

**Article XI. - Historic Resources Board.**<sup>[4]</sup> :

**Sec. 2-58. - Intent and purpose.** :

- (a) The purpose of this article is to implement the conservation open space goals and policies of the Salinas General Plan.
- (b) A further purpose of this article is to preserve, improve and enhance the historic resources and districts located within the City of Salinas by reviewing changes to those resources and districts and regulating those historic buildings, structures, objects, sites and their integrity which reflect elements of the city's historic, cultural, social, economic, political, and architectural history and which have a historic value to the city, the state, or the nation.
- (c) A further purpose of this article is to foster public knowledge, understanding, and appreciation of the city's historic heritage in order to promote heritage tourism and to enhance the city's civic pride, visual character, property values, touristic value, and further stimulate educational, cultural, economic and general welfare benefits to the public.
- (d) The City Council of Salinas finds that the distinctive and significant character of the city can be fostered by protecting, preserving, and enhancing its historic, architectural, aesthetic, and cultural heritage and by preventing unnecessary injury or destruction of its historic resources.
- (e) The City Council of Salinas finds that this article benefits all residents of the City of Salinas and all owners of property and declares as a matter of public policy that the preservation, protection, and use of historic resources are a public necessity because of their character and their value as visible reminders of the history and the heritage of the City of Salinas. The City Council of Salinas declares as a matter of public policy that this article is required in the interest of the health, prosperity, safety, welfare, and economic well being of the people of the City of Salinas. The designation and preservation of historic resources and the regulation of alterations, additions, repairs, signs, removal, demolition, or new construction to ensure the perpetuation of their historic integrity is hereby designated to be a public purpose. No part of this article is intended to operate or to effectuate a taking of property.

(Ord. No. 2505 (NCS), § 1, 4-27-2010)

## Sec. 2-59. - Definitions. :

For purposes of this article, the following terms shall have the definitions ascribed to them in this section. In the event a term is not defined in this section, such term shall have the definition ascribed to it in the City Code or in the California Register of Historic Resources, as the case may be and as the same may be amended from time to time.

- (a) "Alteration" means any exterior change or modification of any historic resource, through public or private action, except for routine maintenance or repair, which involves exterior changes to or modification of a structure, its surface texture, or its architectural details; new construction; demolition; or relocation of structures or additions onto, off of, or within a designated property; excepting herefrom, those structures of less than five hundred square feet in area that are lower in height than the historic resource and are in the rear half of the historic resource's building mass.
- (b) "Certified local government" 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 1996, as amended, and the regulations adopted under the Act, which are set forth in the Code of Federal Regulations.
- (c) "Demolition" means, for the purposes of this article, any act or failure to act, that destroys, removes, or relocates, in whole or in part, an historic resource such that its historic character and significance is materially altered.
- (d) "Historic resource" means any building, structure, sign, site, place, area, or district that is identified on:
  - (1) The National Register of Historic Places;
  - (2) The state historic landmark register;
  - (3) The California Register of Historic Resources; or
  - (4) One that has been voluntarily nominated as an historic resource by the property owner and which designation has been considered by the historic resources board and approved by the Salinas City Council.
- (e) "Historic district" means a finite group of resources related to one another in a clearly distinguishable way or any geographically defined area which possesses a significant concentration, linkage, or continuity of sites, buildings, structures, or objects united historically or aesthetically by plan or physical development.

- (f) "Integrity" means the ability of an historic resource to convey its significance including, but not limited to, location, design, setting, materials, workmanship, feeling, and association.
- (g) "Object" shall mean any construction that is distinguished from buildings and structures and that is primarily artistic in nature or is relatively small in scale and simply constructed. Although an object may be movable, by nature or design, it is associated with a specific site or environment, such as a fountain or a boundary marker.
- (h) "Preservation" shall mean the act or process of applying measures to retain, restore, construct, and maintain the significant form, and integrity, of an historic resource. It may include stabilization work, where necessary, as well as ongoing maintenance of historic resources and construction required for reuse of an historic resource.
- (i) "Site" shall mean the parcel of land an historic resource sits on, the boundaries of the historic district, the location of a significant event, a prehistoric or historic occupation or activity where the location itself possesses historic, cultural, or archaeological value regardless of the historic significance of any existing structure including, but not limited to, a designated landscape or the ruins of a building or structure.
- (j) "Structure" shall mean any construction as defined in the zoning code or adopted building code of the City of Salinas.

