

City of Alameda

13-21.1 Purpose.

The purpose of this section is to promote the educational, cultural, and economic welfare of the City by preserving and protecting historical structures, sites, parks, landscaping, streets, and neighborhoods which serve as visible reminders of the history and cultural heritage of the City, State or Nation. Furthermore, it is the purpose of this chapter to strengthen the economy of the City by stabilizing and improving property values in historic areas, and to encourage new buildings and developments that will be harmonious with the existing buildings and neighborhoods. (Ord. No. 2898 N.S. § 5)

13-21.3 Duties of the Historical Advisory Board.

- a. Adopt rules and procedures for the transaction of its duties and business.
- b. Take all steps necessary to preserve Historical Monuments which are not in conflict with the health, safety and general welfare of the general public, or the powers and duties of the City, or its several boards, officers or departments. Such steps may include recommendation that civic and citizens' committees be created; recommendation that private funds for the acquisition or restoration of such monuments be established; and recommendations that such monuments be acquired by a governmental agency where private acquisition is not feasible.
- c. Review the historical building study list pursuant to criteria and procedures which shall be developed and adopted by the Board, and subject to the prior notification of the property owner. Any such revisions shall also be filed with the City Clerk.
- d. Investigate and make recommendations to the City Council on the use of grants from Federal and State agencies, private foundations, or individuals, and any other funding mechanisms available to implement or carry out provisions of this chapter.
- e. Participate in, promote, and conduct public informational, educational, and interpretive programs which increase public awareness and appreciation of historical resources in the City, including such activities as recommending commendations for private historic preservation efforts, the designation of honorary heritage areas, and other education programs identified in the Historic Preservation Element of the General Plan.
- f. Make any recommendation to the City Council in connection with the exercise of its powers and duties which it determines is necessary to implement or carry out the spirit and intent of this section. (Ord. 2898 N.S. § 5)

13-21.4 Procedure for Designation of Historical Monuments.

The Historical Advisory Board shall:

- a. Inspect and investigate any site, building, structure or group of structures, areas of special character, or special historical architectural, or aesthetic interest or value in the City which it has reason to believe meets the one or more of the criteria for Historical Monument designation.
- b. Consider the property of an owner who feels that his/her property should be designated or undesignated a Historical Monument and who requests that the Board study his/her property and who submits supporting documentation with the request.
- c. Recommend to the City Council that such sites, buildings, structures or group of structures be designated or undesignated an Historical Monument. Recommendations shall contain a brief description of the site, building, structure, or significant horticultural development, the reasons for each recommendation, and a brief report on the consultation with the owner:

1. At least ten (10) days prior to the City Council taking any action to designate or undesignate any property as an Historical Monument provide notification in the following manner: post at least one (1) notice on the property involved, mail a notice to the property owner and any tenants of the property, and all other property owners within three hundred (300') feet of the subject property as shown on the latest assessment roll, and any other parties that have requested notification.
2. The City Council's action shall be transmitted to the City Clerk and Recreation and Parks, Public Works and Fire Departments of the City. Notice that a property is a Historical Monument with special rights and limitations shall be recorded for each affected property with the Office of the County Recorder of Alameda County. (Ord. 2898 N.S. § 5)

13-21.5 Procedure for Preservation of Historical and Cultural Monuments.

a. *Permit Restrictions; Notification to Board of Request.* No building, structure, group of structures, or site, including trees or plantings, that has been designated a Historical Monument shall be demolished, removed or altered without first referring the matter to the Historical Advisory Board for a certificate of approval, except where the Building Official or his/her designee determines that demolition, removal or alteration of any such building, structure or site is immediately necessary in the interest of the public health, safety or general welfare. In cases where immediate action is necessary to protect the public health, safety or general welfare, the Building Official or his/her designee shall, after prior consultation with the Secretary to the Historical Advisory Board, order those actions which will have the least detrimental effect on the affected historical resource(s). The Building Official and the City Manager or his/her designee shall notify the Historical Advisory Board in writing within two days of any request he/she receives for any such action.

b. *Certificate of Approval.*

1. Alterations. The Historical Advisory Board shall determine whether to issue a certificate of approval for repairs and alterations of Historical Monuments, with or without conditions of approval, based on whether plans and specifications meet the standards established by the Historical Advisory Board and the Secretary of the Interior's standards for rehabilitation and guidelines for rehabilitating historic buildings.

