

ORDINANCE NO. 17-023

**AN ORDINANCE OF THE CITY OF PACIFIC GROVE
AMENDING CHAPTERS 23.70 AND 23.76 REGARDING THE POWERS AND DUTIES
OF THE HISTORIC RESOURCES COMMITTEE AND THE ARCHITECTURAL
REVIEW BOARD AND HISTORIC RESOURCES INVENTORY EVALUATION
CRITERIA OF THE PACIFIC GROVE MUNICIPAL CODE**

WHEREAS, the City Council of the City of Pacific Grove (City) desires to have decisions made by those who will be most impacted by the decisions and therefore created and regulates a full set of Committees, Boards and Commissions;

WHEREAS, the effective and expeditious operation of the City's committees, boards and commissions is vital for the satisfactory completion of the City's business;

WHEREAS, City staff conducted a comprehensive review of the City's Municipal Code provisions, and determined that revisions are necessary to revise the powers and duties of the Historic Resources Committee to include architectural review of structures on the City's Historic Resources Inventory including Historic Preservation, Off-Site Relocation and Demolition permits and to limit the Architectural Review Board powers and duties to architectural review of all other structures;

WHEREAS, the City seeks to establish one meeting each per month of the Architectural Review Board and Historical Resources Committee to reflect staffing levels, administrative tasks and permit activity;

WHEREAS, the City seeks to clarify certain definitions in the Historic Preservation ordinance related to the evaluation criteria of the Historic Resources Inventory (HRI) and integrity of a property's historic identity;

WHEREAS, the City seeks to better align the City's historic evaluation criteria with the National Register of Historic Places evaluation criteria and allow the Historic Resources Committee to initiate deletions from the HRI with adequate documentation;

WHEREAS, the City seeks to delete 23.76.120 Appeals and Call-Ups as the language is repetitive of 23.74.

WHEREAS, this ordinance amends Chapter 23 of the Municipal Code Sections 23.70.012, 23.70.030, 23.70.060, 23.70.070, 23.76.020, 23.76.021; 23.76.025; 23.76.030; 23.76.060; 23.76.080; 23.76.090; 23.76.110; 23.76.120 and 23.76.130;

WHEREAS, Notice of the public hearing was published or posted December 1, 2017.

WHEREAS, In the enactment of this ordinance, the City followed the guidelines adopted by the State of California and published in the California Code of Regulations, Title 14, Section 15000, et seq.; and

WHEREAS, enactment of this Ordinance is Exempt as defined by CEQA under Sections 15308 and 15320 because it is an organizational or administrative activity that will not result in a direct or indirect physical changes in the environment and the changes assure continued protection of structures with historical significance.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PACIFIC GROVE:

SECTION 1. The foregoing recitals are adopted as findings of the City Council as though set forth fully herein.

SECTION 2. The text set forth in existing Chapter 23 of the Pacific Grove Municipal Code entitled, "Zoning" shall be amended by the addition of all text shown in bold, italic, underscored text (***bold, italic, underscored text***), deletion by ~~striketrough~~ as follows:

Chapter 23.70
COMMUNITY DEVELOPMENT PERMIT REVIEW AUTHORITIES AND PROCEDURES

23.70.012 Types of community development permits and related review authorities.

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:

Types of Review, Applications, and Roles of Review Authorities

Roles of Review Authorities ¹						
Type of Permit Application	Chief Planner <i>Director</i>	ZA	SPRC	ARB	HRC	PC CC
ARB = Architectural Review Board, CC = City Council, HRC = 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.						
Counter Review: 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 23.70.018)						

Table 23.70.012-1:

Types of Review, Applications, and Roles of Review Authorities

Roles of Review Authorities ¹							
Type of Permit Application	Chief Planner <i>Director</i>	ZA	SPRC	ARB	HRC	PC	CC
Counter Review and Determination: Required chief planner <i>Director</i> review of specific projects or land uses in order to verify compliance with zoning standards. (PGMC 23.70.020)							
Staff Approvals: For timely approval of permits for the following projects and uses:							
Admin. architectural permit – not on HRI (PGMC 23.70.030)	Decision ²	Hearing/ Decision	-	Appeal ⁵			Appeal ⁵
Admin. architectural permit – on HRI (PGMC 23.70.030)	Decision ^{2,3}			Hearing/ Decision	<u>Hearing/ Decision</u>	Appeal ⁵	Appeal ⁵
Architectural design change – not on HRI (PGMC 23.70.030)	Decision ²	Hearing/ Decision		Appeal ⁵			Appeal ⁵
Architectural design change – on HRI (PGMC 23.70.030)	Decision ^{2,3}			Hearing/ Decision	<u>Hearing/ Decision</u>	Appeal ⁵	Appeal ⁵
Lot merger (PGMC 23.70.030, 24.04.030)	Decision	Hearing/ Decision				Appeal ⁵	Appeal ⁵

Table 23.70.012-1:

Types of Review, Applications, and Roles of Review Authorities

Roles of Review Authorities ¹							
Type of Permit Application	Chief Planner <i>Director</i>	ZA	SPRC	ARB	HRC	PC	CC
Admin. sign permit (PGMC 23.70.030)	Decision	Hearing/ Decision		Appeal ⁵			Appeal ⁵
Admin. use permit and admin. use permit amendments ⁷ (PGMC 23.70.030)	Decision ²	Hearing/ Decision				Appeal ⁵	Appeal ⁵
Admin. variance and admin. variance amendments (PGMC 23.70.030)	Decision ²	Hearing/ Decision				Appeal ⁵	Appeal ⁵
Permitting of undocumented dwelling units (PGMC 23.70.030)	Decision ²	Hearing/ Decision				Appeal ⁵	Appeal ⁵
Zoning Administrator: For the following applications:							
Interpretations of permitted use lists (PGMC 23.70.040, Chapter 23.82PGMC)		Decision ⁶				Appeal	Appeal

Table 23.70.012-1:

Types of Review, Applications, and Roles of Review Authorities

Roles of Review Authorities ¹							
Type of Permit Application	Chief Planner <i>Director</i>	ZA	SPRC	ARB	HRC	PC	CC
Historic relocation permit – on-site (PGMC 23.70.040, 23.76.100)		Decision ⁶			<u>Hearing/</u> <u>Decision</u>	Appeal	Appeal
Parcel map (PGMC 23.70.040, Chapter 24.08PGMC)		Decision ⁶				Appeal	Appeal
Site Plan Review Committee: For the following approvals:							
Lot line adjustment (PGMC 23.70.050, 24.04.030)			Decision			Appeal	Appeal
Site plan review (multifamily/commercial/industrial projects only) (PGMC 23.70.050)			Review and Comment				
Architectural Review Board: For the following applications:							
Architectural permit for new construction, major alteration, or				Decision		Appeal	Appeal

Table 23.70.012-1:

Types of Review, Applications, and Roles of Review Authorities

Type of Permit Application	Roles of Review Authorities ¹							
	Chief Planner <i>Director</i>	ZA	SPRC	ARB	HRC	PC	CC	
demolition/reconstruction – not on HRI (PGMC 23.70.060)								
Architectural permit for major alteration on HRI (PGMC 23.70.060)	-	-	-	Decision	-	Appeal	Appeal	
Historic preservation permit (PGMC 23.70.060, 23.76.060)	-	-	-	Decision	-	Appeal	Appeal	
Historic demolition permit (PGMC 23.70.060, 23.76.090)	-	-	-	Decision	-	Appeal	Appeal	
Historic relocation permit – off-site (PGMC 23.70.060, 23.76.100)	-	-	-	Decision	-	Appeal	Appeal	
Sign permit (PGMC 23.70.060)				Decision		Appeal	Appeal	
Historic Resources Committee: For the following applications:								