(Ord. No. 2505 (NCS), § 1, 4-27-2010; Ord. No. 2573 (NCS), § 2, 6-28-2016)

## **Sec. 2-60. - Composition; election of officers.**

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- (a) Composition. The historic resources board shall consist of seven persons having a demonstrated interest, competence, or knowledge in historic preservation, heritage preservation, or heritage tourism. The mayor and each councilmember shall select a representative to serve on the board. Such selections shall be made from among recommendations made to the city council by city staff. Board representatives may reside within or without the boundaries of the City of Salinas. Vacancies shall be filled in the same manner. At least two of the members of the Board shall be professionally qualified according to the criteria listed in 36 CFR Part 61 with qualifications in such fields as history, archaeology, architectural history, prehistoric and historic folklore, curation, conservation, or landscape architecture or related disciplines such as urban planning, law, real estate, or to the extent such professionals are available in the community. The remaining members of the board may be representative of the local business community

for example, the chamber of commerce, a local business improvement district such as the Oldtown Salinas Association or Salinas United Business Association, or have such other qualifications as the city council may deem appropriate.

- (b) Term. Board members shall serve until successors are appointed, unless such board member either resigns or is removed sooner by action of the city council as hereinafter provided.
- (c) Board members may not serve concurrently on more than two City of Salinas boards or commissions.
- (d) Any board member may be removed from office upon the affirmative vote of a majority of the members of the city council and any such action shall be final and not subject to review.
- (e) Election of Officers; Organization; Conduct of Meetings. By the affirmative vote of a majority of its entire membership, the board shall, at its first meeting following July first, select from its membership a chair. In the same manner the board shall select a vice chair to preside in the absence of the chair. The city manager shall appoint a city staff member to act as executive secretary to the board. The time and place of meetings, and the procedure for the conduct of business, shall be determined by the board and set forth in a set of bylaws which shall be subject to approval of the city council. The board shall meet at least once each month or less frequently when there is no business to address. Special meetings may be called by the chair or upon the affirmative vote of a majority of the Board's membership when circumstances require. The number of members necessary to constitute a quorum for the transaction of business shall be established by majority vote of the board provided that the number so established shall not be less than a majority of the board's entire membership.

(Ord. No. 2505 (NCS), § 1, 4-27-2010)

## **Sec. 2-61. - Duties and powers of the historic resources board. :**

The duties of the historic resources board shall be to:

- (a) Study and make recommendations to city staff, the city council, and the planning commission, as appropriate, on the designation, preservation, alteration, or demolition of an historic resource. Except as otherwise specifically set forth in this article, the historic resources board shall act solely in an advisory capacity with respect to all matters pertaining to all types of historic resources.

- (b) Implement the goals, objectives, and policies of the city council, including the general plan, as they pertain to historic resources located within the City of Salinas.
- (c) Meet, confer, and make recommendations upon any matter referred to it, regarding promotion, preservation, restoration, and protection of historic resources that are located within the City of Salinas.
- (d) Consider the adoption and use of economic incentives that encourage investment in and that promote historic resource preservation, that promote heritage tourism, and that aid property owners with potential financial burdens. Such incentives may include the California Mills Act, the California Historic Building Code, the Federal Historic Preservation Tax Certification, conservation easements, and other incentives deemed appropriate, including those listed in the Salinas General Plan.
- (e) Maintain a local historic resources inventory of all types of historic resources and historic districts within the city and publicize and update the inventory periodically.
- (f) Hear and make recommendations on applications for new construction, alteration, and demolition of historic resources or within the boundaries of designated historic districts.
- (g) Participate in, promote, and conduct public information and educational programs pertaining to all types of historic resources.
- (h) Render advice and guidance upon the request of the property owner or occupant, on the restoration, alteration, demolition, decoration, landscaping, or maintenance of any historic resource.
- (i) Work with city staff to obtain certified local government program status so as to carry out the purposes of the National Historic Preservation Act of 1996 as amended.
- (j) Perform such other duties pertaining to historic resources as the city council may from time-to-time require. The board shall have no independent authority to designate historical resources which have not been voluntarily nominated as an historic resource by the property owner.

(Ord. No. 2505 (NCS), § 1, 4-27-2010)

## **Sec. 2-62. - Designation process.**

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Historic Resources and historic districts may be considered for designation under this article as set forth in this section.

