



**CITY OF PACIFIC GROVE**  
**300 Forest Avenue, Pacific Grove, California 93950**

**AGENDA REPORT**

**TO:** Chair Steres and Architectural Review Board members

**FROM:** Anastazia Aziz, AICP, Principal Planner

**MEETING DATE:** September 12, 2017

**SUBJECT:** Proposed Title 23 Zoning Code changes to create an Architectural and Historical Review Board

**CEQA:** Does not constitute a “Project” under CEQA Guidelines

**RECOMMENDATION**

Discuss and provide comment.

**BACKGROUND**

In 2016, the Historic Preservation Committee recommended a series of changes to the Historic Preservation Ordinance at the [March 16, 2016](#) Council meeting. Proposed changes were discussed at the following public hearings:

March 14 & June 13, 2017 – Architectural Review Board  
 March 22, 2017 – Historic Resources Committee  
 April 6 & May 18, 2017 – Planning Commission  
 August 2, 2017 - Council

At the August 2, 2017 Council meeting, staff was directed to consolidate the Historic Resources Committee and the Architectural Review Board into one seven member body. In early 2017 Council adopted [Values, Vision, Mission, Goals and Strategies](#) to guide priorities. Goal 4.b specifies implementing proposed Historic Preservation Ordinance Zoning changes adopted at the March 16, 2016 Council meeting. Staff is also including the series of recommendations requiring code changes in the proposed draft ordinance. Additionally, [Preservation Program Considerations](#) prepared by Page and Turnbull as recommendations to consider after adoption of the [Historic Context Statement](#) were also reviewed. Proposed changes were discussed at the August 23, 2017 Historic Resources meeting and the item was continued to the September 27, 2017 meeting for further discussion.

**DISCUSSION**

**Architectural and Historical Review Board**

The establishment of the Architectural Review Board and the Historic Resources Committee is referenced in the following areas of Title 23:

- S 23.70.70.b – Community Development Permit Review Authorities; and
- S. 23.76.021 – Historic Preservation.

Those references, related to the establishment and duties of the Board and Committee, are recommended for deletion, and a new section in Title 23 establishing an Architectural and Historical Review Board is proposed.

The number of members remains at seven. Qualifications for at least four members, which would constitute a quorum, continue to be a combination of architectural, historic, building industry experience. Residency requirements are not proposed to change. Language referring to the Planning Commission secretary serving the board and the Chief Planner acting as an ex officio member are also proposed for deletion for clarify and to reflect the current operating structure. The Board will appoint a secretary from one of the seven appointed members annually. The position of Chief Planner no longer exists and the language was not clear if the ex officio status conferred voting responsibilities.

One meeting per month is proposed on the fourth Tuesday of the month to avoid conflict with the Traffic and Safety Committee which currently meets on the second Tuesday.

The permit paths in Table 23.70.012.1 were updated to reflect the new Board and the permit path distinctions between those structures on the historic resources inventory (HRI) and those that are not were eliminated. The permit path remains the same regardless of whether the structure is listed on the HRI or not.

### **Additional Historic Preservation Ordinance S. 23.76 Code Changes**

Additional ordinance changes to the Historic Preservation Ordinance as recommended by the Historic Preservation Ad Hoc Committee are also incorporated in the changes in alignment with Council Goal 4.b, namely:

- 1) *Authorizing the new Architectural and Historical Review Board to recommend deletion of a structure on the Historic Resources Inventory that does not meet the criteria for listing.* Documentation would need to accompany a proposed deletion that clearly demonstrates a structure does not meet the criteria for listing.
- 2) *Clarification of integrity and local evaluation criteria alignment with the National and State criteria for listing.* The definition of integrity was augmented to include location, design, setting, materials, workmanship, feeling and association consistent with the Historic Context Statement. Additionally the evaluation criteria in S.23.76.025 are proposed for modification to clarify that a structure must meet one or more of the criteria for significance and if so, integrity is then considered. Local criteria that are not closely aligned with the [National](#) or State criteria, such criteria j and k and a portion of h, are proposed to be deleted.

Aligning the City's local criteria more closely with the National standards was discussed at the [Ad Hoc Committee](#) (Recommendation #4) and was the first in the list of Recommendation #3, Update Historic Preservation Ordinance of the [Historic Preservation Program Considerations](#) prepared by Page and Turnbull in 2011. Currently, the City's criteria and much broader and more inclusive which result in many more eligible buildings for the City's HRI. Approximately 20% of the City's properties are listed. It is important to note that listing on the HRI comes with elevated CEQA review and requirements, additional maintenance considerations, additional City permit required findings, and limitations to

building changes. The Historic Preservation Permit does allow for some relief of zoning requirements such as parking and setbacks for listed properties.

- 3) *Linking the Historic Context Statement as a guiding document.* The Context Statement was referenced in a revised definition of the HRI in order to clarify that the inventory is a City adopted list of structures determined to be of architectural and/or historical significance. The Context Statement gives background on the establishment of the HRI.

Additionally, S.23.76.120 Appeals and call-ups is proposed for elimination due to redundancy. Appeals and call-ups are governed by chapter S.23.74 and the text in S.23.76.120 reiterative. Redundancies can lead to confusion and unintentional mishaps. Ideally zoning code language is crisp and clear and superfluous text and reiterations are minimized.

### **Multi-Tier Aspects of Resources**

Not addressed at this time is multi-tier concept of historical resources: The Ad Hoc Committee differentiated historic resources between:

- 1) those on the National Register where the goal is to preserve the resource, and
- 2) the remainder of the resources where the goal is to preserve the character of the neighborhood.

City Council goal 4.d specifies the commissioning of an historical survey which is budgeted for the first half of 2018. It is staff's opinion that the issue of a multi-tier historical resources inventory is better addressed in a comprehensive manner when the inventory, which contains approximately 1,400 properties, is assessed in full. There are funds in the Fiscal Year 17-18 budget to begin to address the inventory in 2018.