Table 23.70.012-1:

Types of Review, Applications, and Roles of Review Authorities

Type of Permit Application	Roles of Review Authorities ¹						
	Chief Planner <i>Director</i>	ZA	SPRC	ARB	HRC	PC	CC
Historic determination (PGMC 23.70.070, 23.76.030)					Decision	Appeal	Appeal
<u>Architectural permit for major alteration – on HRI(PGMC 23.70.070)</u>	-	-	-	-	<u>Decision-</u>	<u>Appeal</u>	<u>Appeal</u>
<u>Historic preservation permit (PGMC 23.70.070, 23.76.060)</u>	-	-	-	-	<u>Decision-</u>	<u>Appeal</u>	<u>Appeal</u>
<u>Historic demolition permit (PGMC 23.70.070, 23.76.090)</u>	-	-	-	-	<u>Decision-</u>	<u>Appeal</u>	<u>Appeal</u>
<u>Historic relocation permit – off-site (PGMC 23.70.070, 23.76.100)</u>	-	-	-	-	<u>Decision-</u>	<u>Appeal</u>	<u>Appeal</u>
Initial historic screening (PGMC 23.70.070)	Decision				Recommend		

Table 23.70.012-1:

Types of Review, Applications, and Roles of Review Authorities

Roles of Review Authorities ¹							
Type of Permit Application	Chief Planner <i>Director</i>	ZA	SPRC	ARB	HRC	PC	CC
Planning Commission: For the following applications:							
Use permit and use permit amendments (PGMC 23.70.080(a))						Decision	Appeal
Variance and variance amendments (PGMC 23.70.080(b))						Decision	Appeal
Tentative tract map (Chapter 24.12 PGMC)						Decision	Appeal
Final tract map (Chapter 24.16 PGMC)						Decision	Appeal
Administrative and Amendments: For legislative actions and code interpretations (other than interpretations for permitted use lists), the following applies:							
General plan amendments (Chapter 23.84 PGMC)						Recommend	Decision

Table 23.70.012-1:

Types of Review, Applications, and Roles of Review Authorities

Roles of Review Authorities ¹							
Type of Permit Application	Chief Planner <i>Director</i>	ZA	SPRC	ARB	HRC	PC	CC
LCP amendments (Chapter 23.84 PGMC)						Recommend	Decision
Zoning text amendments (Chapter 23.84 PGMC)						Recommend	Decision
Zoning map amendments (Chapter 23.84 PGMC)						Recommend	Decision
Interpretations of code (PGMC 23.04.040)	Decision ⁴					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 historic resources committee-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; except in cases where one or more vacancies on a board or committee causes an item to be continued to a subsequent meeting in order to meet the requirements for an affirmative action.
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].

23.70.030 Staff approvals.

(a) Purpose. This section establishes procedures and findings for the issuance of, and effective time periods for, staff-approved permits. No public hearings are held unless a request for a hearing is submitted or the ~~chief planner~~ **Director** refers it to the hearing authority. The intent of this section is to ensure that community development permits are in compliance with the general plan, local coastal program, and these regulations, and are issued quickly yet allow for public review.

(b) Applicability. As summarized in Table 23.70.012-1, the ~~chief planner~~ **Director** or designee is the decision-making authority for the following community development permits:

(1) Administrative Architectural Permits (On HRI, Determined by the City to Be Eligible for the HRI, or 50 Years of Age or Older with an Undetermined Historic Status). In all residential zoning districts, administrative architectural permits may be granted for the following structures and the following alterations to buildings listed on the historic resources inventory (HRI), determined by the city to be eligible for the HRI, or to buildings that are 50 years of age or older and have an undetermined historic status:

(A) Outside of the coastal zone, an exterior modification to side and/or rear elevations, or an addition to side and/or rear elevations where the addition is less than 400 square feet or 10 percent of existing floor area, whichever is less, of a single-family home, duplex or triplex, if all of the following apply:

(i) Does not enlarge or create a second story; and

(ii) The ~~chief planner~~ **Director** has determined that it is consistent with the Secretary of the Interior's Standards for Historic Rehabilitation and the state Historic Building Code.