- (a)

Requests for Designation: Historic Resources. Designation of a proposed historic resource may be initiated by the property owner or an authorized representative of the property owner. The application for designation consideration shall be filed with the planning manager, or his designee, using the most recent version of the appropriate State of California Department of Parks and Recreation survey form completed as to the state's instructions for recording historical resources. The application shall at a minimum include the following information:

- (1) The assessor's parcel number for the property containing the building, structure, object, or site proposed for designation, along with the name and address of the current owner(s) or record;
  - (2) Whether the proposed historic resource takes the form of a building, structure, object, or site as the same are defined in this article;
  - (3) A detailed description of the specific building, structure, object, or site proposed for designation including, but not limited to, its dates of construction, significant alterations, and architectural style;
  - (4) The manner in which the proposed building, structure, object, or site meets the purposes of this article;
  - (5) Current photographs of all aspects of the proposed historic resource, supplemented by sketches, drawings, or other descriptive materials;
  - (6) A description of the physical condition and appearance of the proposed historic resource;
  - (7) If the designation proposal is not being submitted by the property owner, a statement by the property owner consenting to the submission of the proposal; and
  - (8) Any other information determined necessary by the planning manager to be required for a complete and adequate application.
- (b) Requests For Designation: Local Historic Districts.
- (1) Designation of a local historic district may be initiated by the city council or by the property owners within a proposed district.
  - (2) In addition to meeting the procedural requirements set forth in this section, requests for designation of local historic districts shall include:
    - (A) Clearly defined and explained boundaries for the proposed district shown on an assessor's map or maps;

- (B) A concise description of the general physical or historical elements (buildings, structures, objects, and sites,) and qualities which make this area a local historic district with a description of building types, architectural styles, and periods represented in the proposed district;
  - (C) A concise statement that clearly documents why the proposed district has significance, the period of time for which it is significant, and, if applicable, why it substantially meets the purposes of this article;
  - (D) A definition of what types of buildings contribute and do not contribute to the significance of the proposed district as well as an estimate of the number of buildings within the proposed district that do not contribute to its significance;
  - (E) A map illustrating all buildings in the proposed district with an identification of contributing and non-contributing resources; and
  - (F) The signed consent of at least fifty-one percent of the property owners within the proposed district.
- (c) Criteria for Review by the Board. The board shall review an application for designation of an historic resource or an historic district following the criteria advanced in the current regulations of the California Registry of Historic Resources and criteria as may be recommended by the board and approved by the city council. If the board finds the proposed historic resource or historic district meets the criteria, it shall recommend such designation to the city council. If the board finds that the application does not meet the criteria, it shall recommend denial of the application and state the reasons for such denial.
- (d) Public Hearing. The application and supporting information shall be reviewed by the planning manager, or his designee, for adequacy and completeness under the requirements of this section. The planning manager, or his designee, shall schedule a hearing on the matter before the board within forty-five days of the date the application was determined to be complete. Notice of the time, place, and purpose of such hearing will be mailed to the owner of the proposed historic resource, or to the owners of those properties proposed for inclusion within an historic district, and to all property owners within a three hundred-foot radius of the property or district proposed for designation, at the address shown on the latest assessment roll. Failure of owners to receive notice of such hearing shall in no way affect the validity of any

action taken. Prior to the public hearing, the board shall publish and transmit to all interested parties a list of proposed designations, and shall disseminate any relevant public information concerning the application to be considered.

The property owner and/or any authorized representative shall be prohibited from undertaking any alteration, construction, demolition, grading, or removal of such property, and no permit to undertake such work shall be issued, until the proposed designation has been considered and a determination on the matter made by the city council. Nothing in this provision shall be construed as prohibiting or infringing on the legal use of a property pending consideration by the board and by the city council. The provisions of this section shall not apply to the construction, grading, alteration, demolition, or removal of any structure or other feature, where a permit for the performance of such work was issued prior to the date of notice of hearing to consider the designation of the historic resource, and where such permit has not expired or been canceled or revoked. Prior to the board and the city council's hearing on the designation of the proposed historic resource, upon application of the property owner and/or authorized representative, the planning manager or his designee may approve a permit for alterations, construction, or reconstruction consistent with ordinary maintenance and repair and reuse of the property and proposed historic resource, to the extent that such work does not adversely affect the exterior architectural features of the property or proposed historic resource.

- (e) The designation of a buildings, structure, object, or site as an historic resource shall not alter conformance requirements with the other standards and requirements of the City Code or of state law including, but not limited to, the California Historic Building Code.
- (f) Board Recommendations. After the public hearing, but in no event more than thirty days from the date set for public hearing, the board shall recommend approval in whole or in part or disapproval of the application in writing to the city council, setting forth the reasons for the recommendation.
- (g) Approval of Board Recommendations. The city council shall approve the recommendation in whole or in part, or shall disapprove the recommendation in its entirety. Notice of the city council's decision shall be sent to applicants and owners of the proposed historic resource. Failure to send notice by mail to any property owner shall not invalidate any proceedings in connection therewith.