### **FISCAL IMPACT**

None.

### **OPTIONS**

1. Accept the report as information.
2. Recommend no changes.
3. Recommend alternative ordinance changes.

### **ATTACHMENTS**

1. Proposed Title 23 changes

SUBMITTED BY:

*Anastazia Aziz*

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Anastazia Aziz, AICP  
Principal Planner

**23.70.060 Architectural and Historical review board.**

(a) Purpose. This section establishes procedures for the city's architectural review of structures, in order to promote the orderly and harmonious development of the city, and to protect its architectural character **and historic determinations to preserve, protect, enhance and perpetuate those historic structures and neighborhoods that contribute to the cultural and aesthetic heritage of Pacific Grove.**

(b) Establishment. The architectural **and historical** review board is hereby established as follows:

(1) Membership. The board shall consist of seven voting members, appointed by the mayor, with the approval of the council. At least two of the members shall have professional experience as an architect, landscape architect, engineer, designer, or draftsman; at least one member shall **be a licensed general contractor with historic preservation experience** ~~have experience in the building industry;~~ **and at least one member shall be a representative of the Heritage Society .** ~~The secretary of the planning commission shall serve as secretary to the board. The chief planner shall serve as an ex officio member.~~

**Two members appointed from the general public shall demonstrate a special interest, competence, experience or knowledge in architecture, building materials, historical preservation, cultural anthropology, cultural geography or other historic preservation-related discipline.**

(2) Term of Office, Attendance. All appointees shall serve for a two-year term, and may be removed at the pleasure of the council. Three of the board members shall be appointed for terms ending on January 31st in odd-numbered years, and four for terms ending on January 31st in even-numbered years. A member's seat shall be deemed vacated upon two consecutive absences from regular meetings without being excused by the chair.

(3) Meetings. The board shall meet the ~~second and~~ fourth Tuesdays of each month and may adopt rules as needed for the conduct of its deliberations, including the selection of the member who shall serve as chair.

(c) Applicability. As summarized in Table 23.70.012-1, the architectural **and historical** review board is the decision-making authority for the following permits:

(1) Outside of the coastal zone, architectural permits for new construction, major alterations to existing structures, or demolition and reconstruction of structures. This section does not apply to

any project listed in PGMC [23.70.020](#), [23.70.030](#) and [23.70.040](#), including a design change to an approved architectural permit that meets the provisions of PGMC [23.70.030](#)(b)(4);

(2) Within the coastal zone, architectural permits for new construction, major and minor alterations to existing structures, or demolition and reconstruction of structures, including an amendment to an approved architectural permit. This section does not apply to any project listed in PGMC [23.70.020](#)(b)(1)(B), (2)(A) through (E), (3)(B) and (D), (4), (5), and (6);

(3) Within the coastal zone, architectural permits for Category 1 detached accessory structures larger than 120 square feet, pursuant to Table 23.64.180;

(4) Historic preservation permits for exceptions to land use regulations involving structures on the historic resources inventory, pursuant to PGMC [23.76.060](#);

(5) Historic demolition permits for the demolition of any structure on the historic resources inventory, pursuant to PGMC [23.76.090](#);

(6) Historic relocation permits for the off-site relocation of any structure on the historic resources inventory, pursuant to PGMC [23.76.100](#);

**(7) Historic determinations, which are additions to and deletions from the historic resources inventory, pursuant to the evaluation criteria in PGMC 23.76.025.**

**(8) Recommending authority for initial historic screening requests. The board shall make a recommendation to the Director as to whether a determination of ineligibility can be made or if a Phase 1 historic assessment is needed to determine the historicity of a structure.**

~~(97)~~ Sign permits, pursuant to Chapter [20.04](#) PGMC (Signs) and PGMC [20.05.070](#). This section does not apply to any counter review and determination or administrative sign permit under PGMC [23.70.020](#), [23.70.030](#) and [23.70.040](#);

~~(108)~~ If referred by the **Director** ~~chief planner~~, or if a written request for a hearing is received within 10 days of the department's issuance of a notice of administrative decision, for one of the following applications:

(A) Administrative architectural permit on HRI;

(B) Architectural design change on HRI; and

(9) Whenever otherwise required by this code.

(d) Review Process. Upon submittal of one of the community development permit applications listed in this section, the department shall process it in accordance with Chapter [23.72](#) PGMC (Permit Application Filing and Processing) and the following:

(1) Staff reviews for compliance with the general plan, certified local coastal program, these regulations, and other applicable conditions and regulations.

(2) Staff schedules the item for an architectural **and historical** review board hearing and prepares the noticing, pursuant to the procedures in Chapter [23.86](#) PGMC (Public Meeting and Hearing Procedures).

(3) The board holds a public hearing and approves, approves with conditions or disapproves each item. The action is subject to appeal in accordance with Chapter [23.74](#) PGMC (Appeals and Call-Ups). **The board holds a public hearing and makes a recommendation on each item for which the board is the recommending authority.**

(e) Review Criteria. In carrying out the purposes of this chapter, the board shall consider in each specific case any or all of the following as may be appropriate:

(1) The city of Pacific Grove architectural review guidelines.

(2) The siting of any structure on the property as compared to the siting of other structures in the immediate neighborhood and the surrounding area.

(3) All structures shall have simplicity of mass and detail and shall not strive for bizarre effects. There shall be an appropriate use of material. Except as exempt pursuant to PGMC [23.70.015](#) (Exemptions), colors shall be in good taste and never harsh, garish, or inappropriate to the other colors designated for the structure or to the surrounding environment. Architectural character shall be aesthetically pleasing of itself and shall either harmonize with adjacent structures, or shall complement architectural characteristics of adjacent structures by means of dignified contrast.

