

ORDINANCE NO. 2897

AN ORDINANCE OF THE CITY OF SANTA ROSA AMENDING CHAPTER 17-22 OF THE SANTA ROSA CITY CODE RELATING TO THE IDENTIFICATION AND PRESERVATION OF HISTORIC AND OTHER CULTURALLY IMPORTANT PLACES AND AREAS WITHIN THE CITY.

THE PEOPLE OF THE CITY OF SANTA ROSA DO ENACT AS FOLLOWS:

Section 1. Subsection A(2) of section 17-22.025 of the Santa Rosa City Code is amended to read as follows:

"(2) Recommend designations of landmarks and preservation districts to the City Council pursuant to the provisions of this chapter and as to each recommended designation:

(a) Recommend the environmental determination that should be made for the designation.

(b) Recommend the determination that should be made with respect to the designation's consistency with the General Plan."

Section 2. Section 17-22.030 of the Santa Rosa City Code is amended to read as follows:

"17-22.030 Landmark. A landmark is any site, including significant trees or other significant permanent landscaping located thereon, place, building, structure, street, street furniture, sign, work of art, natural feature or other object having a specific historical, archaeological, cultural, or architectural value in the City and which has been designated a landmark by the City Council."

Section 3. Section 17-22.042 of the Santa Rosa City Code is amended to read as follows:

"17-22.042 Decision of Board.

A. The Board, by resolution, may recommend to the City Council that a specific site, place, building, structure, street, street furniture, sign, work of art, natural feature or other object be designated a landmark, if the Board, based on the information presented to it, finds the same has specific historical, archaeological, cultural, or architectural value in the City and that the purposes of this Chapter would be furthered by such designation; or

B. The Board, by resolution, may deny an application or proposal to designate a landmark based upon the evidence, or lack thereof, presented to it. A denial by the Board shall be final and shall terminate all proceedings in the matter, unless an appeal to the City Council is timely filed with the City Clerk. A denial by the Board which is not appealed or a denial by the City Council shall preclude reconsideration of the subject matter of the application or proposal for a period of one year from the date of the denial, unless the denial was specifically made without prejudice to the filing of a new application or proposal at any time."

Section 4. Section 17.22.043 is added to the Santa Rosa City Code to read as follows:

"17-22.043 City Council Consideration - Public Hearing. The City Council, within forty days of receipt of a recommendation from the Cultural Heritage Board to designate a landmark, shall hold a noticed public hearing thereon. Notice shall be given in accordance with the notice provisions of section 17-22.036. Following the close of the hearing, the City Council, based upon the information presented, shall act on the Board's recommendation by either making the recommended designation, in whole or in part, or denying the application or proposal."

Section 5. Section 17-22.044 of the Santa Rosa City Code is amended to read as follows:

"17-22.044 City Council Actions. A landmark shall be designated by a resolution of the City Council adopted by the affirmative vote of a majority of the Council membership. Failure of a Board recommendation to receive three Council votes in favor thereof, in whole or in part, shall constitute a denial of the proposed designation or a denial of that portion of the recommendation which failed to receive three affirmative votes. A Board recommendation may also be denied by a resolution adopted by the affirmative vote of a majority of the Council's membership.

A. A copy of the City Council resolution designating a landmark shall be sent to the landmark's owner(s) in the manner prescribed by Section 17-22.036.

B. A proposal or application to terminate or modify a landmark designation shall be processed under the same rules and procedures required to designate a landmark."

Section 6. Section 17-22.046 of the Santa Rosa City Code is amended to read as follows:

"17-22.046 Notice of Designation. Notice of the designation of a landmark shall be transmitted by the City Clerk to the Cultural Heritage Board, the City's Departments of Community Development, Parks and Recreation, Fire, Public Works, the Building Division of the Department of Community Development, the City Manager, the Housing Authority of the City, the Sonoma County Assessor, the Recorder of Sonoma County, and any other interested departments and governmental and civic agencies. Each City department and division shall make note of such landmark designation, so that future decisions (including any approvals) regarding or affecting any designated landmark made by the City, or an official of the City, will be made with the knowledge of the landmark designation and in accordance with the applicable procedures set forth in this Chapter. Whenever any project to be carried out by the City may have an impact on a designated landmark, reasonable notice shall be given to the Cultural Heritage Board by the City department or division responsible for the project, so that the Cultural Heritage Board can review and make recommendations concerning the project early in the decision making process."

