

CITY OF SANTA ROSA
CITY COUNCIL

TO: MAYOR AND CITY COUNCIL
FROM: GABE OSBURN, DIRECTOR
PLANNING AND ECONOMIC DEVELOPMENT
SUBJECT: LANDMARK ALTERATION PROCESS IMPROVEMENTS AND
CULTURAL HERITAGE BOARD AND DESIGN REVIEW BOARD
CONSOLIDATION

AGENDA ACTION: ORDINANCE AND RESOLUTIONS

RECOMMENDATION

It is recommended by the Planning Commission and the Planning and Economic Development Department that the Council, by one ordinance and three resolutions: 1) introduce an Ordinance to address streamlining and process improvements for the Landmark Alteration Permit process and to consolidate the duties and composition of the Cultural Heritage Board and Design Review Board into a single Design Review and Preservation Board; 2) adopt a resolution to amend the Santa Rosa Design Guidelines to replace all references to the Cultural Heritage Board and Design Review Board with a reference to the Design Review and Preservation Board; 3) adopt a resolution to set a fee for the Director Level Landmark Alteration Permit application and provide for reduced Landmark Alteration Permit fees for all levels of homeowner submitted applications; and 4) adopt a resolution to amend Council Policy 000-06 to remove references to the Design Review Board and Cultural Heritage Board and add the Design Review and Preservation Board to Section H, requiring appointment of Board members by the full Council.

EXECUTIVE SUMMARY

In May 2018, the City Council adopted the Resilient City Development Measures Ordinance, which included streamlining measures for the Design Review process to help facilitate the development of housing, daycare facilities and lodging following the 2017 wildfires. Since that time, City staff has been analyzing the streamlined process to determine whether it could be applied to other entitlement processes. One such process that has not been reviewed since adoption of the current Zoning Code in 2004 is Landmark Alteration (LMA) Permits. The LMA Permit process provides for the review and permitting of renovations and rehabilitation of properties within the City's eight Preservation Districts and for designated landmarks. The City has also been reviewing its various boards, commissions and committees to determine if there could be

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consolidation to address City resources and redundancy amongst decision making bodies. As part of that process, staff has been reviewing the duties and composition of both the Cultural Heritage Board and Design Review Board for consideration of consolidating the two boards. On November 7, 2024, the Design Review Board held a Study Session and provided comments on the draft amendments. On December 12, 2024, the Planning Commission unanimously adopted a resolution recommending that the City Council amend the Zoning and Municipal Codes to streamline the LMA Permit process and consolidate the Cultural Heritage Board and Design Review Board duties and composition into a single Design Review and Preservation Board. As part of the proposed amendments, staff is also recommending that the Council amend the Design Guidelines to replace all references to the two existing Boards with the single reference to the Design Review and Preservation Board, and to amend Council Policy 000-06 to change the Board appointment from individual Council member appointments to appointment by the full Council. Finally, staff is recommending that the Council amend the City's Fee Schedule to add a fee for Director Level LMA Permits, and to consider reduced fees for homeowner submitted LMA Permits. The proposed changes have been designed to streamline the process and provide for enhancement of the City's preservation efforts.

BACKGROUND

1. Project Description

The proposed project includes recommendations to amend the Santa Rosa Municipal Code, the Processing Review Procedures for Owners of Historic Properties, the Santa Rosa Design Guidelines, and Council Policy 000-06 regarding Board appointments. The proposed amendments are two-fold: 1) streamline and enhance the LMA Permit process for properties located in the City's eight Preservation Districts and for properties designated as local landmarks; and 2) consolidate the Cultural Heritage Board and Design Review Board duties and composition into a single Design Review and Preservation Board, in order to provide a more streamlined process, enhance the City's preservation efforts, and better allocate City resources. The project also includes a recommendation to amend the City's Fee Schedule to add a fee for the proposed new Director Level LMA Permit application, and for Council to consider reducing fees for homeowner submitted LMA Permit applications, similar to the fee reductions provided to homeowners prior to the March 5, 2024 fee study and associated new development permit fee adoption.

2. Project History

On May 22, 2018, the City Council adopted Ordinance No. ORD-2018-012, adding Zoning Code Sections 20-16.060 through 20-16.110 related to, among other things, reduced review authority for certain uses and to provide for modifications and streamlining of the Design Review process.

Since May of 2018, City staff have been monitoring the reduced review authority and streamlined Design Review process to understand its impact on development, and how it might be expanded to other entitlement processes. As part of this consideration, staff received positive feedback on the streamlined process from developers through multiple roundtable meetings in 2022.

On January 30, 2024, the City Council held a study session to receive information, ask questions, and provide direction to City staff related to the City's draft Development Related Cost of Service Fee Study.

On March 5, 2024, the City Council adopted Resolution No. RES-2024-033, adopting new development related permit fees. As part of the resolution, Council adopted reductions to certain permit application fees, including appeals, affordable housing, downtown housing development of four units or greater, daycare facilities and grocery stores in designated "food deserts".

On July 1, 2024, the new development permit fee schedule went into effect, which included significant increases in LMA Permit fees.

On July 17, 2024, during a regular meeting of the Cultural Heritage Board, the Board Chair announced that he would be resigning due to concerns related to the increased LMA Permit fees and the fact that the Board had not been consulted about the proposed fee increases prior to Council taking action. Following the Chair's announcement, four of the remaining six Board members who were in attendance also announced their immediate resignations, citing the same concerns. The meeting was immediately adjourned due to lack of a quorum. Since that time, five Board members have provided written resignations to the City Clerk's Office. With only two remaining members, the Cultural Heritage Board is currently lacking a quorum to conduct business.

On November 7, 2024, the Design Review Board held a Study Session and provided comments on the proposed amendments.

On December 12, 2024, the Planning Commission held a public hearing and unanimously adopted Resolution No. PC-2024-027, recommending that the City Council adopt the proposed amendments.

PRIOR CITY COUNCIL REVIEW

See Project History section above.