**(4) For Initial Historic Screenings and Historic Determinations the board shall consider the evaluation criteria in PGMC [23.76.025](#) (Evaluation criteria).**

In consideration of architectural or stylistic character and detail, the simple dignity of early California architecture and the romantic character of the Victorian styles as exemplified in the early buildings of Pacific Grove shall be considered as models suitable for emulation, but studied copying of past styles shall be considered as neither necessary nor greatly to be desired.

(~~54~~) When required, landscaping shall be designated as required by PGMC Title [12](#) (Trees and Vegetation), the State Model Landscape Ordinance, and these regulations.

(A) At least 80 percent of the street frontage of gasoline or service stations unused for driveways shall be landscaped.

(B) Parking lots, used car lots, service stations, or similar uses that park or store over five vehicles shall be landscaped.

(~~65~~) The size, location, and arrangement of on-site parking and paved areas together with ingress, egress, and internal traffic circulation shall be considered and shall be subject to the board's approval.

(f) Findings Required for Approval. The board shall determine from the materials submitted whether:

(1) The architecture and general appearance of the completed project are compatible with the neighborhood; and

(2) The completed project will neither be detrimental to the orderly and harmonious development of the city nor impair the desirability of investment or occupation in the neighborhood; and

(3) The board has been guided by and has made reference to applicable provisions of the architectural review guidelines in making its determinations on single-family residences.

(4) Additional findings for exterior alterations to structures on the historic resources inventory (HRI):

(A) The exterior alteration of any structure on the historic resources inventory is consistent with the Secretary of the Interior's Standards for Rehabilitation of Historic Buildings; and

(B) The exterior alteration of any structure on the historic resources inventory complies with Appendices I through IV of the Pacific Grove architectural review guidelines;

(5) Additional Finding for Sign Permits. The proposed sign effectively conveys the business identity to the public and possesses pleasing elements of design that protect and enhance the architectural character and harmony of the buildings and neighborhood in which it is located.

**(6) Historic determinations comply with the provisions of Section 15064.5 of the California Environmental Quality Act (CEQA) Guidelines (California Code of Regulations Title 14, Chapter 3) and the evaluation criteria in PGMC [23.76.025](#).**

(g) Effective Date of Permit Approval. The permit approval shall become effective only when:

(1) The appeal period has expired or, if appealed, prior to final action on the appeal by the appeal authority in accordance with Chapter [23.74](#) PGMC (Appeals and Call-Ups); and

(2) All necessary prior approvals have been obtained. [Ord. 13-023 § 5, 2013; Ord. 12-005 § 4, 2012; Ord. 11-001 § 2, 2011].

**~~23.70.070 Historic resources committee.~~**

~~(a) Purpose. This section establishes procedures for the city's determinations on additions and deletions to the historic resources inventory, in order to preserve, protect, enhance and perpetuate those historic structures and neighborhoods that contribute to the cultural and aesthetic heritage of Pacific Grove.~~

~~(b) Establishment. The historic resources committee is hereby established pursuant to PGMC [23.76.021](#).~~

~~(c) Applicability.~~

~~(1) Decision-Making Authority. As summarized in Table 23.70.012-1, the historic resources committee is the decision-making authority for historic determinations, which are additions to and deletions from the historic resources inventory, pursuant to the evaluation criteria in PGMC [23.76.025](#).~~

~~(2) Recommending Authority. As summarized in Table 23.70.012-1, the historic resources committee is the recommending authority for initial historic screening requests. The committee shall make a recommendation to the chief planner as to whether a determination of ineligibility can be made or if a Phase 1 historic assessment is needed to determine the historicity of a structure.~~

~~(3) Other Duties. Other duties as set out in this chapter, in Chapter [23.76](#) PGMC, or as directed by the city council.~~

~~(d) Review Process. Upon submittal of one of the applications listed in this section, the department shall process it in accordance with Chapter [23.72](#) PGMC and the following:~~

~~(1) Staff reviews for compliance with the general plan, certified local coastal program, these regulations, and other applicable conditions and regulations.~~



~~(2) Staff schedules the item for a historic resources committee hearing and prepares the noticing, pursuant to the procedures in Chapter [23.86](#) PGMC (Public Meeting and Hearing Procedures).~~

~~(3) The committee holds a public hearing and approves or disapproves each item for which the committee is the decision-making authority. The action is subject to appeal in accordance with Chapter [23.74](#) PGMC (Appeals and Call-Ups). The committee holds a public hearing and makes a recommendation on each item for which the committee is the recommending authority.~~

~~(e) Review Criteria. In carrying out the purposes of this chapter, the historic resources committee shall consider the evaluation criteria in PGMC [23.76.025](#) (Evaluation criteria).~~

~~(f) Findings Required for Approval. The historic resources committee shall determine from the application materials submitted whether historic determinations comply with the provisions of Section 15064.5 of the California Environmental Quality Act (CEQA) Guidelines (California Code of Regulations Title 14, Chapter 3) and the evaluation criteria in PGMC [23.76.025](#).~~

~~(g) Effective Date of Approval. Historic determinations shall become effective only when:~~

~~(1) The appeal period has expired or, if appealed, prior to final action on the appeal by the appeal authority in accordance with Chapter [23.74](#) PGMC (Appeals and Call-Ups); and~~

~~(2) All necessary prior approvals have been obtained. [Ord. 11-001 § 2, 2011].~~

## Chapter 23.76 HISTORIC PRESERVATION

Sections:

- 23.76.010 Purpose.**
- 23.76.020 Definitions.**
- ~~23.76.021 Historic resources committee.~~**
- 23.76.025 Evaluation criteria.**
- 23.76.030 Historic resources inventory – Additions and deletions.**
- 23.76.040 State Historic Building Code.**
- 23.76.050 Ordinary maintenance and repair.**
- 23.76.060 Incentive – Exceptions to land use regulations.**
- 23.76.070 Unsafe or dangerous conditions.**
- 23.76.080 Additions and alterations.**
- 23.76.090 Demolitions.**
- 23.76.100 Relocation.**
- 23.76.110 Minimum maintenance.**
- 23.76.120 Appeals and call-ups.**
- 23.76.130 Enforcement and penalties.**

\* Prior ordinance history: Ords. 1948 N.S., 2003 N.S., and 96-13.