2. Demolition. The Historical Advisory Board shall determine whether to issue a certificate of approval for demolition, with or without conditions of approval, based on whether it finds that the Historical Monument no longer meets the criteria therefore, or has become a detriment to the community and that the condition making it a detriment cannot readily be cured.

3. Removal. The Historical Advisory Board shall determine whether to issue a certificate of approval for the removal, with or without conditions of approval, based on whether it finds that the site to which the Historical Monument will be moved contains the appropriate architectural or cultural context.

4. Applications for any permit to demolish, alter or remove Historical Monuments shall be submitted to the Planning and Building Department and referred to the Historical Advisory Board for consideration. For purposes of review by the Historical Advisory Board, applications shall be deemed to be complete unless the Secretary of the Historical Advisory Board notifies the applicant to the contrary within the time limits specified by State law.

5. The Historical Advisory Board shall take no more than one hundred eighty (180) days from the date the application was deemed complete to take action on the application.

6. Any interested person may appeal a decision of the Board to issue or deny a certificate of approval by filing a written appeal within ten (10) days of the Board's action to the City Council. The City Council shall reverse the decision of the Board only if it finds, upon the evidence of qualified sources, that the Historical Monument is incapable of earning an economic return on its value. If the Council so finds it may grant the appeal.

7. Certificates of approval shall be valid for a period of three (3) years from the date of

approval.

8. Notice of hearing before the Historical Advisory Board shall be given by postal card or letter mailed to owners, as shown on the latest assessment roll, of all properties within three hundred (300') feet of the subject property.

c. *Maintenance of Historical Resources.*

1. Every Historical Monument, contributing structure in a district designated as a Historical Monument or resource listed on the Historical Building Study List shall be maintained in good repair by the owner in order to preserve all character defining elements against decay and deterioration.

2. An Interim Stabilization Plan shall be submitted for acceptance by the Planning and Building Director in consultation with the Building Official for any Historical Monument, contributing structure in a district designated a Historical Monument or resource listed on the Historical Building Study List damaged by fire, earthquake, flood or other Act of God, to prevent further deterioration of the structure. The Interim Stabilization Plan shall be submitted no more than thirty (30) days after the resource was damaged and shall be implemented to the satisfaction of the Planning and Building Director. The Interim Stabilization Plan shall contain, at a minimum, a condition assessment of the building and a weatherization plan, or any other information deemed pertinent by the Planning and Building Director.

3. Nothing in this section shall be construed to prevent the ordinary maintenance or repair of any exterior feature that does not involve a change in design, material or appearance.

d. *Delegation of Powers.* The Historical Advisory Board may by resolution delegate its review powers on specific projects, or categories of projects, to the Board Secretary upon making the specific finding that such delegation is necessary to facilitate and streamline the review process, and after approving appropriate guidelines to be followed by the Board Secretary. (Ord. 2898 N.S. § 5)

13-21.6 Designation of Historic Signs.

a. The Historical Advisory Board shall be responsible for the designation of signs of historic merit, which makes them exempt from other provisions of the sign regulations as provided by subsection 30-6.15s of the Municipal Code. The Board shall adopt guidelines for the designation and preservation of such signs.

b. Any interested party may appeal the decision of the Board by filing a written appeal within ten (10) days of the Board's action to the City Council. (Ord. 2898 N.S. § 5)

13-21.7 Interim Review.

a. Any building that was constructed prior to 1942 shall not be demolished or removed without the approval of a certificate of approval issued by the Historical Advisory Board. The age of the building shall be determined by a review of the City records.