ANALYSIS

1. General Plan

The [General Plan](#) addresses issues related to the physical development and growth of Santa Rosa and guides the City's planning and zoning functions. Element 11 of the 2035 General Plan is Historic Preservation. This element presents an overview of the prehistory and history of Santa Rosa and establishes goals and policies for identifying and preserving significant prehistoric and historic resources. Resources include buildings and neighborhoods of historic architectural significance, places of special historic or archaeological interest, and other features that have special value to the community.

The most relevant applicable General Plan goal and policy are provided below:

HP-B *Preserve Santa Rosa's historic structures and neighborhoods.*

HP-B-1 Ensure that alterations to historic buildings and their surrounding settings are compatible with the character of the structure and the neighborhood. Ensure that specific rehabilitation projects follow the Secretary of Interior's Standards for Rehabilitation to a reasonable extent, taking into consideration economic and technical feasibility.

There are only two references in the current General Plan 2035 to the Cultural Heritage Board, one related to the creation of the Board through the 1988 Historic and Cultural Preservation Ordinance (Municipal Code Chapter 17-22, which is discussed in the Zoning and Municipal Code Section below), and one in Policy HP-B-3, which states "*Establish priorities and pursue designating new landmarks and historic preservation districts, following study by the Cultural Heritage Board, to preserve historic areas.*" The first reference would not need to be amended as a result of the proposed changes, but the second reference should be changed to the Design Review and Preservation Board, if the proposed amendments are adopted by Council. However, because the City is in the process of comprehensively updating the General Plan, which is anticipated to be considered by Council in early 2025, and because a change to the Board reference in Policy HP-B-3 is minor and would not create an inconsistency for the purposes of processing LMA Permits, staff recommends that no changes be made to the current General Plan. Rather, staff recommends addressing any necessary changes in the proposed General Plan 2050 prior to Council action in 2025.

The proposed amendments to the Zoning and Municipal Codes and the Processing Review Procedures for Owners of Historic Properties are consistent with the General Plan 2035. Specifically, the City would continue to ensure that

proposed alterations and restorations of structures in the City's Preservation Districts, and of designated local landmarks, are done in a way that is compatible with the character of the structure and the surrounding neighborhood. With the proposed streamlined process, the City would continue to require that projects follow the Secretary of Interior's Standards for Rehabilitation, while ensuring that consideration is being made to the economic and technical feasibility of the changes. Further, because the proposed consolidation of the Cultural Heritage Board and Design Review Board into a single Design Review and Preservation Board would combine the duties and composition, rather than eliminating them, and would do so in a manner that would enhance the City's preservation efforts and create a more resource efficient process, the proposed change would remain consistent with the General Plan.

2. Zoning and Municipal Codes

The proposed amendments to the [Zoning Code](#) and [Municipal Code](#) have been developed to streamline the LMA Permit process, enhance the City's preservation efforts, reduce time and cost for property owners, and provide a more streamlined review authority process to better allocate City resources. Below is a summary of the proposed amendments:

A. **Landmark Alteration Permit Process Amendments**

As mentioned above, through the implementation of the reduced review authority and streamlined Design Review process adopted by Council in 2018, City staff have been evaluating the process for potential expansion to other entitlement processes. The LMA Permit process has not been reviewed or updated since the adoption of the current Zoning Code in 2004.

LMA Permits are required for any restoration, rehabilitation, alteration, development, construction, demolition, removal or change in the exterior appearance of any designated landmark, or any structure, building or significant feature within one of the City's Preservations Districts. The City has eight Preservation Districts: Burbank Gardens, Cherry Street, McDonald, Olive Park, Railroad Square, Ridgway, St. Rose and West End (see Attachment 5 for a District map). The City also has twenty-one (21) designated local landmarks (see Attachment 6), which is down from the original twenty-two (22) following the devastating loss of the Fountaingrove Round Barn in the 2017 wildfires.

The current LMA Permit process falls into the following three categories:

- 1) Exempt projects that do not require an LMA Permit;
- 2) Minor projects that require a Minor LMA Permit, and are reviewed by

the Zoning Administrator; and

- 3) Major projects that require a Major LMA Permit, and are reviewed by the Cultural Heritage Board.

The average processing times for Minor LMA Permits is approximately 3 months, with Major LMA Permits taking approximately 6 months. It should be noted that these timelines are estimates and can be longer based on project complexity, completeness of the application, applicant responsiveness to issues, and current City staff workload. Staff is recommending, similar to the streamlined Design Review process, that a fourth category be added to the LMA Permit process for Director Level review. Processing times for Director Level Design Review is approximately 4 to 8 weeks, and staff anticipates it would be similar for Director Level LMA Permits.

In addition to adding a Director Level review, staff is recommending that some of the projects that otherwise would be reviewed through the Major LMA process be reduced down to Minor LMA, and that many of the projects that otherwise would be reviewed at the Minor LMA level be reduced down to Director Level. While the process will be streamlined, the requirement for making the findings under Zoning Code Section 20-58.060(F) will still need to be met for all three levels, including ensuring consistency with the Secretary of the Interior's Standards for Treatment of Historic Properties. Finally, additional exemptions to the LMA Permit process are also recommended as part of the streamlining efforts.

Over the years, concerns have been raised by the Cultural Heritage Board, and others in the community, that not all owners of properties within the Preservation Districts were obtaining LMA Permits prior to making alterations to their properties. While the City understands the additional burden the LMA process has on homeowners in Preservation Districts, the process was designed to ensure that any changes to historic properties are done so in a manner that is consistent with the Secretary of the Interior's Standards for Treatment of Historic Properties and to preserve Santa Rosa's rich history. The intent of the proposed changes is not only to streamline the process, but also to enhance the City's preservation efforts by creating a process that is easier and more likely for property owners to follow.

The LMA process is included in Zoning Code Chapter 20-58, Historic and Cultural Preservation. The proposed changes to this Chapter are summarized below and included in their entirety in Attachment 1. Note that a historic resource survey/evaluation prepared by a qualified professional is not required for any of the following, unless requested by City staff as necessary based on the scope of the proposed project.