(B) Outside of the coastal zone, Category 1 detached accessory structures larger than 120 square feet, pursuant to Table 23.64.180.

(C) Both within and outside the coastal zone, deer fencing, not to exceed six feet, if within front, side, and rear yards, pursuant to PGMC 23.64.130(d).

Exception: If accompanied by a historic preservation permit application, an administrative architectural permit shall be referred to the ~~architectural~~ **historical resources committee** review board to hold a public hearing and to take action on both

applications concurrently, pursuant to PGMC 23.70.0760 (~~Architectural review board~~).

(2) Administrative Architectural Permits (Not on HRI). Administrative architectural permits may be granted for the following structures and the following alterations to a building that has been determined by the city to be ineligible for the historic resources inventory, or is less than 50 years of age:

(A) In the R-1 zoning districts outside of the coastal zone, any exterior modifications or additions to a single-family home, duplex or triplex that are 25 percent or more of existing floor area and do not enlarge or create a second story, if the ~~chief planner~~ **Director** determines that the exterior modifications and additions are “visually significant” as viewed from the adjacent street(s);

(B) In the R-1 zoning districts outside of the coastal zone, any of the following modifications to a single-family home, duplex or triplex:

(i) Replacement of chimneys, siding, doors, porches, decks, or other exterior feature(s), if the replacement materials and design are determined by the ~~chief planner~~ **Director** to be “visually significant” as viewed from the adjacent street(s);

(ii) Replacement of windows (including change in window location of up to 12 inches from existing location), if the replacement materials meet the definition of “visually significant,” pursuant to the Window Guidelines, Appendix IV of the Pacific Grove Architectural Review Guidelines; and

(iii) Roof material change and/or roof pitch change, such that the change is determined by the ~~chief planner~~ **Director** to be “visually significant” as viewed from the adjacent street(s);

(C) In the R-2, R-3, and R-4 zoning districts, outside of the coastal zone, any of the following modifications or additions to a single-family home, duplex or triplex:

(i) Replacement of chimneys, siding, doors, porches, decks, or other exterior feature(s), if the replacement materials and design are either in-kind or matching the existing or original materials and design, such that the change is determined

by the ~~chief planner~~ **Director** to be “visually insignificant” as viewed from the adjacent street(s);

(ii) Replacement of windows (including change in window location of up to 12 inches from existing location), if the replacement materials are either in-kind, matching or are considered an upgrade of the existing or original materials, which would meet the definition of “visually insignificant,” pursuant to the Window Guidelines, Appendix IV of the Pacific Grove Architectural Review Guidelines;

(iii) Roof material change and/or roof pitch change, such that the change is determined by the ~~chief planner~~ **Director** to be “visually insignificant” as viewed from the adjacent street(s) or is considered appropriate to the architectural style of the structure;

(iv) Exterior modifications and additions that are 25 percent or more of existing floor area and do not enlarge or create a second story, and that the ~~chief planner~~ **Director** determines to be “visually insignificant” as viewed from the adjacent street(s); and

(v) Exterior modifications or an exterior addition, where the addition is less than 400 square feet or 10 percent of existing floor area, whichever is less, and where the alterations and/or addition is determined to be “visually significant” as viewed from the adjacent street(s) and does not enlarge or create a second story;

(D) Roof overhang, roofing material, and siding material modifications for any mobile home installed in other than the R-1-M-H district;

(E) Water heater or utility enclosure if the exterior material does not match the existing siding and the ~~chief planner~~ **Director** determines it is “visually significant” as viewed from the adjacent street(s);

(F) Water cisterns or rainwater collection equipment not meeting the provisions of PGMC 23.70.020(b)(6)(B);

(G) Outside of the coastal zone, Category 1 detached accessory structures larger than 120 square feet, pursuant to Table 23.64.180; and

(H) Within the coastal zone, deer fencing, not to exceed six feet, if within front, side, and rear yards, pursuant to PGMC 23.64.130(d).

