historic landmark or improvement within an historic district, or to place, erect, alter, or relocate any sign within an historic district or on an historic landmark or historic site, without first obtaining written approval to do so in the manner provided in this Chapter, nor shall the Building Official, Planning Director, or any other officer of the City grant any permit to carry out such work on a designated historic landmark or historic site or within an historic district, without the prior written approval of the Commission. (Ord. No. 1815, § 1, 3-10-1980)

Sec. 40.9. PERMIT APPROVAL PROCEDURE:

The following procedures shall be followed in processing applications for approval of work covered by this Chapter:

A. The Building Official shall report any application for a demolition permit or a building permit to work on a designated historic site, historic landmark or historic district to the Planning Director. The Planning Director shall refer such application to the Committee for its review and recommendation. The Committee shall review the application and shall submit its written recommendation to the Commission within sixty (60) days after receipt of the application from the Planning Director. In making its review, the Committee may hold hearings and may require any documentation it believes reasonably necessary to make its recommendation. The Committee shall make all recommendations in accordance with the prescriptive standards adopted pursuant to Section 40.5.

B. If no building permit would otherwise be required pursuant to the City Code, application for approval to pursue work on a designated historic site, historic landmark or within a historic district shall be made to the Planning Director who shall present such application to the Committee. The Committee shall complete its review of the application and submit a written recommendation to the Commission within forty five (45) days of receipt of said application by the Committee.

C. All applications shall be accompanied by plans and specifications describing the proposed work as well as any other material considered by the Committee or the Commission, as the case may be, to be reasonably necessary for the proper review of the proposed project.

D. Whenever the application is to tear down, demolish, construct, alter, remove or relocate any improvement, or any portion thereof, which has been designated a historic landmark or is within a historic district pursuant to the provisions of this Chapter, the Commission shall hold a public hearing thereon. The Commission may hold public hearings on other applications as they deem necessary.

The hearing shall be held at the next regularly scheduled Commission meeting after receipt of the Committee's recommendation, and after proper notice has been given of such hearing. Notice of such hearing shall be given by first class mail to each applicant, and in the case of an application for work in a historic district, to owners and occupants of

all properties within the district, at least ten (10) days prior to the date set for such hearing. Notice of the hearing shall also be advertised once in the official newspaper of Redwood City not less than five (5) calendar days prior to said hearing. Any hearing may be continued from time to time by the Commission.

E. At the close of the hearing, the Commission shall approve or disapprove, in whole or in part, such application in accordance with the prescriptive standards adopted pursuant to Section 40.5, giving consideration to the recommendations of the Committee. The Commission's decision shall be in writing and shall state the findings of fact relied upon in reaching such decision. Such decision may be appealed to the City Council.

F. The Planning Department may collect such fees for an application pursuant to this Section as are charged by the Building Department for a similar building permit application. Such fees shall be in addition to any fees charged by the Building Department. (Ord. No. 1815, § 1, 3-10-80; Ord. No. 1848, § 1, 10-5-81; Ord. No. 1923, § 5, 1-6-86)

Sec. 40.10. PERMIT APPROVAL CRITERIA:

The Commission, or the City Council upon appeal, shall issue an approval for any proposed work as described in Section 40.8 based upon the following criteria or other criteria as determined by the Commission pursuant to Section 40.5:

A. In the case of any property designated a historic landmark, the proposed work would not detrimentally alter, destroy or adversely affect any exterior architectural feature; or

B. In the case of any property located within a historic district, the proposed construction, removal, rehabilitation, alteration, remodeling, excavation or exterior alteration conforms to the prescriptive standards as adopted by the Commission, and does not adversely affect the character of the district; or

C. In the case of construction of a new improvement, building, or structure upon a historic site, the exterior of such improvements will not adversely affect and will be compatible with the external appearance of existing designated improvements, buildings, and structures on said site. (Ord. No. 1815, § 1, 3-10-80; Ord. No. 1923, § 6, 1-6-86)

Sec. 40.11. APPEALS:

Any interested party may appeal any decision of the Commission pursuant to Section 40.10 by filing a notice of appeal with the City Council not later than ten (10) days after the Commission's decision. Such notice shall be accomplished by a fee of one hundred dollars (\$100.00). The City Council shall schedule a public hearing to be held no later than thirty (30) days after the notice of appeal is filed and shall render its decision no later than the next regularly scheduled Council meeting after the close of said hearing; provided, however, if the application for which the appeal is being considered is for the demolition of a designated historic landmark, or within a designated historic district, the Council may continue its decision for a period not to exceed sixty (60) days if it believed that such additional time would contribute to the possible preservation of such structure or landmark. At the public hearing, the Council shall provide a reasonable opportunity for all interested parties to express their opinions. The City Clerk shall notify by mail all applicants for the appeal and the owners and occupants of all properties affected by said appeal, of the time and date set for such public hearing. The aforementioned persons shall also be notified by mail of the Council's decision on the appeal. (Ord. No. 1815, § 1, 3-10-80; Ord. No. 1848, § 2, 10-5-81; Ord. No. 1923, § 7, 1-6-86)

Sec. 40.12. ORDINARY MAINTENANCE AND REPAIR:

Nothing in this Chapter shall be construed to prevent any and all reasonable uses of any property or properties covered by this Chapter as are not in conflict with the purposes of this Chapter, including the ordinary maintenance or repair of said property that does not involve a change in design, material or external appearance thereof. (Ord. No. 1815, § 1, 3-10-80)

Sec. 40.13. UNSAFE OR DANGEROUS CONDITIONS:

Nothing in this Chapter shall be construed to prevent any measures of construction, alteration or demolition necessary to correct the unsafe or dangerous condition of any structure, or feature or part thereof, covered by this Chapter, where such condition has been declared unsafe or dangerous by the Building Official or the Fire Marshal, and where the proposed measures have been declared necessary by such officials to correct such condition; provided, however, that only such work as is reasonably necessary to correct the unsafe or dangerous condition may be performed. In making a determination as to whether such work is reasonably necessary as aforesaid, the above mentioned officials may refer to, and be guided by, the State Historical Building Code (H&S Code section 18950 et seq.) as the same may from time to time be amended, revised, or replaced. (Ord. No. 1815, § 1, 3-10-80)

Sec. 40.14. DUTY TO KEEP IN GOOD REPAIR:

The owner, occupant, or other person in actual charge of a historic or cultural resource, or an improvement, building, or structure in a historic district shall keep in good repair all of the exterior portions of such improvement, building or structure, and all interior portions thereof whose maintenance is necessary to prevent deterioration and decay of any exterior architectural feature.

It shall be the duty of the Building Official to enforce this Section. (Ord. No. 1815, § 1, 3-10-80; Ord. No. 1923, § 8, 1-6-86)

Sec. 40.15. SHOWING OF HARDSHIP:

The Commission need not disapprove an application for a permit to carry out any proposed work in a historic district, or on a historic landmark or a historic site, if the applicant presents clear and convincing evidence of facts demonstrating to the satisfaction of the Commission that such disapproval will work immediate and substantial hardship on the applicant because of conditions peculiar to the person seeking to carry out the proposed work, whether this be the property owner, tenant, or resident, or because of conditions peculiar to the particular improvement, building, or structure or other feature involved, and that failure to disapprove the application will be consistent with the purposes of this Chapter. In determining whether extreme hardship exists, the Commission shall consider, among others, the following criteria:

- A. Whether denial of the applicant will diminish the value of the subject property so as to leave substantially no value.
- B. Whether reasonable utilization of the property is prohibited or impractical.

If a hardship is found to exist under this Section, the Commission shall make a written finding to that effect, and shall specify the facts and reasons relied upon in making such

finding. Such finding may be appealed to the City Council pursuant to the provisions of Section 40.11. (Ord. No. 1815, § 1, 3-10-80; Ord. No. 1923, § 9, 1-6-86)

Sec. 40.16. RETROACTIVE APPLICATION:

The provisions of this Chapter shall be inapplicable to the construction, alteration, demolition or removal of any structure or other feature on a designated historic landmark or historic site or within a designated historic district, where a permit for the performance of such work was issued prior to initiation of proceedings for such designation, and where such permit has not expired or been cancelled or revoked, provided that construction is started and diligently prosecuted to completion in accordance with the City Building Code. (Ord. No. 1815, § 1, 3-10-80)