- 1) **Exemptions:** Amend the list of projects that are exempt from the LMA Permit process as follows. All exempt projects would be required to be consistent with the Secretary of the Interior's Standards for Treatment of Historic Properties. (Note: Proposed changes are identified in underline and strikeout format.)
- a. Repair, renovation or restoration involving the replacement of broken or damaged materials for structures identified as a contributor to a Preservation District, where original materials are proposed, and the repair, renovations or restorations do not include a change to the design of the structure. ~~Repairs of existing siding or trim materials that are determined by the Director to match the original design and materials.~~
 - b. Repair, renovation or restoration using similar materials for structures identified as a non-contributor to a Preservation District.
 - c. Repainting of previously painted exterior materials, even when it includes a color change, unless the repainting is for the purpose of creating signage for the building. Painting of previously unpainted exterior materials requires the approval of a Minor Landmark Alteration Permit, as identified in subsection (C)(2).
 - d. Installation of rain gutters or downspouts.
 - e. Installation of roof ventilators or skylights on areas of the roof that are not visible from the public right-of-way.
 - f. Installation of a window air conditioning unit, on a side or rear elevation only.
 - g. Demolition or removal of a non-historic building.
 - h. Re-roofing a ~~house~~ structure with materials determined ~~by the Director~~ to be similar to the original era, and that do not change the original roofline, except where original materials are no longer allowed by Building Code (e.g. asphalt or composition shingles in place of wood shingles).
 - i. Replacement windows and doors that ~~are determined by the Director to match the original design~~ location, size and configuration, and utilize the original materials to the era.

- j. Solar panels, and integral parts of the solar panel system including supporting posts or poles, not including proposed new structures, such as a carport or other similar structures proposed in conjunction with the solar panel system. If proposed solar panels would have the possibility of creating a life or safety issue, such as excessive glare to local residences, sensitive facilities (airport) or water resources, the solar panels shall require a Minor Use Permit or Conditional Use Permit depending on the severity of the issues.
 - k. ~~Modifications~~ Alterations or additions to structures that are identified as non-contributors to their respective Preservation District, if ~~changes~~ the alterations or additions are not readily visible from ~~other properties~~ the public right-of-way.
 - l. Installation of new landscaping and site features, including walkways and fences that are otherwise permitted by right and determined to be similar to the original era and/or consistent with similar features within the Preservation District.
 - m. Accessory dwelling units in compliance with Section 20-42.130.
- 2) **Director Level LMA:** Add a “Director Level” LMA Permit process for items that previously would have gone to the Zoning Administrator for Minor LMA consideration. All projects under Director Level LMA would be required to be consistent with the Secretary of the Interior’s Standards for Treatment of Historic Properties. (Note: Because this is a proposed new section, all of the items included below are underlined as “new”.)
- a. Non-Contributor: Any alterations or additions to a property identified as a non-contributor to a Preservation District when the alterations or additions are found to be compatible with the streetscape within the District. The applicant shall provide documentation through photographs, plans or other means to demonstrate compatibility with the streetscape.
 - b. Contributor: The following alterations or additions to a property identified as a contributor to a Preservation District:
 - i. Renovation or restoration involving the replacement of broken or damaged materials, where a change in design or materials is proposed.
 - ii. Minor modifications to structures, including, but not

limited to, changing a window to a door or a door to a window, or changing the location of existing windows and doors, that are not readily visible from the public right-of-way.

- iii. Additions to existing single-family residential, multi-family residential or non-residential structures involving less than 500 square-feet and that are not readily visible from the public right-of-way.
- iv. An accessory structure, less than 500 square-feet in size, located in the rear yard of a non-corner lot, or otherwise not readily visible from the public right-of-way, including a garage, carport, storage shed, or other small structure, in compliance with all other applicable requirements of this Zoning Code.
- v. New fences, or replacement fences proposed with different materials or a different design, that are otherwise permitted by right and determined to be similar to the original era and/or consistent with similar fences within the Preservation District.
- vi. Installation of roof ventilators or skylights, where visible from the public right-of-way.
- vii. Re-roofing a structure with materials other than the original era of the structure (e.g. tar and gravel roof), that do not otherwise qualify for an exemption.
- viii. Replacement windows and doors that utilize an alternative design and/or alternative materials that differ from the original design and materials.
- ix. Installation of new landscape design elements including small entryway trellises, decks, or other small structures (not including plants, trees, ground cover, at-grade hardscape, or fences).

- 3) **Minor LMA:** Amend the Minor LMA Permit process (Zoning Administrator level) to include alterations or additions to properties identified as a contributor to a Preservation District, which otherwise would have required a Major LMA Permit. All projects under Minor LMA would be required to be consistent with the Secretary of the Interior's Standards for Treatment of Historic Properties. (Note:

Proposed changes are identified in underline and strikeout format.)

- ~~a. Minor building renovation or restoration involving the repair or replacement of broken or damaged materials.~~
- ~~b. Alteration of or addition to the side or rear of a building in a location not readily visible from a public street.~~
- ~~c. Installation of roof ventilators or skylights, only on a side or rear elevation.~~
- ~~d. Installation of a new landscaping features and site features including fences, walkways, decks, etc.~~
- ~~e. An accessory structure, including a garage, carport, storage shed, or other small building, in compliance with all other applicable requirements of this Zoning Code.~~
- a. Painting of previously unpainted exterior materials (e.g. stone and brick), if it is found to have no impact to the structure or the surrounding Preservation District.
- b. Change to the historic roofline of a structure, if it is found to have no significant impact to the structure or the surrounding Preservation District.
- c. A fence taller than otherwise allowed by Section 20-30.060(C), Fences, Walls, and Screening. Where a Minor Use Permit is required for additional fence height pursuant to Section 20-30.060(D), only a Minor Use Permit application shall be required; a second application for a Landmark Alteration Permit shall not be required.

While only a Minor Use Permit application and associated fees are required, all findings required for both approval of a Minor Landmark Alteration Permit by Section 20-58.060(F) and approval of a Minor Use Permit for additional fence height by Section 20-30.060(D) shall be met, and, if approved, both permits shall be issued.