(Ord. No. 2505 (NCS), § 1, 4-27-2010)



**Sec. 2-63. - Alteration or demolition of an historic resource. :**

- (a) No person may alter or demolish an historic resource without first obtaining a certificate of appropriateness as provided for in this section.
- (b) Applications for a certificate of approval shall include historical information regarding the property, a detailed statement of the proposed alteration, including architectural plans and any other information deemed appropriate by the community development director or his designee. If deemed appropriate by the community development director or his designee, all proposed design and construction plans shall be subject to review by the board or by a third party recognized preservation specialist, with the cost to be borne by the applicant.
- (c) All requests for a certificate of approval shall be processed as follows:
  - (1) Minor Alterations. If in the judgment of the community development director or his designee the proposed minor alteration is consistent with the applicable design standards prescribed in this section, the community development director or his designee may approve or conditionally approve the application. If the community development director or his designee finds that the proposed is not consistent with the applicable design standards, the application shall be forwarded to the board for their review and determination, with all costs of such review to be borne by the applicant. For purposes of this section, the term minor alteration shall mean a modification to one or more of the following items: building color; signs; light fixtures; plant materials, landscape, tree removals; street furniture; awnings; doors, windows, chimneys; interior building modifications that do not affect the exterior appearance of a structure; or any other similar alteration deemed appropriate by the community development director or his designee.
  - (2) Major Alterations. All proposed major alterations shall be forwarded to the board which will review the project design and conditions of approval and may deny, approve, or conditionally approve the application. For purposes of this section, the term major alteration shall mean a modification to one or more of the following items: additions to a structure which exceed five hundred square feet in total area; construction of a new structure; exterior building materials other than those defined as minor alterations; grading; natural features designated as an historical resource; or renovation, rehabilitation, or restoration of an existing structure. The board is given the authority to delegate certain major alterations to the community development director or his designee for review and approval or denial.

- (3) Alterations Accompanied by Planning Entitlement. All proposed alterations that are accompanied by a request for planning entitlement shall be, in the discretion of the city planner, routed to the board for their recommendation to the planning commission.
- (4) Demolition or Alteration; Demonstration of Economic Hardship. All proposed demolitions shall be forwarded to the board which will review the application and may deny or approve the proposed demolition. An historic resource may be demolished if the board, or the city council upon appeal, finds after review that maintenance, use, and/or alteration of the historic resource in accordance with the requirements of this article would cause immediate and substantial hardship on the property owner because rehabilitation in a manner which preserves the historical integrity of the historic resource is (1) infeasible from a technical, mechanical, or structural standpoint, and/or (2) would leave the property with no reasonable economic value because it would require an unreasonable expenditure taking into account such factors as current market value, permitted uses of the property, the value of transferable development rights and the cost of compliance with applicable local, state, and federal laws and regulations.
- (d) Alteration of a Resource. In evaluating applications for alteration of an historic resource, or contributing resources located within an historic district, the board or the city council upon appeal, shall consider the architectural style, design, arrangement, texture, materials, color, and any other factors identified in the application. The board, or the city council upon appeal, shall approve the alteration for any proposed work only if it finds (1) with regard to an historical resource, the proposed work will neither adversely affect the exterior architectural features of the resource nor adversely affect the integrity or historical, architectural, or aesthetic interest or value of such resource and its site, and (2) with regard to any property located within an historic district, the proposed work conforms to the criteria set forth in this article and does not adversely affect the integrity of the historic resource or the historic district.

(Ord. No. 2505 (NCS), § 1, 4-27-2010; Ord. No. 2573 (NCS), §§ 3, 4, 6-28-2016)

## **Sec. 2-64. - Duties and powers of the city council.**

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The sole authority to declare and to endorse historic resources shall be vested in the city council and shall be exercised only after completion of the board's responsibilities under the designation process set forth in this article. No recommendation for designation once

considered and disapproved by the city council shall be reconsidered except upon the affirmative vote of four councilmembers. Any decision to reconsider shall be treated as a new proposal for designation. Any decision of the city council under this article shall be final.

