

Chapter 17.84 – HISTORIC PRESERVATION

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Note: This chapter is new to codify current practices and establish clear procedures to approve modifications to historic resources.

17.84.010 Purpose

This chapter establishes procedures for the ~~designation~~classification of historic resources and requirements for alterations to these resources. These provisions are intended to preserve and enhance Capitola's historic character while maintaining the ability of property owners to reasonably improve and modify historic homes and structures in Capitola.

17.84.020 Types of Historic Resources

The Zoning Code establishes two types of historic resources: ~~Historic Landmark~~Designated Historic Resources and ~~properties included in the Historic Structures List~~Potential Historic Resources. ~~The City intends for both types of historic resources to be comprised primarily of structures from the pre-World War II era of Capitola's history.~~

A. ~~Historic Landmark~~Designated Historic Resources. ~~Historic landmark~~Designated Historic Resources include the following:

1. Resources listed on the National Register of Historic Places or determined by the State Historical Resources Commission to be eligible for listing on the National Register of Historic Places.
2. Resources listed on the California Register of Historical Resources or determined by the State Historical Resources Commission to be eligible for listing on the California Register of Historical Resources.
3. A contributing structure within a National Register Historic District (Venetian Court, Six Sisters, Lawn Way, and Old Riverview Districts).
4. Other resources officially designated by the City Council as a ~~local historic~~landmarkDesignated Historic Resource based on the criteria in Section 17.84.050 (Criteria for Designating Historic Resources).

- B. ~~Historic Structures List~~Potential Historic Resource.** ~~The A Historic Structures List~~Potential Historic Resources is a site, structure, or feature that has previously been identified by the City as potentially historic and is included on a list of potentially historic resources as ~~is the 2005 City of Capitola Historic Structures List as~~ maintained by the Community Development Department consistent with Section 17.84.040 (Maintenance of ~~Historic Structures List~~Potential Historic Resource). The purpose of the ~~list of Historic Structures List~~Potential Historic Resources is to maintain an inventory of properties that are potentially historic for use by City staff when reviewing development project applications.

17.84.030 Adding or Removing ~~Historic Landmark~~Designated Historic Resource Designation Status

- A. Initiation.** The City Council, Planning Commission, or property owner may request designating a property as a ~~Historic Landmark~~Designated Historic Resource or removing such ~~designation~~classification from a property.
- B. Application Contents.** An application by a property owner shall be on a form designated by the Community Development Department and shall include the following information:
1. **Photographs – Subject Property, & Context.**
 - a. Photographs of each exterior elevation of all buildings and structures on the site, including retaining walls and fences.
 - b. Photographs of exterior details (façade materials, porches, columns, cornices, window trim, wall materials, and fence materials).
 - c. Historic photographs of original structure if available.
 2. **Physical Condition – Written and Graphic.** A detailed written description on the physical condition of the structure with supporting photographs.
 3. **Property History.** A description of the history of the property, if known.
 4. **Requests to Remove ~~Designation~~Classification.** ~~For requests to remove a Historic Landmark designation, a description and photo documentation of the lack of historic significance and major alterations made to the property. A property owner may requests to remove Designated Historic Resource status by submitting to the Community Development Department a written request accompanied by a description with photograph documentation explaining the property’s lack of historic significance of the property.~~
 5. **Additional Information.** Any additional information requested by the Community Development Director necessary to process and evaluate the application.
- C. Application Review.** The Community Development Director shall review applications for adequacy and completeness under the requirements of this section. The application shall be reviewed by ~~an a State Certified~~ Architectural Historian to assess whether the property exhibits characteristics for ~~designation~~classification as a ~~Historic~~

~~Landmark Designated Historic Resource~~ described in Section 17.84.050 (Criteria for Designating Historic Resources). ~~If the property exhibits characteristics for classification, the City-contracted State-Certified Architectural Historian will complete a DPR523 or equivalent for the City's records.~~ A staff report with a recommendation on the approval, approval with conditions, or denial of the application based upon the evaluation of the proposed historic resource ~~designationclassification~~ shall be prepared by the Community Development Department for Planning Commission consideration.

- D. Planning Commission Recommendation.** The Planning Commission shall review a ~~Historic Landmark Designated Historic Resource~~ application at a noticed public hearing in compliance with Chapter 17.120 (Public Notice and Hearings) and provide a recommendation to approve, conditionally approve, or deny the application.
- E. City Council Action.** The City Council shall approve, conditionally approve, or deny the application by resolution. The action of the City Council is final.
- F. Effect of ~~DesignationClassification~~.** The ~~designationclassification~~ of a ~~Historic Landmark Designated Historic Resource~~ shall run with the land and be binding to subsequent owners of the property. Upon ~~designationclassification~~, the City shall record with the County Recorder a Notice of ~~Historic Landmark Designated Historic Resource~~ Designation.