Note: The purpose of requiring one application and fee, rather than two, is to reduce redundancy of the application materials and lower the permitting costs for applicants. Utilizing the application for a Minor Use Permit for additional fence height rather than an application for a Minor LMA Permit will align the

application cost with what similar fences in non-Preservation Districts are charged. The language requires that the findings for both entitlements be met, which will ensure that both the increased fence height and historic preservation are analyzed.

- d. Removing or enclosing an existing porch or adding a new porch on the front elevation, if it is found to have no significant impact to the structure or the surrounding Preservation District.
- e. Minor modifications to structures, including, but not limited to, changing a window to a door or a door to a window, or changing the location of existing windows and doors, that do not otherwise qualify for a Director Level Landmark Alteration Permit.
- f. Additions to existing single-family residential structures involving less than 500 square-feet that are readily visible from the public right-of-way.
- g. Additions to existing non-residential or multi-family residential structures involving between 500 and 5,000 square-feet.

Note: This recommended change, with a threshold of 5,000 square-feet, is not consistent with Zoning Code Section 20-52.030, Design Review, which allows Minor Design Review for additions and new construction of non-residential and multi-family structures of up to 10,000 square-feet to be reviewed by the Zoning Administrator. However, given the potential impact of larger structures on the Preservation Districts and local landmarks, it was determined that the smaller threshold would be appropriate.

- h. The development of new non-residential or multi-family residential structures involving between 500 and 5,000 square-feet.
 - i. The construction of a new primary single-family dwelling.
- 4) **Major LMA:** Amend the Major LMA Permit process (Design Review and Preservation Board level – previously Cultural Heritage Board) to include substantial projects, including the following alterations or additions to properties identified as contributors to a Preservation District. All projects under Major LMA would be required to be consistent with the Secretary of the Interior's Standards for Treatment

of Historic Properties. (Note: Proposed changes are identified in underline and strikeout format.)

- ~~a. Major renovation or restoration involving an entire façade or building.~~
 - ~~b. Substantial alterations to an existing structure that do not match the original design.~~
 - ~~c. Removing or enclosing an existing porch or adding a new porch.~~
 - ~~d. Substantial additions, for example, adding a second story to a one-story house.~~
 - ~~e. The construction of a new primary dwelling.~~
 - f. Demolition or removal of an existing historic building.
 - ~~g. A fence that also requires a Conditional Use Permit or Variance;~~
 - ~~h. A project involving historic resources that will be approved by the Design Review Board or Commission.~~
 - i. Additions to existing single-family residential structures involving 500 square-feet or greater that are readily visible from the public right-of-way, including second-story additions to a one-story house.
 - j. Additions to existing non-residential or multi-family residential structures of 5,000 square-feet or greater, or smaller projects that have been found inconsistent with the Secretary of the Interior Standards for Treatment of Historic Properties.
 - k. The construction of new non-residential or multi-family residential structures of 5,000 square-feet or greater, or smaller projects that have been found inconsistent with the Secretary of the Interior Standards for Treatment of Historic Properties.
- 5) **Design Review:** Replace, in its entirety, Zoning Code Section 20-58.060(C)(4) with the following:

“For projects that also require Design Review pursuant to Section 20-52.030, Design Review, a separate application for Design Review shall not be required; only a Landmark Alteration Permit application shall be required. However, all findings required for both approval of a Landmark Alteration Permit by Section 20-58.060(F) and approval of Design Review by Section 20-52.030(I) shall be met, and, if approved, both permits shall be issued.”

This proposed change is designed to reduce the burden on properties located within Preservation Districts by only requiring the submittal of one application form for projects that are also subject to Design Review, rather than requiring two application forms and two associated application fees. However, while only one application form and one fee would be required, all findings associated with both entitlements (Design Review and LMA) would still need to be met, and both permits would be issued. Such a change will reduce the permitting costs to the applicant and is appropriate given the proposed consolidation of the Cultural Heritage Board and Design Review Board into a single Design Review and Preservation Board.

- 6) **Public Notification of Director Level Decision:** Add Zoning Code Section 20-58.060(D)(3) to require notification to property owners within 300 feet of the subject site, at least 10 calendar days prior to taking action on a proposed Director Level LMA Permit, and to clarify that no public meeting or hearing shall be required for Director Level review.
- 7) **Appeals:** Add “Director” to the list of decision makers for which an appeal can be submitted, in compliance with Zoning Code Chapter 20-62 (Appeals), based on decisions related to Landmark Alteration Permits.
- 8) **Trees:** Add Section 20-58.110, Trees, which is currently located in Municipal Code Title 17, Chapter 17-22 (see note below for explanation).
- 9) **Definitions:** The following sub-definitions were added to Zoning Code Section 20-70.020(H), Definitions of Specialized Terms and Phrases, to the existing definition of “Historic and Cultural Preservation”: addition, alteration, architectural details, character defining features, decorative features, landmark, preservation district, qualified professional, renovation, restoration, and streetscape.

Note: In addition to the changes proposed to Chapter 20-58 (described above), staff is also recommending that Municipal Code Chapter 17-22,

Historic and Cultural Preservation, be eliminated and replaced with references as to where to find the regulations, procedures and review authority information related to historic and cultural preservation in Chapter 20-58.

Chapter 17-22, which was adopted in 1988 and last updated in 1996, includes, nearly verbatim, the Code language included in Zoning Code Chapter 20-58 (Historic and Cultural Preservation) and Zoning Code Section 20-60.070 (Cultural Heritage Board). Staff believes that when the current Zoning Code was comprehensively updated in 2004, and Chapter 20-58 and Section 20-60.070 were added, Municipal Code Chapter 17-22 was inadvertently retained in the Code.

It should be noted that, while the majority of Chapter 17-22 was incorporated into Chapter 20-58 and Section 20-60.070, there were a few sections of Chapter 17-22 that were not included. These include the language outlining the reasons for the creation of the chapter (in the “Purpose” section) and Section 17-22.144 related to trees. As such, as part of the proposed amendments, staff is recommending that those sections be added to Chapter 20-58. With that, Staff finds that there is no need for the redundancy, and that the appropriate location for these regulations is in Zoning Code Chapters 20-58 and 20-60.