(Ord. No. 2505 (NCS), § 1, 4-27-2010)

### **Sec. 2-65. - Appeals.**

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The board's decision to approve, disapprove, or approve subject to conditions any application may be appealed, in writing, by the applicant within ten calendar days of such decision. If no appeal is filed with the city clerk within ten days after the decision of the board, such decision is final.

(Ord. No. 2505 (NCS), § 1, 4-27-2010)

### **Sec. 2-66. - Amendment or rescission of designation.**

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Any designation of an historic resource may be amended or rescinded in the same manner and procedure as was followed in the original designation. The action shall result from new information, the discovery of earlier misinformation or change of original circumstances, conditions or factors which justified the designation of the historic resource or district.

(Ord. No. 2505 (NCS), § 1, 4-27-2010)

### **Sec. 2-67. - Ordinary maintenance and repair.**

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Nothing in this article shall be construed to prevent the ordinary maintenance and repair of any exterior feature of any structure or property covered by this article, so long as such maintenance and repair does not involve a change in exterior design, material, or appearance. City staff is authorized to develop and to implement a procedure to issue over-the-counter permits for all ordinary maintenance and repair meeting the above description.

(Ord. No. 2505 (NCS), § 1, 4-27-2010)

### **Sec. 2-68. - Unsafe or dangerous conditions.**

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None of the provisions of this article shall prevent any measures of construction, alteration, or demolition necessary to correct the unsafe or dangerous conditions of any structure, other feature, or part thereof, where such condition has been declared unsafe or

dangerous by the building official of the city or the fire chief of the city, and where the proposed measures have been declared necessary by such official, to correct the said condition; provided, however, that only such work as is absolutely necessary to correct the unsafe or dangerous condition and as is done with due regard for preservation of the appearance of the structure involved may be performed pursuant to this section. In the event any structure or other feature shall be damaged by fire, earthquake or other natural disaster, to such an extent that in the opinion of the building official of the city or the fire chief of the city it cannot be reasonably repaired and restored, it may be removed in conformity with normal permit procedures and applicable laws. If the condition of an unsafe or dangerous historic resource so permits, the official in charge of correcting such a condition shall consult with the board before carrying out corrective measures.

(Ord. No. 2505 (NCS), § 1, 4-27-2010)

### **Sec. 2-69. - Duty to keep in good repair.**

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The owner, lessee, and any other person in actual charge or possession of an historical resource shall take steps necessary to prevent the substantial deterioration or decay of any exterior portion of such a resource or improvement and to prevent the substantial deterioration or decay of any interior portions thereof whose maintenance is necessary to preserve any exterior portion. As used in this section, the term "substantial deterioration or decay" shall refer to those conditions of the structure or improvement that threaten the structural or historical integrity of the resource or improvement.

(Ord. No. 2505 (NCS), § 1, 4-27-2010)

### **Sec. 2-70. - Enforcement.**

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It shall be unlawful for any person to permit or to maintain violations of any provisions of this article by undertaking the alteration, grading, removal, demolition, or partial demolition of an historic resource or a building, structure, object, or site within an historic district without first obtaining the written approval of the city council and the city's community development director or his designee. Any violations of this article may be enforced through civil action brought by the city or through prosecution pursuant to the city's administrative remedies ordinance or through the use of any other remedy available under the law. As part of any

enforcement proceeding, violators may be required to reasonably restore the historic resource, or building, structure, object or site within an historic district, to its appearance or condition prior to the violation, under the guidance of the community development director.

(Ord. No. 2505 (NCS), § 1, 4-27-2010)

### **Section 2-71. - Historic preservation incentive—City of Salinas Mills Act Tax Savings Program for Historic Properties.**

Pursuant to California Government Code, Article 12, Section 50280 (known as the Mills Act), the city council may establish a Mills Act Program providing for contractual agreement with an owner of an historic property as designated by the city council or on any official federal, state or county register, for the purpose of preservation, rehabilitation, and maintenance of a designated historic resource. The terms of the Mills Act agreement allow the owner to receive a reduction in property taxes in exchange for the property owner's commitment to specific repair, rehabilitation improvements and satisfactory maintenance of the historic property. The agreement shall include, but not be limited to, the contract provisions as required under state law, and shall extend for a minimum period of ten years, with automatic renewal on an annual basis, until and unless a notice of non-renewal or cancellation is filed. The application process, review procedures, and required contract provisions for Mills Act agreements shall be established by separate resolution of the city council and shall be implemented by the community development director or his/her designee.

(Ord. No. 2573 (NCS), § 1, 6-28-2016)