b. No protected structure shall be demolished or removed without the approval of a certificate of approval issued by the Historical Advisory Board. Protected structures shall mean non-building building resources listed on the Historical Building Study List.

c. No protected tree shall be removed without the approval of a certificate of approval from the Historical Advisory Board. Protected trees shall include: the palm trees in the public right of way on Burbank Street and Portola Avenue; any street tree on Thompson and Central Avenues; and any Coastal Live Oak (*quercus agrifolia*) with a ten (10") inch or greater diameter measured four and one-half (4.5') feet above the ground. Applicants shall submit an arborist's report in a case where the health of the tree is the reason for the requested removal of the tree, or a contractor's report in a case where damage to foundation or other structures is the reason for the requested removal of the tree. Any street tree shall be replaced, at the applicant's expense, to the satisfaction of the Public Works Director. Any oak tree shall be replaced with a minimum of two (2) oak trees of ten (10) gallon size or larger to the satisfaction of the Planning and Building Director.

d. Appeals. Any interested person may appeal a decision of the Board to issue or deny a certificate of approval by filing a written appeal within ten (10) days to the City Council. The City Council shall reverse the decision of the Board only if it finds, upon the evidence of qualified sources, that the historical resource is incapable of earning an economic return on its value. If the Council so finds it may grant the appeal.

e. Validity of Certificate of Approval. Certificates of Approval shall be valid for a period of three (3) years from the date of approval.

f. Notification. Notice of a hearing before the Historical Advisory Board shall be given by postal card or letter mailed to owner, as shown on the latest assessment roll, of all properties within three hundred (300') feet of the subject property. (Ord. 2898 N.S. § 5)

13-21.8 Acquisition of Property and Money Restricted.

This Historical Advisory Board shall have no power or right to acquire any property for or on behalf of itself for the City; nor shall it acquire or hold any money for itself or on behalf of the City, except that it may collect fines, fees and other monies, and expend funds, as specified in Section 2-339 of the City Charter and approved by the City Council. (Ord. 2898 N.S. § 5)

13-21.9 Applicability of State Code(s).

a. Historical Building Code. The Historical Building Code applies to all those structures designated as Historical Monuments and listed on the Historical Building Study List.

b. California Environmental Quality Act. The actions of the Historical Advisory Board are subject to the provisions of the California Environmental Quality Act.

c. Permit Processing and Streamlining. Applications to the Historical Advisory Board are subject to the Permit Streamlining Act in State law. (Ord. 2898 N.S. § 5)

13-21.10 Penalties.

a. Any violation of this section or failure to comply with a condition of approval of any certificate of approval or permit issued pursuant to this section constitutes a violation of the Alameda Municipal Code.

b. The removal or demolition of any contributing structure in a district designated a Historical Monument or main building, or other designated structure, such as water towers, coach houses or landscaping, listed on the Historical Building Study List without prior approval of a certificate of approval shall result in a five (5) year stay in the issuance of any building permit or construction-related permit for any new construction at the site previously occupied by the historic resource. For the purposes of this section, the date of demolition shall be the date the City first was advised of the removal or demolition, unless the property owner can demonstrate an earlier date. The removal or demolition shall be presumed to have occurred on the date the City has actual knowledge of the removal or demolition, and the owner shall have the burden of proving an earlier date, if entitlement to an earlier date is claimed. The owner shall have the affirmative obligations to submit a landscape plan or other site maintenance plan to the satisfaction of the Planning and Building Director and to maintain such landscaping or implement the maintenance plan and to prevent the accumulation of debris and waste on the property during this period. The site shall not be used as a private or commercial parking lot.

c. The removal or demolition of a Historical Monument shall result in the requirement to restore the resource to its appearance prior to the violation to the extent such restoration is physically possible to the satisfaction of the Planning and Building Director. (Ord. 2898 N.S. § 5)