B. Cultural Heritage Board and Design Review Board Consolidation

The City has been reviewing its various boards, commissions and committees to determine if there could be consolidation to address City resources and redundancy amongst the decision making bodies. As part of that process, staff has been reviewing the duties and composition of both the Cultural Heritage Board and Design Review Board. As detailed in the analysis below, staff finds that creating a single Board that would be charged with reviewing both Design Review and Landmark Alteration Permit applications would create a more streamlined process and would be better equipped to ensure both superior design of new development and the preservation of Santa Rosa’s historic character.

Between January of 2019 and July of 2024, staff found that the Cultural Heritage Board held 36 regular meetings, 7 joint meetings with the Design Review Board, and canceled 99 of their regular meetings, either due to lack of items or a lack of a quorum of the Board. In that same time period, the Cultural Heritage Board took action on a total of 15 Major LMA Permits and provided comments on 16 Concept LMA items. This information is broken down by year in the following table:

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	CHB Meetings Canceled	CHB Meetings Held	Joint CHB/DRB Meetings Held	Major LMAs Acted On	Concept LMAs Reviewed
2019	16	8	3	4	6
2020	21	4	3	3	2
2021	17	7	0	4	1
2022	18	5	1	2	5
2023	17	8	0	1	1
2024 <i>(through July)</i>	10	4	0	1	1
TOTAL	99	36	7	15	16

It should also be noted that, while Zoning Code Section 20.60.070(B), Cultural Heritage Board – Qualifications, lists the desirable composition of the Board, most of the qualifications were not being satisfied by the current Cultural Heritage Board. Specifically, the Zoning Code currently states the following with regard to desired qualifications:

- It is desirable, but not required, that Cultural Heritage Board members be qualified as follows:
 - ✓ One member who is a licensed architect;
 - ✓ One member who is a licensed general contractor;
 - ✓ One member who is a licensed structural engineer or civil engineer; and
 - ✓ One member who is a practicing archaeologist, architectural historian, or historian.
- All members should have a demonstrated knowledge or interest in the history and architectural and cultural development of the City and be interested in the preservation of historic sites and structures. Members shall have additional qualifications as the Council may require by resolution.

In past years the Cultural Heritage Board has maintained members who held licenses as architects, general contractors, and/or were practicing archaeologists or historians. However, while the current Board, prior to the written resignation of five members, did demonstrate either knowledge or interest in the history and preservation of historic structures, there were no members who held any the aforementioned licenses or were practicing archaeologists or historians.

Due to the limited amount of Major LMA Permits that the Cultural Heritage Board has acted on and the number of meetings that have been canceled

since 2019, as well as the limited expertise on the current Board, staff is recommending that the duties and composition of both the Cultural Heritage Board and the Design Review Board be consolidated into a single Design Review and Preservation Board.

Specifically, staff is recommending that Zoning Code Section 20-6.060, be amended as follows:

- i. Change the name of the “Design Review Board” to the “Design Review and Preservation Board”, and clarify that the new Board, in addition to their Design Review duties, shall serve as the City’s historic and cultural preservation review authority.
- ii. Amend Section 20-60.060(B) as follows, including striking the language that states “it is desirable, but not required” and clarifying that the following Board member qualifications are required (note: proposed changes are identified in underline and strikeout format):
 - ~~Up to four~~ At least two members shall be licensed architects.
 - ~~Up to two~~ At least one members shall be a licensed landscape architects or licensed landscape contractors, or shall have a college degree or applicable professional experience in the field of landscaping.
 - ~~One member shall be a licensed engineer.~~
 - At least one member shall be an archaeologist, architectural historian, or historian.
 - ~~One~~ The remaining members shall be ~~a~~ representative of the community at large, preferably involved in the design, construction, civil or structural engineering, and/or historic preservation industry ~~or having demonstrated interest in the quality of architectural design in the community.~~
 - All members shall demonstrate knowledge or interest in the quality of architectural design and historic preservation of the City.
- iii. Add the duties related to historic and cultural preservation to the Board’s listed duties.

As part of the proposed amendments, all existing references to the “Cultural Heritage Board” or “CHB” and the “Design Review Board” or “DRB”

throughout both the Zoning and Municipal Codes are proposed to change to “Design Review and Preservation Board” or “DRPB”.

Below are two points of consideration regarding the proposed consolidation of the Boards:

- For many years, the City has been considering applying to the California State Parks Department to be a Certified Local Government (CLG). Through the CLG Program, the State awards federal grants annually to local governments to assist with historic preservation programs. While pursuing the CLG certification has not been identified as a priority in past years, in preparing the recommended amendments, staff wanted to ensure that any changes would not negatively impact the City’s ability to be eligible for certification in the future. The proposed amendments to the LMA Permit process would not have any impact on the City’s CLG eligibility. While the proposed change to the Cultural Heritage Board could impact the CLG eligibility, staff has recommended language that would address the potential impact, as detailed below.

In reviewing the eligibility requirements for the CLG Program, the State requires that a jurisdiction “establish an adequate and qualified historic preservation review commission by local law”. The requirement clarifies the following with regard to the commission:

- ✓ “The commission shall include a minimum membership of five (5) individuals with all members having demonstrated interest, competence, or knowledge in historic preservation.”
- ✓ “At least two (2) commission members are encouraged to be appointed from among professionals in the disciplines of history, architecture, architectural history, planning, pre-historic and historic archeology, folklore, cultural anthropology, curation, conservation, and landscape architecture or related disciplines, such as urban planning, American studies, American civilization, or cultural geography, to the extent that such professionals are available in the community. Commission membership may also include lay members who have demonstrated special interests, competence, experience, or knowledge in historic preservation.”
- ✓ “A local government may be certified without the minimum

number or types of disciplines established in state procedures if it can be demonstrated to the satisfaction of the state that it has made a reasonable effort to fill those positions, or that some alternative composition of the commission best meets the needs of the protection of historic properties in the local community.”