### **23.76.010 Purpose.**

The protection, enhancement, perpetuation and use of structures and neighborhoods of historical and architectural significance located within the city are of cultural and aesthetic benefit to the community. The economic, cultural and aesthetic standing of the city will be enhanced by respecting the city's heritage.

The purposes of this chapter are to:

- (a) Preserve, protect, enhance and perpetuate those historic structures and neighborhoods which contribute to the cultural and aesthetic heritage of Pacific Grove;
- (b) Further the city's goals of rehabilitating the existing housing stock and protecting the affordable housing supply through preservation and adaptive reuse of historic buildings;
- (c) Foster civic pride in the beauty and accomplishments of the past;
- (d) Preserve buildings significantly identified with people or events of historical and cultural importance to Pacific Grove's past;

- (e) Enrich the dimensions of human life by serving aesthetic as well as material needs and fostering knowledge of the living heritage of the past;
- (f) Enhance the visual and aesthetic character, diversity and interest of the city by maintaining the existing scale and the eclectic styles of buildings and their settings;
- (g) Control the demolition of historic structures in order to preserve, to the greatest extent feasible, the diverse qualities that define the character of the community of Pacific Grove and that reflect the distinct phases of its cultural and architectural history;
- (h) Enhance property values and increase economic and financial benefits to the city, its inhabitants, and property owners;
- (i) Protect and enhance the city's attraction to tourists and visitors, thereby stimulating business;
- (j) Conserve valuable material and energy resources by ongoing use and maintenance of the existing built environment. [Ord. 01-25 § 1, 2001; Ord. 97-23 § 1, 1997].

**23.76.020 Definitions.**

Throughout this chapter, the following definitions shall apply:

“Addition” means expansion of the size of a historic building by construction physically connected with the existing structure.

“Alteration” means any exterior change or modification to a structure which alters 50 percent or less of the total lateral length of the exterior walls, including porches and other projections, within a 24-month period. However, if the proposed modification alters more than 25 percent of the surface of all exterior walls facing a public street or streets, this shall constitute a demolition; see the definition of “demolition” in this section.

Exception: “maintenance and repair” as defined in this section. Painting is also exempt.

“Demolition” means an act or process which destroys a building, or a major portion of a building, or impairs its structural integrity. Demolition includes:

- (a) Destruction of the entire building;
- (b) “Partial demolition” means all changes to the exterior of a building, including but not limited to moving or removing windows, doorways, walls, or other structural features, if such changes alter more than 25 percent of the surface of all exterior walls facing a public street or streets, and/or if these changes alter

more than 50 percent of the total lateral length of the exterior walls, including porches and other projections of the building, within a 24-month period.

Exception: "Maintenance and repair" as defined in this section.

**"Architectural and historical review board resources committee"** means a board committee created to perform certain duties hereunder, as more particularly set out at PGMC [23.76.021](#).

"Historic resources inventory" means:

(a) The list of existing structures **determined to be of architectural and/or historical significance consistent with the City's Historic Context Statement** initiated in 1978 through a matching grant from the State Office of Historic Preservation and adopted by the city of Pacific Grove **in accordance with this Chapter**. ~~The list was updated by the heritage society and the city of Pacific Grove to include structures built prior to 1927<sup>1</sup>; and~~

~~(b) Other properties determined by the historic resources committee to be of architectural and/or historical significance.~~

"Integrity" means the authenticity of a property's historic identity, evidenced by the survival of physical characteristics that existed during the property's historic period **including location, design, setting, materials, workmanship, feeling and association**.

"Maintenance and repair" means the act or process of conserving or repairing a structure without modifying the form, detail, or type of material. "Maintenance and repair" includes the placement of a concrete foundation for buildings and structures listed on the city's historic resources inventory.

"Reconstruction" means the process of reproducing by new construction the exact form and detail of a vanished structure, or part thereof, as it appeared during a specific period of time.

"Rehabilitation" means the process of returning a property to a state of utility through repair or alteration which makes possible an efficient contemporary use while preserving those portions or features of the property that are significant to its historical, architectural, and cultural values.

"Relocation" means any change in the location of a structure on its site or to another site.

"Restoration" means the process of returning a building to a documented prior condition. [Ord. 01-25 § 1, 2001; Ord. 97-23 § 1, 1997].

**23.76.021 Historic resources committee.**

~~(a) The historic resources committee shall consist of seven members having a demonstrated interest in and knowledge of historic preservation and the cultural resources of Pacific Grove. One of the members shall be a licensed architect with preservation experience, one shall be a licensed general contractor with preservation experience, and one shall be a representative of the heritage society.~~

~~(b) The mayor, with approval of the council, shall appoint all members; provided, that the heritage society shall appoint its member. Terms of all members shall be two years. Three of the committee members shall be appointed for terms ending on January 31st in even-numbered years and four shall be appointed for terms ending on January 31st in odd-numbered years.~~

~~(c) The committee shall select one of the membership to be chairperson for a one-year term, to commence at the first meeting in February.~~

~~(d) All meetings shall be open to the public and shall be held at a time and place determined to facilitate public convenience and involvement.~~

~~(e) The committee shall meet no less frequently than once a month.~~

~~(f) Powers and duties of the committee shall be as follows:~~

~~(1) Determination of additions and deletions from the historic resources inventory, per PGMC [23.76.030](#);~~

~~(2) Other duties as set out in this chapter or as directed by the city council.~~

~~(g) An affirmative vote of a majority of the total members of the historic resources committee shall be required for any action by the committee. [Ord. 02-30 § 13, 2002; Ord. 01-25 § 1, 2001; Ord. 97-23 § 1, 1997].~~

#### **23.76.025 Evaluation criteria.**

The following **criteria** shall be utilized ~~as criteria~~ **to assess an historic property's inclusion in the in the National and/or California Register and local City Historic Resources Inventory** as required in this chapter.

