
SEC. 12-1617. HISTORIC RESOURCE PERMIT REVIEW PROCESS.

(a) It shall be unlawful for any person, corporation, association, partnership or other legal entity to directly or indirectly alter, remodel, demolish, grade, remove, construct, reconstruct or restore any Historic Resource without first obtaining a city permit and the written approval of the Historic Preservation Commission.

(b) Upon receipt of an application or proposal for a demolition, grading, removal or building permit for any Historic Resource, the city department or agency receiving same shall, within five (5) calendar days, notify the Secretary and forward said permit application or proposal and accompanying documentation to the Secretary and shall not process the application or proposal without the authorization of the Specialist. The Specialist may approve, in the name of the Commission, non-substantial alterations to the Historic Resource based on the application presented.

(c) Any application or proposal which proposes the substantial alteration of an Historic Resource shall also be referred to the Director of the Development Department for environmental review. No hearing shall be held by the Commission for applications or proposals to demolish, grade, remove or substantially alter the Historic Resource until such application or proposal has undergone environmental review in accordance with the California Environmental Quality Act.

(d) Nothing in this section shall be construed to prevent the ordinary maintenance or repair of any exterior architectural feature in or on any Historic Resource covered by this article that does not involve a change in design, materials or external appearance.

(e) Nothing in this section shall be construed to prevent the Director of the Development Department from issuing a building permit if he or she determines that demolition, removal or substantial alteration of the Historic Resource is immediately necessary to protect the public health, safety or general welfare.

(f) Upon completion of any required environmental review and thirty (30) calendar days prior to a scheduled hearing, the owner or applicant shall provide whatever detailed information (plans, drawings, agreements, etc.) is required or necessary to describe the intended work. The Specialist may require additional information determined to be necessary for the Commission to act on the matter. The Specialist shall refer the matter to the Commission with a report and recommendation which is accompanied by the final environmental document.

(g) After consideration of the final environmental document, all evidence and testimony, the Commission shall have the authority to approve, deny or approve with modifications, any application or proposal.

(h) No application or proposal shall be approved or approved with modifications unless the Commission makes the following findings:

(1) The proposed work is found to be consistent with the purposes of this article and the Secretary of the Interior's Standards, not detrimental to the special historical, architectural or aesthetic interest or value of the Historic Resource; or

(2) The action proposed is necessary to correct an unsafe or dangerous condition on the property; or

(3) Denial of the application will result in unreasonable economic hardship to the owner. In order to approve the application, the Commission must find facts and circumstances, not of the applicant's own making, which establish that there are no feasible measures that can be taken that will enable the property owner to make a reasonable economic beneficial use of the property or derive a reasonable economic return from the property in its current form; or

(4) The site is required for a public use which will directly benefit the public health, safety and welfare and will be of more benefit to the public than the Historic Resource.

(5) For applications for relocation of an Historic Resource, the Commission shall find that one or more of the above conditions exist, that relocation will not destroy the historical, architectural or aesthetic value

of the Resource and that the relocation is part of a definitive series of actions which will assure the preservation of the Resource.

(i) Any finding that denial of the application or proposal will result unreasonable economic hardship to the owner, pursuant to Section 13-412(h)(3) above, may be based upon the application of the following factors:

(1) Any economic feasibility analysis conducted pursuant to this section shall include the determination of an "after-rehabilitation" value of the property calculated on an income approach utilizing the capitalization rate determined appropriate by the Director of the Development Department. This "after-rehabilitation" value shall be determined in the following manner:

(i) The potential residential or commercial rental rate(s) which could be generated by the property after an appropriate rehabilitation shall be determined by a review of current market rates for comparable properties within comparable neighborhoods.

(ii) The potential annual net income that could be generated by the property after an appropriate rehabilitation, taking into consideration standard vacancy and expense factors, shall be determined.

(iii) The appropriate capitalization rate shall be applied to the potential annual net income to determine the "after-rehabilitation" value of the property.

(2) The fair market value of the land, exclusive of improvements and without development restrictions pursuant to this ordinance, shall be determined by a standard appraisal.

(3) The monetary cost of an appropriate rehabilitation of the resource, in accordance with the standards of this ordinance, shall be determined by professionals qualified to make such a determination.

(4) If the fair market value of the land, combined with the costs of rehabilitation, exceed the "after-rehabilitation" value of the property by more than twenty percent, the Commission shall find that denial of the application will result in an unreasonable economic hardship to the owner.

(j) If the Commission determines a permit should not be issued for the demolition, alteration, relocation or new construction, or the Council on appeal concurs, a new application affecting the same property may be submitted during the twelve (12) month period after the disapproval only if a substantial change is made in the plans for the project.

(k) The Specialist shall give written notice of the decision regarding the regulated permit to the property owner/applicant and to the Director of the Development Department. The notice shall contain the Commission's findings in support thereof. (Added Ord. 99-50, §§ 1, 2, 9-9-99)