



## **Article 37. Historic Combining District (H)**

To preserve and protect buildings, landmarks and areas in the community that have historic or other significant value to the City because of their cultural, artistic, social, economic, political, architectural, engineering or other heritage. Such preservation would:

- A. Enhance public knowledge, understanding and appreciation of the City's past.
- B. Foster civic pride in the beauty and personality of the City.
- C. Enhance property values.
- D. Promote continued use of outstanding structures and increase the economic benefits of historic preservation.

### **Sec. 8-5.3701. Purpose**

The Historic Combining District (H) is established to implement the Historic and Archaeological Resources policies of the General Plan; to promote the preservation, rehabilitation, restoration, reconstruction, and protection of historic and cultural resources; to encourage and promote public knowledge, understanding, and appreciation of the City's history; to promote appreciation and use of historic resources; to encourage preservation of resources, which may potentially be considered eligible for historic preservation zoning; to promote public awareness of the benefits of preservation; and to encourage public participation in identifying and preserving historic resources, thereby increasing community pride and awareness of the City's cultural and historical heritage.

### **Sec. 8-5.3702. Definitions**

- (a) **Historic Building or Structure** – A building or structure that is located on property that has been recognized by the City Council by being rezoned to the Historic Combining District designation.
- (b) **Qualified Historical Property:**
  - 1. A property listed in the National Register of Historic Places or located in a registered historic district, as defined in Section 1.191-2(b) of Title 26 of the Code of Federal Regulations; or

2. A property listed in any state, city, county, or city and county official register of historical or architecturally significant sites, places, or landmarks.

(c) Qualified Professional – An individual meeting the Secretary of the Interior’s Professional Qualifications Standards (36 CFR Part 61 Appendix A) in history, architectural history, and historic architecture or an individual determined by the Development Services Director, or their designee, to have the necessary qualifications equivalent to the above standards based on demonstrated experience in history, architectural history, and historic architecture.

**Sec. 8-5.3703. Establishment of Historic Combining District Designation**

The Historic Combining District (H) classification may be combined with any other zoning district classification and can be applied to land to satisfy the purposes of this Ordinance pursuant to approval of a rezoning application. Requests to establish a Historic Combining District designation on a property shall be accomplished by submitting a rezone application to the Development Services Department together with the following information:

(a) Property owner(s) proposing to designate a property Historic Combining District shall submit the following information together with a rezone application to the Development Services Department:

1. A statement of the current and proposed usage of the property or site.
2. A site plan, drawn to scale, showing:
  - a. The boundaries of the property.
  - b. The location of all improvements on the site.
3. A statement explaining why the property should be designated for historic preservation and how it is intended to preserve the building or site.
4. Photographs depicting the historic building or structure.
5. Applications shall be accompanied by a fee as established by resolution by the City Council.

(b) Following the submittal of an application to rezone property to the Historic Combining District, the proposal shall be forwarded to the Historic Preservation Review Committee for review, consistent with Section 8-5.3708(b), to determine if the historic resource is a candidate for the Historic Combining District designation and what character defining features exist on the structure that should be preserved.

Rezone applications shall be processed as set forth in the Yuba City Municipal Code.

**Sec. 8-5.3704. Disestablishment of a Historic Combining District**

(a) Requests to rezone property from the Historic Combining District designation shall be accomplished by submitting a rezone application to the Development Services Department along with the following items:

1. A statement of the current and proposed usage of the property or site.
2. A site plan, drawn to scale, showing:
  - a. The boundaries of the property.
  - b. The location of all improvements on the site.
3. A report prepared by a qualified professional, detailing why the site, building, or structure is not or is no longer of cultural or historical significance to the history of Yuba City.
4. Photographs depicting the historic building or structure.
5. Applications shall be accompanied by a fee as established by resolution by the City Council.

Rezone applications shall be processed as set forth in the Yuba City Municipal Code.

#### **Sec. 8-5.3705. Development Standards**

(a) All uses and development standards which are permitted and applicable in the base district to which the Historic Combining District is applied, including uses which are only allowed by Use Permit, shall continue to be permitted or allowed by Use Permit providing it is demonstrated that those uses do not adversely affect the historic or cultural site or building involved.

(b) Towers, spires, chimneys, machinery penthouses, scenery lofts, cupolas, water tanks, and similar architectural structures may be built and used to a height not more than twenty-five (25) feet above the height limit established for the district in which the historic building or structure is located, provided, however, photographs or other documentation, acceptable to the Development Services Director, is submitted demonstrating that the architectural feature or structure in question was originally a part of the historic building or structure. The above height limitations shall be subject to laws and regulations of the State and Federal Government.

#### **Sec. 8-5.3706. Historic Preservation Incentive Program**

The City Council may provide incentives to properties designated Historic Combining District. The incentives shall be identified, and made available through a resolution approved by the City Council and modified from time to time, as the Council deems appropriate.

#### **Sec. 8-5.3707. Removal and Relocation Permitting Requirements**

Prior to the removal and/or relocation of a historic building or structure on property that is designated Historic Combining District, a Use Permit shall first be approved together with an appropriate environmental document by the Planning Commission.

Prior to relocating a historic building located on land designated Historic Combining District; a property owner shall first successfully rezone the property where the historic building

will be relocated to the Historic Combining District. In addition, the property owner shall secure all required permits necessary to transport the building on local roads and State Highways.