The proposed language that would be added to the new Design Review and Preservation Board qualifications would meet the criteria noted above. As such, the City would retain its eligibility for a potential future application to the CLG Program.

- The current make-up of the Design Review Board, which does not have any vacancies at this time, includes two licensed architects and two landscape architects, one of whom is currently a practicing land use Planner. While the current make-up of the Cultural Heritage Board, which currently has five vacancies, does not include any members with the required licenses or professional qualifications, although the two existing members would check the box for having an interest in historic preservation. As such, if the City Council adopts the proposed amendments as drafted, staff would recommend that the application process for the new Design Review and Preservation Board be opened up to all current members of both Boards, as well as members of the public. Applicants, including the current Board members, would need to fill out a new application demonstrating their qualifications based on the updated criteria. Once verified, the applications would be provided to the City Council for appointment to the newly created Board (see subsection 5 of this staff report, below, for proposed changes to Council Policy 000-06 regarding appointments to the new Board).

Draft language has been added to Zoning Code Section 20-60.060(B) specifying that the full membership of the Design Review and Preservation Board shall be in compliance with the stated qualifications on or before February 28, 2026, which would be approximately one year from Council adoption, if approved. This timeframe would allow for the recruitment and application review process.

3. Processing Review Procedures for Owners of Historic Properties

The Processing Review Procedures for Owners of Historic Properties was adopted by the City Council in January 2001, and was intended to assist owners, designers and citizens in the preservation of Santa Rosa’s historic resources.

The stated purpose of the document is to explain to property owners what approvals are required from the City before changes to historic properties can be undertaken.

Because the document has not been updated since its adoption 24 years ago, the information provided is outdated. In particular, the sections related to the California Environmental Quality Act (CEQA), procedures for review and approval, frequently asked questions, the Secretary of the Interior's Standards for Treatment of Historic Properties, and the LMA application form all need updating. These updates would be in addition to any changes adopted as a result of the current recommended process improvements and Board consolidation.

As stated, the purpose of the Processing Review Procedures is to provide information regarding the review and approval process for changes to historic properties; it was not intended to be a policy or regulatory document. In order to allow for updates as necessary, staff is recommending that language be added to the end of Zoning Code Chapter 20-58, that would authorize the Director of Planning and Economic Development to make any necessary edits to the document to ensure consistency, current practice/information, and that such amended procedures would supersede the procedures adopted by the City Council in 2001. Proposed edits to the Processing Review Procedures document are identified in Attachment 2 to this staff report.

4. Design Guidelines

The Santa Rosa Design Guidelines were adopted in September 2002, and last updated in September 2012. The purpose of the Guidelines is to provide a clear set of design policies to project applicants, including developers, property owners, architects and designers, in order to implement the goals and policies of the General Plan and promote "superior design" within the City of Santa Rosa.

There are several locations within the Design Guidelines document that refer to the City's Design Review Board and Cultural Heritage Board. With the proposed consolidation of the two Boards into a single Design Review and Preservation Board, staff is recommending that all references in the Design Guidelines be replaced with the new, single Board name.

5. Council Policy 000-06

City Council Policy 000-06, Appointments to Boards/Commissions/Committees, which was first adopted in March 1976 and updated most recently in December 2024, outlines the procedures for the Council to appoint members to the City's various boards, commissions and committees. Subsections 'G' and 'H' identify which members are appointed by individual Council members and which are appointed by the full Council.

Currently, appointment to both the Design Review Board and Cultural Heritage Board is done by individual Council members. However, given the proposed Board consolidation, as well as the specific required qualifications of certain members of the new Board, staff recommends that Council Policy 000-06 be amended to require appointment by the full Council, rather than individual Council members, to ensure that all positions are filled as required by Municipal Code Section 20-60.060(B).

6. Landmark Alteration Permit Fees

On January 30, 2024, the City Council held a study session related to the City's draft Development Related Cost of Service Fee Study. During the presentation, existing subsidies for development related permit fees were identified, including for homeowner submitted LMA Permits, which, at that time, were subsidized by between 87% and 95% for projects submitted by a homeowner (based on the full cost recovery fees). However, the direction provided for reductions in the proposed new permit fees did not include reductions for LMA Permits.

On March 5, 2024, the City Council held a public hearing and adopted Resolution No. RES-2024-033 related to development permit fees. As part of the resolution, Council adopted reductions to certain permit application fees, as noted in the table below:

PERMIT TYPE	FEE REDUCTION
Building Permits – Mechanical, Plumbing, Electrical	25% of published rate
Encroachment Permits – Residential Sidewalk Replacement	50% of published rate
Planning Appeal Fees – Neighbor/Non-Applicant	90% of published rate
Daycare Facilities	50% of published rate
Grocery Store <i>Within the Downtown Station Area Boundary or within a Food Deseret designated by the U.S. Department of Agriculture (USDA).</i>	50% of published rate
Housing Projects of 4 units or Greater in the Downtown Station Area	50% of published rate
Affordable Housing Projects <i>100% affordable housing projects citywide, at an affordability level of 60% or less of AMI.</i>	50% of published rate

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A fee reduction for LMA Permits was not included in the above list. However, given the concerns raised by the community, the Cultural Heritage Board, Design Review Board and Planning Commission, staff is bringing consideration of a fee reduction for homeowner submitted LMA Permits back to Council.