Section 7. Section 17-22.048 of the Santa Rosa City Code is amended to read as follows:

"17-22.048 Appeal. Any person aggrieved by a decision of the Board with respect to a landmark, or a proposed landmark, may appeal the decision to the City Council. The appeal shall be in writing and shall be filed, together with any fee that may have been established for such an appeal, with the City Clerk within 15 days after the date on which the Board makes its decision. The appeal shall state the name, address and telephone number of the person filing the appeal, shall identify the landmark or proposed landmark involved and the decision of the Board which is the subject of the appeal, shall set forth each ground and each fact upon which the appeal is based and what action the person filing the appeal wishes the City Council to take, and shall be signed by the person filing the appeal. The City Clerk shall give notice of a public hearing upon the appeal in the same manner and time as is required in connection with a public hearing on an application before the Board. The date of the public hearing on the appeal shall be not more than forty days from the date of the filing of the appeal, unless the Council's agenda will not permit such scheduling, in which case the hearing will be scheduled for the next Council meeting at which time for the public hearing is available. Within 21 days after the close of the public hearing on the appeal, the City Council shall, by resolution, affirm, reverse or modify the decision of the Board."

Section 8. Section 17-22.049 is added to the Santa Rosa City Code to read as follows:

"17-22.049 Effective Date of Designation. The provisions of this Chapter regulating landmarks shall apply from the date a landmark is designated by the City Council and shall become inapplicable only after the City Council, in the manner provided in this chapter, terminates the landmark designation."

Section 9. Section 17-22.060 of the Santa Rosa City Code is amended to read as follows:

"17-22.060 Preservation District. A preservation district is any clearly described geographic area having historical significance or representing one or more architectural periods or styles typical to the history of the City which has been designated a preservation district by the City Council."

Section 10. Section 17-22.072 of the Santa Rosa City Code is amended to read as follows:

"17-22.072 Decision of Board.

A. The Board, by resolution, may recommend to the City Council that an area of the City be designated a preservation district, if the Board, based upon the information presented to it, finds that the area proposed for the designation has historical significance or represents one or more architectural periods or styles typical to the history of the City and that the purposes of this chapter are furthered by such designation. In making a recommendation for such designation, the Board may specify those significant features, other than buildings and structures, which will require a permit under Section 17-22.090 before they can be restored, altered, demolished, removed, or otherwise changed as specified in that section; or

B. The Board, by resolution, may deny an application or proposal to designate a preservation district based upon the information, or lack thereof, presented to it. A denial by the Board shall be final and shall terminate all

proceedings in the matter, unless an appeal to the City Council is timely filed with the City Clerk. A denial by the Board which is not appealed or a denial by the City Council shall preclude reconsideration of the subject matter of the application or proposal for a period of one year from the date of the denial, unless the denial was specifically made without prejudice to the filing of a new application or proposal at any time."

Section 11. Section 22.073 is added to the Santa Rosa City Code to read as follows:

17-22.073 City Council Consideration - Public Hearing. The City Council, within forty days of receipt of a recommendation from the Cultural Heritage Board to designate a preservation district, shall hold a noticed public hearing thereon. Notice shall be given in accordance with the notice provisions of section 17-22.036. Following the close of the hearing, the City Council, based upon the information presented, shall act on the Board's recommendation by either making the recommended designation, in whole or in part, or denying the application."

Section 12. Section 17-22.074 of the Santa Rosa City Code is amended to read as follows:

"17-22.074 City Council Actions. A preservation district shall be designated by a resolution of the City Council adopted by the affirmative vote of a majority of the Council's membership. Failure of a Board recommendation to receive three votes in favor thereof, in whole or in part, shall constitute a denial of the proposed designation, or a denial of the portion failing to receive three affirmative votes. A Board recommendation may also be denied by a resolution adopted by the affirmative vote of a majority of the Council's membership. A resolution designating a preservation district may specify those significant features, other than buildings and structures, which will require a permit under section 17-22.090 before they can be altered, demolished, removed or otherwise changed as specified in that section.

A. A copy of the City Council's resolution designating a preservation district shall be sent to the owners of the real property situated within the district in the manner prescribed by Section 17-22.066.

B. A proposal or application to terminate or modify a preservation district designation shall be processed under the same rules and procedures required to designate a district."