(3) An administrative architectural permit shall also be required for projects located outside the coastal zone and listed in PGMC 23.70.020(b)(1), (3), (4), (5) or (6), that are accompanied by an administrative use permit or administrative variance. The two permits shall be processed concurrently, in accordance with this section. If located within the coastal zone, an architectural permit shall be required for projects listed under PGMC 23.70.020(b)(1)(A), (C) and (D), ~~(b)(2)(F)~~, and (b)(3)(A) and (C), pursuant to PGMC 23.70.060(Architectural review board) ***and PGMC (b)(2)(F) pursuant to PGMC 23.70.060 (Historic Resources Committee)***.

(4) Architectural Design Changes. Once an architectural permit, outside the coastal zone, or an administrative architectural permit has been approved, but before the associated building permit has been finalized, changes that modify the exterior elevations of the project shall be processed as an architectural design change; provided, that cumulative design changes to a prior architectural permit or administrative architectural permit shall not appreciably alter the originally approved design. This applies to properties either on the HRI or not on the HRI.

Exception: If accompanied by a historic preservation permit application, an administrative design change shall be referred to the ~~architectural review board~~ ***historic resources committee review board*** to hold a public hearing and to take action on both applications concurrently, pursuant to PGMC 23.70.0760(~~Architectural review board~~).

(5) Lot Mergers. Lot mergers, in accordance with this section and the procedures in PGMC 24.04.030 (Definitions).

(6) Administrative Sign Permit. An administrative sign permit may be granted for the following:

(A) A flat sign in the C-1, C-FH, C-2, or I zones that has a sign area of 25 square feet or less, is attached to or is painted on a building so as not to project more than six inches from the building, and is the only permanent sign displayed on the premises;

(B) New commercial signs or modifications to an existing sign that comply with an existing master sign program for the site; and

(C) In the downtown commercial (C-D) and light commercial and hotel (C-1-T) zoning districts, signs meeting all applicable development standards, but not all applicable design guidelines, contained in Chapter 20.05 PGMC.

(7) Administrative Use Permits. Administrative use permits and administrative use permit amendments may be granted for the following:

(A) Major Administrative Use Permits.

- (i) Detached or semi-detached rooms within the R-1 zoning districts;
- (ii) Averaging of side yards for interior sites within the R-1 and R-2 zoning districts, pursuant to PGMC 23.16.060(b)(1) and 23.20.070(b)(1);
- (iii) Accessory buildings and structures that are 120 square feet or less in area, pursuant to Table 23.64.180;
- (iv) Roominghouses, boardinghouses, and professional uses within the R-4 zoning district;
- (v) Uses requiring an administrative use permit in the C-1, C-1-T, C-D, C-FH, C-2, C-V, or I zoning districts, pursuant to Table 23.31.030, except as provided in PGMC 23.70.020(b)(8);
- (vi) Temporary uses within the C-1, C-1-T, C-D, C-FH, and C-V zoning districts, pursuant to Table 23.31.030;
- (vii) Gardening on vacant lots within the C-1, C-1-T, C-D, C-FH, C-2, or C-V zoning district;
- (viii) Uses allowed with a use permit within the R-3-P.G.B. zoning district;
- (ix) Earth and mineral extraction for commercial purposes;
- (x) Foster and day care homes under PGMC 23.64.110 (Family day care homes);
- (xi) Projection of open porches, stairways, etc., under PGMC 23.64.160 (yards);
- (xii) Accessory storage of portable or movable objects under PGMC 23.64.185 (accessory use); and

(xiii) Extension, change, or restoration of a nonconforming use under Chapter 23.68 PGMC (Nonconforming Uses and Buildings).