(a) Whether the structure has significant character, interest or value as part of the development, heritage or cultural characteristics of the city of Pacific Grove, the state of California, or the United States;

(b) Whether it is the site of a significant historic event;

- (c) Whether it is strongly identified with a person who, or an organization which, significantly contributed to the culture, history or development of the city of Pacific Grove;
- (d) Whether it is a particularly good example of a period or style;
- (e) Whether it is one of the few remaining examples in the city of Pacific Grove possessing distinguishing characteristics of an architectural type or specimen;
- (f) Whether it is a notable work of an architect or master builder whose individual work has significantly influenced the development of the city of Pacific Grove;
- (g) Whether it embodies elements of architectural design, detail, materials or craftsmanship that represent a significant architectural innovation;
- (h) Whether it has a unique location or singular physical characteristics representing an established and familiar visual feature of a neighborhood, community, or of the city of Pacific Grove;
- (i) Whether **a resource with historical or cultural significance retains** integrity of the original design, **setting, materials, workmanship, feeling and association**;
- (j) ~~(2) Whether it contributes to the architectural aesthetics, and continuity of the street;~~
- (k) ~~(3) Whether it is located within a geographically definable area possessing a concentration of historic properties which visually contribute to each other and are unified aesthetically. [Ord. 01-25 § 1, 2001; Ord. 97-23 § 1, 1997].~~

#### **23.76.030 Historic resources inventory – Additions and deletions.**

- (a) Properties may be added to **or deleted from** the historic resources inventory either by initiation of the **architectural and** historical **review board** resources committee or by written request of the property owner. The **architectural and** historical **review board** resources committee shall determine, following hearing, whether or not the property should be added **or deleted** based on the criteria listed in PGMC **23.76.025 and documented in a Department of Parks and Recreation (DPR) 523 form or equivalent document.**

**Deletions proposed for removal due to loss of integrity must demonstrate the loss of integrity was not the result of any illegal act or willful neglect by the owner or agent of the owner.**

- (b) ~~Property owners may request that their property be deleted from the historic resources inventory by submitting a written request to the historic resources committee. The historic resources committee shall~~

~~determine, following hearing, whether or not the property should be deleted based on the criteria listed in PGMC [23.76.025](#). [Ord. 01-25 § 1, 2001; Ord. 97-23 § 1, 1997].~~

#### **23.76.040 State Historic Building Code.**

The California State Historic Building Code (SHBC) provides alternative building regulations for the rehabilitation, preservation, restoration or relocation of structures designated as cultural resources. As required by state law, the SHBC shall be used for buildings on the historic resources inventory in the city's building permit procedure. [Ord. 01-25 § 1, 2001; Ord. 97-23 § 1, 1997].

#### **23.76.050 Ordinary maintenance and repair.**

Nothing in this chapter shall be construed to prevent ordinary maintenance and repair of a building on the historic resources inventory. [Ord. 01-25 § 1, 2001; Ord. 97-23 § 1, 1997].

#### **23.76.060 Incentive – Exceptions to land use regulations.**

Following notice of hearing (10 days' published and posted), the architectural and historical review board may grant an historic preservation permit for an exception to zoning district regulations when such exception is necessary to permit the preservation or restoration of, or improvements to, a building listed on the historic resources inventory. Such exceptions may include, but not be limited to, parking, yards, height and coverage regulations. Such exceptions shall not include approval of uses not otherwise allowed by the zoning district regulations. In considering an application for such exception, the architectural and historical review board shall be directed and guided by the list of purposes found in PGMC [23.76.010](#) and by PGMC [23.04.010](#). [Ord. 01-25 § 1, 2001; Ord. 97-23 § 1, 1997].

#### **23.76.070 Unsafe or dangerous conditions.**

None of the provisions of this chapter shall be construed to prevent construction, alteration, demolition or relocation necessary to correct the unsafe or dangerous conditions, as defined in applicable building codes, of any structure, feature, or part thereof, when such condition has been declared unsafe or dangerous by the chief building inspector, where such unsafe or dangerous condition cannot be rectified through the use of the State Historic Building Code, and where the proposed measures have been declared necessary by such official to correct the said condition. However, only such work as is necessary to correct the unsafe or dangerous condition may be performed and only after obtaining any required building permit. In the event any structure or other feature is damaged by fire or other calamity, the chief building inspector may specify, prior to any required review by the historic resources committee, or the appropriate review authority pursuant to Chapter [23.70](#) PGMC (Community Development Permit Review Authorities and Procedures), the amount of repair necessary to correct an unsafe condition. Such determination shall be made in conformance with the provisions of Public Resources Code Section [5028](#). [Ord. 11-001 § 6, 2011; Ord. 01-25 § 1, 2001; Ord. 97-23 § 1, 1997].

**23.76.080 Additions and alterations.**

The following shall apply to additions and alterations made to historic structures in the city of Pacific Grove:

(a) No person shall carry out or cause to be carried out on a building listed in the city of Pacific Grove historic resources inventory, any addition to, or exterior alteration of, any such building without first obtaining approval by the appropriate review authority pursuant to Chapter [23.70](#) PGMC (Community Development Permit Review Authorities and Procedures). This provision applies to changes not requiring building permits as well as to changes requiring a building permit. Without limitation, examples of proposed exterior changes that must be approved before they are carried out include: changing the profile of the building; closing or changing the dimensions of existing window or door openings; adding windows or doors; changing window or door framing materials without using in-kind of matching materials with staff determination pursuant to PGMC [23.70.020](#) (Counter review and determination); changing the type of roof or exterior wall materials and/or trim materials.