Section 13. Section 17-22.076 of the Santa Rosa City Code is amended to read as follows:

"17-22.076 Notice of Designation. Notice of the designation of a preservation district shall be transmitted by the City Clerk to the Cultural Heritage Board, the Departments of Community Development, Parks and Recreation, Fire, Public Works, the Building Division of the Department of Community Development, the City Manager, the Housing Authority of the City, the Sonoma County Assessor, the Recorder of Sonoma County, and any other interested departments and governmental and civic agencies. Each City department and division shall note the designation of a preservation district in its records, so that future decisions (including any approvals) regarding or affecting any preservation district or any portion thereof made by the City or an official of

the City will have been made with the knowledge of the preservation district designation and in accordance with the procedures set forth in this Chapter. Whenever any project to be carried out by the City may have an impact on a designated preservation district, or any part thereof reasonable notice shall be given to the Cultural Heritage Board by the City department or division responsible for the project, so that the Cultural Heritage Board may review and make recommendations concerning the project early in the decision making process."

Section 14. Section 17-22.078 of the Santa Rosa City Code is amended to read as follows:

"17-022.078 Appeal. Any person aggrieved by a decision of the Board with respect to a preservation district, or a proposed preservation district, or any structure, building, or feature therein, may appeal the decision to the City Council. An appeal may be taken from the inclusion of a particular lot or parcel within the district. The appeal shall be in writing and shall be filed, together with any fee that may have been established for such an appeal, with the City Clerk within 15 days after the date on which the Board makes its decision. The appeal shall state the name, address, and telephone number of the person filing the appeal, shall identify the preservation district or proposed preservation district involved and the decision of the Board which is the subject of the appeal, shall set forth each ground and each fact upon which the appeal is based and what action the person filing the appeal wishes the City Council to take, and shall be signed by the person filing the appeal. The City Clerk shall schedule a public hearing on the appeal in accordance with Section 17-22.048 and shall give notice thereof in accordance with the provisions of section 17-22.066. Within 21 days after the close of the public hearing, the City Council shall, by resolution, affirm, reverse or modify the decision of the Board."

Section 15. Section 17-22.079 is added to the Santa Rosa City Code to read as follows:

"Section 17-22.079 Effective Date of Designation. The provisions of this chapter regulating preservation districts shall be effective from the date a preservation district is designated by the City Council and shall become inapplicable only after the City Council, as provided in this chapter, terminates the designation."

Section 16. Section 17-22.136 of the Santa Rosa City Code is amended to read as follows:

"17-22.136 Appeals. Any person aggrieved by a decision of the Board under this Article may appeal the same to the City Council in accordance with the written appeal requirements set forth in Section 17-22.048. The appeal shall be filed with the City Clerk, together with any fee that may have been established for such an appeal, within 15 days after the date of the decision. The City Clerk shall schedule a public hearing on the appeal in accordance with Section 17-22.040 and give notice thereof in accordance with Section 17-22.036, provided, that if the person filing the appeal is other than the applicant, the person appealing shall be given the same notice as the applicant. Within 21 days of the close of the hearing, the City Council shall, by resolution, affirm, reverse, or modify the determination of the Board."

Section 17. Nothing contained in this ordinance shall be deemed or construed to invalidate or terminate or in any other way affect any action taken or decision made by the Cultural Heritage Board of the City of Santa Rosa under the provisions of Chapter 17-22 of the Santa Rosa City Code as the same existed prior to the effective date of this ordinance.

Section 18. The Santa Rosa City Council has determined that the provisions of this ordinance are exempt from the California Environmental Quality Act, under State CEQA Guidelines section 15308, in that the effect of this ordinance is to assure the maintenance, restoration, protection and/or enhancement of the environment by the identification and protection of buildings, structures, neighborhoods, works of art, natural features and significant landscaping having special historical, archeological, cultural or architectural value in the City of Santa Rosa.

Section 19. This ordinance shall take effect on the 31st day following its passage and adoption.

IN COUNCIL DULY PASSED AND ADOPTED this 16th day of July, 1991.

AYES: (5) Mayor Burton; Councilmen Berto, Casey, Knight and Pedgrift

NOES: (0)

ABSENT: (0)

ABSTAIN: (0)

APPROVED: _____


Mayor

ATTEST:


Assistant City Clerk

APPROVED AS TO FORM


City Attorney