(B) Minor Administrative Use Permits.

(i) Structures, appurtenances, fences, deer fences, hedges, screen plantings, or other visual obstructions (other than allowed garden structures) in excess of height limits under PGMC 23.64.120 and 23.64.130 (height limits); and

(ii) Garden structures exceeding the standards required by PGMC 23.64.119 (garden structures).

(8) Administrative Variances. Administrative variances and administrative variance amendments may be granted for the following:

(A) Reductions in required yards or setbacks that are 20 percent or less of the required distance;

(B) Increases in allowable building site coverage of five percent or less for additions to an existing structure;

(C) The occupancy of any part of a required side or rear yard by a driveway or parking pad; and

(D) The elimination of a required covered parking space in the R-1 zoning districts where the absence of the space is a legal nonconforming condition of an existing single-family use and where a parking space is not physically possible.

~~(9) Permitting of undocumented dwelling units, pursuant to PGMC 23.64.360.~~

(c) 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 the proposed project for compliance with the general plan, certified local coastal program, these regulations, and other applicable conditions and regulations.

(2) The ~~chief planner~~ **Director** issues a notice of administrative decision, pursuant to the procedures in PGMC 23.86.030, or determines that the permit application presents issues of sufficient public concern to warrant a public hearing and refers the application directly

to the appropriate hearing authority, pursuant to Table 23.70.012-1. The hearing authority decision may be appealed or called-up in accordance with Chapter 23.74 PGMC (Appeals and Call-Ups).

(3) If no written request for a hearing is received by the department within 10 days of the issuance of the notice of administrative decision, the action of the ~~chief planner~~ ***Director*** is final, and the appeal and call-up procedures in Chapter 23.74 PGMC (Appeals and Call-Ups) do not apply.

(d) Review Criteria. For architectural review projects, the criteria in PGMC 23.70.060(e) shall apply.

(e) Findings Required for Approval. Permit applications under this section shall be approved or approved with conditions, only if the review authority first makes all of the following applicable findings:

(1) Findings for All Staff Approvals Under This Section.

(A) The proposed development conforms to the applicable provisions of the general plan, the local coastal program, any applicable specific plan, and these regulations;

(B) The proposed development is located on a legally created lot;

(C) The subject property is in compliance with all laws, regulations, and rules pertaining to uses, subdivision, setbacks, and any other applicable provisions of this municipal code, and all applicable zoning violation enforcement and processing fees have been paid; and

(D) The proposed development is in compliance with all citywide permits, including, but not limited to, the National Pollutant Discharge Elimination System (NPDES) permit.

(2) Additional Findings for Administrative Architectural Permits and Architectural Design Changes.

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

(B) 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

(C) The ~~chief planner~~ **Director** has been guided by and has made reference to applicable provisions of the architectural review guidelines in making its determinations on single-family residences.

(D) Additional Findings for Exterior Alterations to Structures on the Historic Resources Inventory (HRI).

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

(ii) The exterior alteration of any structure on the historic resources inventory complies with Appendices I through IV of the Pacific Grove Architectural Review Guidelines.

(3) Additional Finding for Administrative 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.

(4) Additional Findings for Administrative Use Permits and Variances.

(A) The findings in PGMC 23.70.080(a)(4) shall apply to administrative use permits;

(B) Additional Finding for Administrative Use Permits for Fences, Deer Fences, and Garden Structures. The proposed fencing, and/or garden structure, will be in keeping with the neighborhood and will not obstruct views, air or light from the adjoining public street(s) without there being unique or exceptional circumstances of the property to warrant it; and

(C) The findings in PGMC 23.70.080(b)(4) shall apply to administrative variances.