(b) In reviewing applications for additions to, or exterior alteration of, historic buildings, the appropriate review authority shall consider the criteria listed in PGMC [23.76.025](#) and shall be guided by the Secretary of the Interior's "Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings" and the "Design Criteria" of the city of Pacific Grove or succeeding document(s). [Ord. 11-001 § 6, 2011; Ord. 01-25 § 1, 2001; Ord. 97-23 § 1, 1997].

**23.76.090 Demolitions.**

The following shall apply to demolitions of historic structures in the city of Pacific Grove:

(a) Any person desiring to demolish a building listed on the Pacific Grove historic resources inventory shall file an application for a historic demolition permit with the community development department.

Exceptions: single-story detached garages, sheds, or other accessory buildings with no identified historic, cultural or architectural value, as determined by the community development director, shall be exempt from this requirement.

(b) Following 10 days' posting and notice of hearing, the architectural **and historical** review board shall hold a public hearing to consider the application. ~~The following information shall be provided to the architectural review board:~~ (1) The chief building inspector's **shall provide an** evaluation of the stability of the building proposed for demolition;

~~(2) Any other information deemed necessary by the historic resources committee to evaluate the application.~~



(c) Following the public hearing, the architectural **and historical** review board shall take one of the following actions:

(1) Approve the permit;

(2) Approve the permit subject to a waiting period of up to 180 days to consider documentation, relocation or other alternatives to demolition, after which waiting period the permit is deemed approved;

(A) During the waiting period, the applicant shall advertise the proposed demolition in a paper of general circulation in the city of Pacific Grove at least once during the first 30 days following the action by the **architectural and historical review board** ~~resources committee~~. Such advertisement shall include the address at which the structure proposed for demolition is located, information as to how arrangements can be made for relocation and the date after which a demolition permit may be issued. Evidence of this publication must be submitted to the community development director prior to issuance of a demolition permit.

~~(B) During the waiting period, the historic resources committee may investigate and suggest preservation measures or documentation such as photographing the building, preparing measured drawings and gathering related historical data.~~

(3) Deny the permit;

(4) Approve the relocation (within the city of Pacific Grove) of the building as an alternative to demolition.

(d) The architectural **and historical** review board shall consider the criteria listed in PGMC [23.76.025](#) in determining which of the actions listed in subsection (c) of this section applies.

(e) Findings.

(1) Prior to approval or modified approval, the architectural **and historical** review board shall find that:

(A) The proposed action is consistent with the purposes of historic preservation as set forth in PGMC [23.76.010](#) and in the historic preservation element of the general plan; or

(B) The applicant has demonstrated that the action proposed is necessary to correct an unsafe or dangerous condition on the property; or

(C) There are no reasonable alternatives to the demolition at the time of the hearing.

(2) Prior to denial, the architectural and historical review board ~~resources committee~~ shall find that:

(A) The proposed action is not consistent with the purposes of historic preservation as set forth in PGMC [23.76.010](#) and in the historic preservation element of the general plan; or

(B) There are reasonable alternatives to the demolition at the time of the hearing. [Ord. 01-25 § 1, 2001; Ord. 97-23 § 1, 1997].

### **23.76.100 Relocation.**

Relocating a structure off site within the city of Pacific Grove may be permitted following the same procedural guidelines described in PGMC [23.76.090](#) including the filing of an application for relocation. Relocating a structure on site may be permitted following the procedures in PGMC [23.70.040](#) [Ord. 11-001 § 6, 2011; Ord. 01-25 § 1, 2001; Ord. 97-23 § 1, 1997].

### **23.76.110 Minimum maintenance.**

(a) Minimum maintenance is necessary to prevent an owner, or other person having legal custody and control over a property, from facilitating the demolition of an historic resource by neglecting it. All buildings listed on the historic resources inventory shall be kept in a state of good repair consistent with all other state and city codes so as to preserve them against decay and deterioration.

(b) The community and economic development director may direct the property owner to maintain the historic property in a manner designed to prevent vandalism and destruction if such property is not occupied. [Ord. 01-25 § 1, 2001; Ord. 97-23 § 1, 1997].

### **~~23.76.120 Appeals and call-ups.~~**

~~(a) Any person not satisfied with an action of the review authority made pursuant to the provisions of this chapter and Chapter [23.70](#) PGMC (Community Development Permit Review Authorities and Procedures) may appeal within 10 days of the action in accordance with the provisions of Chapter [23.74](#) PGMC (Appeals and Call-Ups). The appeal shall be in writing and shall be accompanied by a fee as set by resolution of the council, which is available from the community development department and on the city's website.~~

~~(b) Notwithstanding the time limit for appeals, after the review authority has taken its action, the appeal authority shall always have until their next regularly scheduled meeting occurring at least 10 days~~

~~following the review authority action to call up such action for review. If the appeal authority is the council or planning commission, a vote of three members shall suffice to call up such action for review.~~

~~(c) With respect to a matter on appeal or call up as provided in subsections (a) and (b) of this section, a hearing de novo shall be held. Posting, notice and public hearing requirements shall be as was required before the review authority first hearing the matter.~~

~~(d) An appeal or call up hereunder shall be heard within 30 days following the date of filing the appeal or call up.~~

~~(e) Following hearing on appeal or call up, the appeal authority may affirm, overrule or modify the decision of the previous review authority, with conditions as appropriate. [Ord. 11-001 § 6, 2011; Ord. 01-25 § 1, 2001; Ord. 97-40 § 1, 1997; Ord. 97-23 § 1, 1997].~~

### **23.76.130 Enforcement and penalties.**

(a) It shall be the duty of the community development director, or the community and economic development director's delegate, to administer and enforce the provisions of this chapter.