As noted in the Zoning and Municipal Code Section of this staff report, above, concerns have been raised over the years by the Cultural Heritage Board, and others in the community, that not all owners of properties within the Preservation Districts obtain LMA Permits prior to making alterations to their properties. As a way to address the additional burden of obtaining an LMA Permit, the City has historically provided reduced the fees for homeowner submitted LMA Permits. The table below includes the LMA Permit types, associated fees for homeowners prior to the recent fee increase, the current cost of LMA Permit fees, as well as two options for reductions (note: the fees for non-homeowners were not previously subsidized, and are not proposed for a reduction at this time):

PERMIT TYPE <i>Homeowner Submitted Only</i>	PRIOR FEE (1/2024) <i>87% to 95% Reduction</i>	AFTER FEE UPDATE (7/2024) <i>Full Cost Recovery</i>	OPTION 1 Match Other Reductions <i>50% Reduction</i>	OPTION 2 Match Prior LMA Reduction <i>92% Reduction (average)</i>
Concept LMA	no charge	\$605	\$302.50	no charge **
Director LMA	N/A	\$827 *	\$413.50	\$66.16
Minor LMA	\$426 <i>(95% reduction)</i>	\$8,830	\$4,415.00	\$706.40
Major LMA	\$1,041 <i>(94% reduction)</i>	\$17,762	\$8,881.00	\$1,420.96
Amendments to Minor LMA	\$213 <i>(92% reduction)</i>	\$2,515	\$1,257.50	\$201.20
Amendments to Major LMA	\$521 <i>(87% reduction)</i>	\$4,069	\$2,034.50	\$325.52

* New fee for proposed Director Level LMA Permit - matches Director Level Design Review fee.

** Prior to the fee update that went into effect on 7/1/2024, there was no charge for a homeowner submitted Concept LMA, which is reflected in Option 2.

Given the additional burden placed on homeowners in the City's Preservation Districts, as well as to designated landmarks, coupled with the City's goals of preserving and enhancing the historic character of Santa Rosa, staff is recommending that the Council approve the fee reductions identified in Option 2 above. Reducing homeowner submitted LMA Permit fees by 92%, which was the average subsidy provided prior to the March 5, 2024 development permit fee adoption, would bring the fees back down to the levels they were previously. The fees as proposed would reflect the City's preservation goals, ensure participation in the LMA Permit process, and to promote the cultural welfare of the community's history.

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As noted above, a new fee is proposed for the Director Level LMA Permit, which does not currently exist. Staff is recommending that the Director Level fee, prior to a potential subsidy, match the existing Director Level Design Review fee, which is a similar process, requiring a similar amount to staff time. While the newly developed Director Level LMA Permit will provide a streamlined and reduced cost process for many of the improvements that previously would have required a Minor LMA Permit, staff finds that reducing the cost of permitting by 92% across all homeowner submitted LMA Permit levels would be consistent with the City's goals of promoting preservation.

FISCAL IMPACT

There is no fiscal impact related to adoption of the proposed amendments to the Zoning and Municipal Code, Processing Review Procedures for Owners of Historic Properties, Design Guidelines, or Council Policy 000-06. However, the proposed reductions to the LMA Permit fees would impact the revenue for development services.

The current LMA Permit fees provide for full cost recovery of staff time in reviewing and processing LMA Permit applications. The proposed fee reduction would provide a subsidy for homeowner initiated LMA Permits of 92%, similar to the subsidy provided prior to the March 5, 2024 fee adoption, which would be covered by the General Fund.

The table below details the number of homeowner initiated LMA Permits submitted in the last five years, along with the revenue collected from the those fees. Between January 2019 and June 2024, a total of 58 LMA Permit applications were submitted by homeowners, which has resulted in permit fees totaling \$29,748. Between July 1, 2024, when the new fees went into effect, and December 31, 2024, two Minor LMA Permit applications were submitted, totaling \$17,660.

Homeowner Submitted LMA Permits 2019 - 2024

	2019	2020	2021	2022	2023	1/2024 to 6/2024 *	7/2024 to 12/2024 *
Concept LMA Permits	4	0	1	4	1	1	0
Fees	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Minor LMA Permits	15	5	10	9	6	2	2
Fees	\$5,495	\$1,871	\$3,780	\$3,567	\$2,505	\$852	\$17,660
Major LMA Permits	3	4	1	1	0	0	0
Fees	\$3,600	\$5,594	\$952	\$1,532	0	0	0
TOTAL FEES	\$9,095	\$7,465	\$4,732	\$5,099	\$2,505	\$852	\$17,660

** The new Permit Fee Schedule went into effect on 7/1/2024, so the permits and fees for the 2024 calendar year have been broken out to reflect the permits and fees collected before and after that date.*

As demonstrated, the revenue difference between full cost recovery and the prior

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subsidy is significant. However, these applications make up a small fraction of total Planning applications submitted to the City each year (see table below). Therefore, the impact on the General Fund would be minimal. It should also be noted that, with the proposed streamlining measures included in the Zoning Code amendment, the impact on staff time in reviewing LMA Permits will be reduced, further limiting the ultimate impact on the General Fund.

	Total Submitted Planning Permit Applications	Submitted Homeowner LMA Permit Applications	Percent of Total Applications
2019	606	22	3.6%
2020	405	9	2.2%
2021	502	12	2.4%
2022	448	14	3.1%
2023	384	7	1.8%
2024	403	5	1.2%

ENVIRONMENTAL IMPACT

The proposed amendments to the Zoning and Municipal Codes, Design Guidelines, Processing Review Procedures for Owners of Historic Properties, and Council Policy 000-06 have been reviewed in compliance with the California Environmental Quality Act (CEQA) and it has determined that the proposed action is exempt from CEQA pursuant to CEQA Guidelines section 15331 in that the amendments apply to projects for the maintenance, repair, stabilization, rehabilitation, restoration, preservation, conservation or reconstruction of historical resources and specifically require consistency with the Secretary of Interior's Standards for the Treatment of Historic Properties. The proposed action is also exempt from CEQA under CEQA Guidelines Section 15061(b)(3) because it can be seen with certainty that there is no possibility that these amendments or their implementation would have a significant effect on the environment, and is further exempt pursuant to CEQA Guidelines Section 15308 as a regulatory process involving procedures to ensure the maintenance, restoration, enhancement or protection of the environment. Specifically, while the proposed amendments identify projects that are exempt from requiring an LMA Permit, create an LMA Director Level process, and reduce the review authority of certain projects from Major LMA to Minor or Director Level, all levels, including exempt projects, are required to maintain consistency with the Secretary of the Interior's Standards for the Treatment of Historic Properties. In addition, any proposed changes to a property located within the City's Preservation Districts, or any change to a designated landmark, would remain subject to the City's LMA Permit process, unless explicitly exempt, and would continue to require its own CEQA review for any proposed changes to a historic or potentially historic structure.