(f) Effective Date of Decision. The decision shall become effective only when:

(1) The 10-day request for hearing period has expired, or the appeal period following a hearing authority decision has expired or, if appealed further or called up, after final action 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. 13-005 § 3, 2013; Ord. 13-003 § 20, 2013; Ord. 12-005 § 4, 2012; Ord. 11-001 § 2, 2011].

23.70.060 Architectural 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

(b) Establishment. The architectural 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 two members shall have experience in the building industry; **One member appointed from the general public shall demonstrate a special interest, competence, experience or knowledge in architecture or building material.** ~~The secretary of the planning commission shall serve as secretary to the board. The chief planner shall serve as an ex-officio member.~~

(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 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 review board is the decision-making authority for **structures not listed on the Historic Resources Inventory 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;~~

~~(47)~~ 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;

~~(58)~~ 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~~

(69) 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 23.72PGMC (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 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).

(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.

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.

- (4) 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.

(5) 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;~~

~~(45) 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.~~

(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 and for structures listed on the Historic Resources Inventory for the following permits per PGMC 23.76.080:

(A) 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);

(B) 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) (2)(A) through (E), and (D), (4), (5), and (6)(B);

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

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

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

(F) If referred by the Director 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:

(i) Administrative architectural permit;

(ii) Architectural design change; and

(G) Whenever otherwise required by this code.

(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~~ **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.

(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) **Historic Determination** 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) Architectural Permit Review Criteria. In carrying out the purposes of this chapter, the historic resources committee shall consider the evaluation criteria in PGMC 23.70.060.e.

(h) Findings Required for Approval. The historic resources committee shall determine from the application 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 committee 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;

(g) Effective Date of Approval. ~~Historic determinations~~ 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. 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.

“historic resources committee” means a 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 1927¹, 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, ***landscape architect, engineer, or architectural historian***, 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) Architectural and Historic permits for structures listed on the Historic Resources Inventory per PGMC 23.70.070;

(32) 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 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 uniquely 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 historic integrity ~~of the original design~~;

~~(j) Whether it contributes to the architectural aesthetics, and continuity of the street;~~

~~(k) 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 Historic Determination – 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 submittal of an Historic Determination application by 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 - Historic Preservation Permit.

Following notice of hearing (10 days' published and posted), the historic resources committee 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 historic resources committee ~~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~~" Architectural Review Guidelines, in particular Appendix I – Working with Buildings on the Historic Resources Inventory, 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~~ historical resources committee ~~review board~~ shall hold a public hearing to consider the application. The following information shall be provided to the historical resources committee ~~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~~ historical resources committee ~~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 historic 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 historic resources committee** 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~~ **historic resources committee** ~~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 historic 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.~~

SECTION 3. The City Manager is directed to execute all documents and to perform all other necessary City acts to implement effect this Ordinance.

SECTION 4. If any provision, section, paragraph, sentence, clause or phrase of this ordinance, or any part thereof, or the application thereof to any person or circumstance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance, or any part thereof, or its application to other persons or circumstances. The City Council hereby declares that it would have passed and adopted each provision, section, paragraph, subparagraph, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, paragraphs, subparagraphs, sentences, clauses or phrases, or the application thereof to any person or circumstance, be declared invalid or unconstitutional.

SECTION 5. In accord with Article 15 of the City Charter, this ordinance shall become effective on February 1, 2018 following passage and adoption hereof.

SECTION 6. PASSED AND ADOPTED BY THE COUNCIL OF THE CITY OF PACIFIC GROVE THIS 6th day of December, 2017, by the following vote:

AYES: Mayor Kampe, Councilmembers Cuneo, Fischer, Garfield, Huitt, Peake, and Smith.

NOES: None.

ABSENT: None.

APPROVED:


BILL KAMPE, Mayor

ATTEST:


SANDRA KANDELL, City Clerk

APPROVED AS TO FORM:

Heidi Quinn for

DAVID C. LAREDO, City Attorney