(b) It is unlawful for a person or entity to alter or demolish or cause to be altered or demolished any building or portion thereof in violation of any of the provisions of this chapter.

(c) Any person or entity who alters or demolishes a building or causes an alteration or demolition in violation of the provisions of this chapter, may be liable civilly in a sum equal to the replacement value of the building in kind, or an amount set at the discretion of the court.

(d) The city attorney may maintain an action for injunctive relief to restrain or correct a violation, or cause, where possible, the complete or partial restoration, reconstruction or replacement in kind of any building or site demolished, altered or partially demolished, or allowed to fall below minimum maintenance standards in violation of this chapter.

(e) A lot which is the site of alteration or demolition of an historic structure in violation of this chapter shall not be developed in excess of the floor area ratio, or the dwelling unit density, of the altered or demolished structure for a period of five years from the unlawful alteration or demolition. A person or entity may be relieved of the penalties provided in this subsection if, as to an unlawful alteration, the person or entity restores the original distinguishing qualities and character of the building destroyed or altered. Such restoration must be undertaken pursuant to a valid building permit issued after a recommendation by the architectural review board, and a finding by the city council that the proposed work will effect adequate restoration and can be done with a substantial degree of success.

(f) The remedies provided in subsections (b) through (e) of this section are not exclusive. [Ord. 01-25 § 1, 2001; Ord. 97-23 § 1, 1997].

~~—This date was chosen because of the existence of two separate sources of verification, the 1926 Sanborn maps and the 1926 county assessor's records. Each structure was visited and viewed to determine its suitability for the list. Poor condition was not a reason for exclusion. However, inappropriate and/or irreversible external alterations which resulted in a structure's loss of integrity led to the exclusion of the structure from the list.~~

Table 23.70.012-1, entitled “Types of Review, Applications, and Roles of Review Authorities,” identifies the city official or body responsible for reviewing and making decisions on community development permit applications, legislative amendments, and other actions required by these regulations.

**Table 23.70.012-1:**

Roles of Review Authorities <sup>1</sup>							
Type of Permit Application	Chief Planner <u>Director</u>	ZA	SPRC	A <u>H</u> RB	HRC	PC	CC
<p><u>A</u>H<u>R</u>B = Architectural <b><u>and Historical</u></b> Review Board, CC = City Council, <u>H</u>R<u>C</u> = Historic Resources Committee, HRI = Historic Resources Inventory, LCP = Local Coastal Program, PC = Planning Commission, PGMC = Pacific Grove Municipal Code Section, SPRC = Site Plan Review Committee, and ZA = Zoning Administrator.</p>							
<p><b>Counter Review:</b> Recommended preliminary staff review of projects to determine compliance with zoning code, need for further permit applications, or determination of which track below best suits the situation. (PGMC <a href="#">23.70.018</a>)</p>							
<p><b>Counter Review and Determination:</b> Required chief planner <b><u>Director</u></b> review of specific projects or land uses in order to verify compliance with zoning standards. (PGMC <a href="#">23.70.020</a>)</p>							
<p><b>Staff Approvals:</b> For timely approval of permits for the following projects and uses:</p>							

**Table 23.70.012-1:  
Types of Review, Applications, and Roles of Review Authorities**

<b>Roles of Review Authorities<sup>1</sup></b>							
<b>Type of Permit Application</b>	<b>Chief Planner <i>Director</i></b>	<b>ZA</b>	<b>SPRC</b>	<b>AHRB</b>	<b>HRC</b>	<b>PC</b>	<b>CC</b>
<del>Admin. architectural permit — not on HRI (PGMC <a href="#">23.70.030</a>)</del>	Decision <sup>2</sup>	Hearing/ Decision	-	Appeal <sup>5</sup>	-	-	Appeal <sup>5</sup>
Admin. architectural permit — on HRI (PGMC <a href="#">23.70.030</a> )	Decision <sup>2,3</sup>			Hearing/ Decision		Appeal <sup>5</sup>	Appeal <sup>5</sup>
<del>Architectural design change — not on HRI (PGMC <a href="#">23.70.030</a>)</del>	Decision <sup>2</sup>	Hearing/ Decision	-	Appeal <sup>5</sup>	-	-	Appeal <sup>5</sup>
Architectural design change — on HRI (PGMC <a href="#">23.70.030</a> )	Decision <sup>2,3</sup>			Hearing/ Decision		Appeal <sup>5</sup>	Appeal <sup>5</sup>
Lot merger (PGMC <a href="#">23.70.030</a> , <a href="#">24.04.030</a> )	Decision	Hearing/ Decision				Appeal <sup>5</sup>	Appeal <sup>5</sup>
Admin. sign permit (PGMC <a href="#">23.70.030</a> )	Decision	Hearing/ Decision		Appeal <sup>5</sup>			Appeal <sup>5</sup>
Admin. use permit and admin.	Decision <sup>2</sup>	Hearing/				Appeal <sup>5</sup>	Appeal <sup>5</sup>

**Table 23.70.012-1:  
Types of Review, Applications, and Roles of Review Authorities**

<b>Roles of Review Authorities<sup>1</sup></b>							
<b>Type of Permit Application</b>	<b>Chief Planner <u>Director</u></b>	<b>ZA</b>	<b>SPRC</b>	<b>A<u>H</u>RB</b>	<b>HRC</b>	<b>PC</b>	<b>CC</b>
use permit amendments <sup>7</sup> (PGMC <a href="#">23.70.030</a> )		Decision					
Admin. variance and admin. variance amendments (PGMC <a href="#">23.70.030</a> )	Decision <sup>2</sup>	Hearing/ Decision				Appeal <sup>5</sup>	Appeal <sup>5</sup>
Permitting of undocumented dwelling units (PGMC <a href="#">23.70.030</a> )	Decision <sup>2</sup>	Hearing/ Decision				Appeal <sup>5</sup>	Appeal <sup>5</sup>
<b>Zoning Administrator:</b> For the following applications:							
Interpretations of permitted use lists (PGMC <a href="#">23.70.040</a> , Chapter <a href="#">23.82</a> PGMC)		Decision <sup>6</sup>				Appeal	Appeal
Historic relocation permit – on-site (PGMC <a href="#">23.70.040</a> , <a href="#">23.76.100</a> )		Decision <sup>6</sup>				Appeal	Appeal