At the time the City considers rezoning a property to the Historic Combining District for the purposes of relocating a historic building to it, the City Council may consider removing the Historic Combining District designation from the property where the historic building will be relocated from. This action may be accomplished by filing a single rezone application to the Development Services Department that includes both properties that are to be considered.

#### **Sec. 8-5.3708. Historic Preservation Design Review Requirements**

(a) Applicability

Exterior modifications that require a building permit to a recognized historic building within the Historic Combining District shall be subject to Administrative Design Review to be evaluated by the Planning Department. Applications for Administrative Design Review shall be accompanied by a fee as established by resolution of the City Council and collected with Building Permit fees.

(b) Design Review Process

Applicants requesting a building permit on property that is designated Historic Combining District shall provide elevation views for all portions of the recognized historic structure that *is* subject to alteration. The elevation views shall clearly depict all proposed changes to the exterior of the historic building or structure.

Staff shall review the proposed alterations to a historic building or structure against the report prepared by a qualified professional at the time the historic building was rezoned to the Historic Combining District. In addition, the proposed alterations shall be reviewed against the Secretary of the Interior's Standards for the Rehabilitation of Historic buildings. Implementation of the Secretary of the Interior's Standards for the Rehabilitation of historic buildings shall not conflict with the permitted uses specified in the underlying zoning of the property. If architectural features identified as historically significant are proposed to be altered, all proposed changes shall maintain the character defining features as discussed or depicted in the report that has been previously prepared for the historic structure.

If after reviewing a proposal, staff determines that proposed changes to a historic building or structure, located on property that is zoned Historic Combining District, will maintain the character defining features of the historic building or structure, the Development Services Director, or their designee, may approve or conditionally approve the proposal.

If after reviewing a proposal, staff determines that proposed changes to a historic building or structure may not maintain the character defining features of the historic building or structure, the proposal shall be forwarded to the Historic Preservation Review Committee for review and determination.

**Sec. 8-5.3709. Historic Preservation Review Committee**

The Historic Preservation Review Committee shall consist of three persons, appointed by and serve at the pleasure of the City Council. In addition, three alternate Committee members shall be appointed by the City Council and serve in the absence of a regular Committee member. Committee members shall have knowledge of architecture, historic preservation, history, or a combination of knowledge determined by the City Council as acceptable for providing recommendations regarding historic preservation issues. A quorum shall consist of three Committee members being present.

(a) Committee action regarding historic structure modifications

If a quorum of Committee or alternate Committee members cannot be convened within a two-week period from the time a meeting is determined to be necessary, the Development Services Director, or their designee, may convene the meeting with those available Committee members. After reviewing the information and receiving input from the Committee members present, the Development Services Director, or their designee, shall determine proposed actions the applicant can take in order to maintain the character defining features of a historic structure and may approve or conditionally approve the proposal.

The Committee shall meet as necessary to review and provide determinations to applicants and staff regarding proposed changes to historic structures.

All pertinent information deemed necessary by the Development Services Director, or their designee, shall be supplied by the building permit applicant and forwarded to the Committee members by staff for review prior to Committee meetings.

The Committee shall review and discuss with the applicant and staff the issues associated with modifying a recognized historic structure. The Committee shall determine proposed actions the applicant can take in order to maintain the character defining features of a historic structure.

All determinations made by the Committee shall be transmitted to the property owner in writing. Any determination made by the Historic Preservation Review Committee, or the

Development Services Director, or their designee, shall be subject to appeal to the Planning Commission pursuant to the Yuba City Municipal Code.

(b) Committee action for application to the Historic Combining District

Prior to the submittal of an application to rezone property to the Historic Combining District, the proposal shall first be reviewed by the Historic Preservation Review Committee and a report shall be prepared by the Planning Department based upon the Committee's determinations.

The Committee shall meet as necessary to review and provide determinations detailing why a potential historic building or structure is a candidate for the Historic Combining District

designation and what the character defining features are of the historic building or structure that should be preserved.

A quorum of the Committee shall consist of three members being present and all Committee determinations shall be made by at least two of three Committee members.

Based upon the Committee's determination regarding why a historic resource is a candidate for the Historic Combining District designation and what the character defining features are of the building that should be preserved, Planning Department staff shall prepare a report of this information.

The report shall be transmitted to the property owner(s) in writing within 20 days of the date the Committee makes its determination. Any determination made by the Historic Preservation Review Committee shall be subject to appeal to the Planning Commission pursuant to the Yuba City Municipal Code.

#### **Sec. 8-5.3710. Historic identification plaques**

Notwithstanding any other provision of this Chapter to the contrary, non-illuminated historic identification plaques as approved by the Planning Commission not exceeding two (2) square feet in size are permitted to be installed on structures located on property that have been zoned to have the Historic Combining District designation.

#### **Sec. 8-5.3711. Appeals**

Decisions of the Development Services Director, Planning Commission, and Historic Preservation Review Committee may be appealed by an applicant or any aggrieved person. A person includes, but is not limited to, a City officer, as defined by California Government Code Section 24000.

#### **Planning Commission Action:**

After the conclusion of the public hearing on November 9, 2005, the Planning Commission voted unanimously to recommend that the City Council:

- A. Adopt the following finding:
  - 1. The amendment of Article 37 Historic Combining District (H) will help to preserve and protect buildings, landmarks and areas in the community that have historic or other significant value to the City because of their cultural, artistic, social, economic, political, architectural, engineering or other heritage.

Introduce an ordinance amending the Article 37 Historic Combining District of the Zoning Regulations as recommended in the attachment and waive the first reading.