BOARD/COMMISSION/COMMITTEE REVIEW AND RECOMMENDATIONS

Design Review Board:

On November 7, 2024, the Design Review Board held a study session and provided comments on the proposed amendments. The following summarizes the comments provided by the Board:

- The Board generally supported the proposed streamlining of the LMA Permit process.
- Board members raised concerns regarding the proposed consolidation of the Cultural Heritage Board and Design Review Board, which included the following comments:
 - Combining the duties of the two Boards may be too much for a single Board and might be difficult to recruit Board members if they are combined.
 - If the Boards are combined, consideration should be given to adding more members than the current seven-member Board, to ensure that the necessary professionals can be represented.
 - Licensed architects and designers need to be a requirement for at least half of the members, not “desired”. The Board is not effective without professionals on it.
 - A licensed historic preservationist should be required, or consideration should be made to having a consultant historic preservationist on call for meetings when LMA Permits are presented.
 - Maintaining some non-licensed professionals on the Board is important to bring a needed alternative perspective.
 - Emphasis on the need for training for both Board and staff members in historic preservation for the new Board.
 - Consider reducing the LMA Permit fees.

In response to the comments provided, the proposed composition of the Design Review and Preservation Board was revised to require two licensed building architects, one licensed or professional landscape architect/designer, and one practicing archeologist, architectural historian or historian. In looking at the size of the Board, as well as the

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size of other City boards, commissions and committees, the majority of which are seven members, staff's recommendation is to retain the seven-member board. With regard to training, the Planning Division maintains a training budget for both City staff and Board/Commission members, which is re-evaluated each fiscal year, but has remained a priority to ensure that both staff and Board/Commission members are provided with essential training.

Planning Commission:

On December 12, 2024, the Planning Commission held a public hearing and unanimously adopted Resolution No. PC-2024-027, recommending that the City Council adopt the proposed amendments as drafted. The Commission agreed with the Design Review Board and the community that the Council should consider reducing the fees for homeowner submitted LMA Permits. Given the proposed changes to requiring certain qualifications for members of the consolidated Design Review and Preservation Board, the Commission also stated a preference for amending Council Policy 000-06, regarding Board and Commission appointments, to require that the full Council appoint members to the Board, rather than individual Council appointments. The Commission also agreed that training for staff and the new Board should be prioritized.

The only requested change to the draft ordinance language was a suggestion to add a definition of "qualified professional" for historic surveys/evaluations, which has been added to the attached documents.

NOTIFICATION

Pursuant to Zoning Code Section 20-66.020(D), Alternative to Mailing, if the number of property owners to whom notice would be mailed would exceed 1,000, the City may, as an alternative to mailing and on-site posting, provide notice by placing an advertisement of one-eighth page in at least one newspaper of general circulation 20 days prior to the hearing. There are a total of 1,647 properties located within the City's eight Preservation Districts, in addition to the twenty-one (21) designated local landmarks, which would result in well over 2,000 mailings to both property owners and individual tenants. Therefore, a one-eighth page advertisement was placed in the Press Democrat. The notice was also sent out via GovDelivery email to those who have subscribed to the Cultural Heritage Board (1,070 subscribers) and Design Review Board (1,174 subscribers) mailing lists, through the City's various social media sites, and was posted at City Hall and the City and project websites. Pursuant to Government Code Section 65091, where necessary, the City has incorporated notice procedures to the blind, aged, and disabled communities. These procedures include audio amplifier/assistive listening device support at public meetings, closed captioning, and optical character recognition conversion of electronic notices.

PUBLIC COMMENT

A project website was created that includes background information on the proposed amendments, links to the draft amendments to the Zoning and Municipal Codes and Processing Review Procedures for Owners of Historic Properties, a schedule of public meetings, and City staff contact information. In addition to the Study Session held by the Design Review Board, City staff has met with former members of the Cultural Heritage Board and members of the community.

To date, the comments received from the community have been in general support of the proposed LMA Permit streamlining, as well as the consolidation of the two Boards into a single Board. However, with both the consolidation and creation of a Director Level LMA process, training in historic preservation for both the Board and City staff has been stated as essential to ensuring that both have the necessary knowledge and understanding to act on LMA Permits. Overwhelmingly, the community is united in requesting that the LMA Permit fees be reduced back down to the previous subsidized fees for homeowners.

In addition to the general comments received, staff has received specific recommended changes by two members of the community. Following a thorough review, many of requested changes were incorporated into the draft amendments, while others are already addressed either in the Code or in City practice or policy.

At the December 12, 2024 Planning Commission meeting, several members of the community spoke positively about the process and the changes that have been incorporated into the proposed amendments to address concerns raised.

ATTACHMENTS

- Attachment 1 – Draft Amendments to the Zoning and Municipal Code (underline/strikeout format)
- Attachment 2 – Draft Amendments to the Processing Review Procedures for Owners of Historic Properties (underline/strikeout format)
- Attachment 3 – Draft Amendments to the Design Guidelines (underline/strikeout format)
- Attachment 4 – Draft Amendments to Council Policy 000-06 (underline/strikeout format)
- Attachment 5 – Map of Preservation Districts
- Attachment 6 – List of Designated Landmarks
- Attachment 7 – Fee Schedule, dated January 1, 2025
- Attachment 8 – Final Design Review Board Minutes, dated November 7, 2024
- Attachment 9 – Draft Planning Commission Minutes, dated December 12, 2024
- Attachment 10 – Planning Commission Resolution No. PC-2024-027

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- Attachment 11 – Community Comments
- Ordinance
- Resolution 1 – Design Guidelines
- Exhibit A (Resolution 1) – Design Guidelines
- Resolution 2 – Fees
- Exhibit A (Resolution 2) – Development Services Fee Reductions
- Resolution 3 – Council Policy 000-06
- Exhibit A (Resolution 3) – Council Policy 000-06

PRESENTER

Jessica Jones, Deputy Director – Planning