**Table 23.70.012-1:  
Types of Review, Applications, and Roles of Review Authorities**

Roles of Review Authorities <sup>1</sup>							
Type of Permit Application	Chief Planner <u>Director</u>	ZA	SPRC	A <u>H</u> RB	HRC	PC	CC
Parcel map (PGMC <a href="#">23.70.040</a> , Chapter <a href="#">24.08</a> PGMC)		Decision <sup>6</sup>				Appeal	Appeal
<b>Site Plan Review Committee:</b> For the following approvals:							
Lot line adjustment (PGMC <a href="#">23.70.050</a> , <a href="#">24.04.030</a> )			Decision			Appeal	Appeal
Site plan review (multifamily/ commercial/industrial projects only) (PGMC <a href="#">23.70.050</a> )			Review and Comment				
<b>Architectural <u>and Historical</u> Review Board:</b> For the following applications:							
Architectural permit for new construction, major alteration, or demolition/reconstruction — not on HRI (PGMC <a href="#">23.70.060</a> )	-	-	-	Decision	-	Appeal	Appeal



**Table 23.70.012-1:  
Types of Review, Applications, and Roles of Review Authorities**

Roles of Review Authorities <sup>1</sup>							
Type of Permit Application	Chief Planner <u>Director</u>	ZA	SPRC	<u>A</u> HRB	HRC	PC	CC
Architectural permit for major alteration —on-HRI (PGMC <a href="#">23.70.060</a> )				Decision		Appeal	Appeal
Historic preservation permit (PGMC <a href="#">23.70.060</a> , <a href="#">23.76.060</a> )				Decision		Appeal	Appeal
Historic demolition permit (PGMC <a href="#">23.70.060</a> , <a href="#">23.76.090</a> )				Decision		Appeal	Appeal
Historic relocation permit – off-site (PGMC <a href="#">23.70.060</a> , <a href="#">23.76.100</a> )				Decision		Appeal	Appeal
Sign permit (PGMC <a href="#">23.70.060</a> )				Decision		Appeal	Appeal
<b>Historic Resources Committee:</b> For the following applications:							
Historic determination				<u>Decision</u>	<del>Decision</del>	Appeal	Appeal

**Table 23.70.012-1:  
Types of Review, Applications, and Roles of Review Authorities**

Roles of Review Authorities <sup>1</sup>							
Type of Permit Application	Chief Planner <u>Director</u>	ZA	SPRC	A <u>H</u> RB	HRC	PC	CC
(PGMC <a href="#">23.70.070</a> , <a href="#">23.76.030</a> )							
Initial historic screening (PGMC <a href="#">23.70.070</a> )	Decision			<u>Recommend</u>	Recommend		
<b>Planning Commission:</b> For the following applications:							
Use permit and use permit amendments (PGMC <a href="#">23.70.080</a> (a))						Decision	Appeal
Variance and variance amendments (PGMC <a href="#">23.70.080</a> (b))						Decision	Appeal
Tentative tract map (Chapter <a href="#">24.12</a> PGMC)						Decision	Appeal
Final tract map						Decision	Appeal

**Table 23.70.012-1:  
Types of Review, Applications, and Roles of Review Authorities**

Roles of Review Authorities <sup>1</sup>							
Type of Permit Application	Chief Planner <i>Director</i>	ZA	SPRC	AHRB	HRC	PC	CC
(Chapter <a href="#">24.16</a> PGMC)							
<b>Administrative and Amendments:</b> For legislative actions and code interpretations (other than interpretations for permitted use lists), the following applies:							
General plan amendments (Chapter <a href="#">23.84</a> PGMC)						Recommend	Decision
LCP amendments (Chapter <a href="#">23.84</a> PGMC)						Recommend	Decision
Zoning text amendments (Chapter <a href="#">23.84</a> PGMC)						Recommend	Decision
Zoning map amendments (Chapter <a href="#">23.84</a> PGMC)						Recommend	Decision
Interpretations of code (PGMC <a href="#">23.04.040</a> )	Decision <sup>4</sup>					Appeal	Appeal

1. “Decision” means that the review authority makes the decision on the matter; “hearing” means that the review authority holds a hearing and renders a decision only if requested in response to a notice, in compliance with PGMC [23.70.030](#) (Staff approvals); “appeal” means that the review authority may consider and decide upon appeals to the decision of an earlier decision-making body, in compliance with Chapter [23.74](#) PGMC (Appeals and Call-Ups); “recommend” means that the review authority makes a recommendation to a higher decision-making body.
2. The ~~chief planner~~ **Director** may defer action and refer the item to the hearing authority for decision.
3. If an administrative architectural permit or an architectural design change is accompanied by a historic preservation permit, both applications shall be reviewed concurrently ~~by the architectural review board~~.
4. The ~~chief planner~~ **Director** may defer action and refer the item to the first appeal authority for decision.
5. Appeal authority may review matter only if the hearing authority held a public hearing and rendered a decision.
6. The zoning administrator may defer action and refer the item to the first appeal authority for decision.
7. Administrative use permits are broken down into major and minor categories, to reflect the reduced staff time required and lower corresponding fee for projects in the minor category, pursuant to PGMC [23.70.030\(b\)\(7\)](#).

[Ord. 13-005 § 3, 2013; Ord. 12-005 § 4, 2012; Ord. 11-001 § 2, 2011].