17.84.040 Maintenance of ~~Historic Structures List~~Potential Historic Resource List

- A. Authority to Maintain.** The Community Development Director shall be responsible for maintaining the ~~list of Historic Structures List~~Potential Historic Resources. The Director may add or remove structures from the list based on input from ~~an-a State-Certified Architectural Historian-and the City Historian~~.
- B. Additions to List.** Any structure added to the ~~Historic Structures List~~Potential Historic Resource list shall meet one or more of the criteria in Section 17.84.050.B (~~Historic Structures List~~Potential Historic Resource). The property owner shall be notified in writing of a decision to add a property to the list. Decisions of the Community Development Director to add a property to the list may be appealed to the Planning Commission.
- C. Removal of Listed Structures.** A property owner may request the removal of a property from the list ~~Historic Structure List~~ by submitting to the Community Development Department a written request accompanied by a description with photograph documentation explaining the property's lack of historic significance of the property. Decisions of the Community Development Director to maintain a structure on the list despite a request for its removal by the property owner may be appealed to the Planning Commission.

17.84.050 Criteria for Designating Historic Resources

A. ~~Historic Landmark~~Designated Historic Resource~~s~~Designation. Designated Historic Resources represent particularly noteworthy community resources that exemplify the City's unique historic identify, primarily from the pre-World War II era of Capitola's history. Designated Historic Resources possess iconic landmark status that contribute to Capitola's unique sense of place due to physical characteristics of the resource visible from a public place. The City Council may ~~designate~~classify a property as a ~~Historic Landmark~~Designated Historic Resource if it meets any of the following criteria:

1. It exemplifies or reflects special elements of the City's cultural, social, economic, political, aesthetic, engineering, architectural or natural history.
- ~~2. It is identified with persons or events significant in local, State or national history.~~
- ~~3.~~2. It embodies distinctive characteristics of a style, type, period or method of construction, or is a valuable example of the uses of indigenous materials or craftsmanship.
- ~~4. It is representative of the work of a notable builder, designer or architect.~~
3. It is an example of a type of building once common in Capitola but now rare.
- ~~5.~~4. It contributes to the significance of an historic area, being a geographically definable area possessing a concentration of historic or scenic properties or thematically related groupings of properties which contribute to each other and are united aesthetically by plan or physical development.

B. ~~Historic Structures List~~Potential Historic Resource. Based on a recommendation from ~~ana State Certified~~ Architectural Historian ~~and the City Historian~~, the Community Development Director may add a structure to the ~~Historic Structures List~~Potential Historic Resource list if it meets any of the above criteria for ~~designating~~classifying a ~~Historic Landmark~~Designated Historic Resource or any of the following criteria:

1. It has a unique location or singular physical characteristic or is a view or vista representing an established and familiar visual feature of a neighborhood, district, or the city.
2. It embodies elements of architectural design, detail, materials or craftsmanship that represent a significant structural or architectural achievement or innovation.
3. It is similar to other distinctive properties, sites, areas or objects based on an historic, cultural or architectural motif.
4. It is one of the few remaining examples in the City, region, State or nation possessing distinguishing characteristics of an architectural or historic type or specimen.

17.84.060 ~~Certificate of Appropriateness~~ Historic Alteration Permit

A. Purpose. A ~~certificate of appropriateness~~ historic alteration permit is an approval required to alter the exterior of a historic resource.

B. ~~When Requirement for d— Historic Landmark~~ Designated Historic Resources. A ~~certificate of appropriateness~~ historic alteration permit is required for any exterior alteration to a ~~Historic Landmark~~ Designated Historic Resource as defined in Section 17.84.020 (Types of Historic Resources).

C. ~~When Requirement for d— Historic Structures List~~ Potential Historic Resource.

1. **When Permit is Required.**—A ~~certificate of appropriateness~~ historic alteration permit is required for an alteration to a ~~property included in the City of Capitola~~ Historic Structures List Potential Historic Resource if:

- a. The project requires a discretionary approval (e.g., Design Permit); ~~and~~
- b. The Community Development Director determines that the project may result in a significant adverse impact of a historic resource as defined in the California Environmental Quality Act (CEQA) Guidelines Section 15064.5. A structure found not to be historically significant through a historic evaluation does not require a ~~certificate of appropriateness~~ historic alteration permit.

2.—Potential Historic Resource Assessment and Consultation. ~~Assessment and Consultation— Historic Structures List.~~

~~3.2.~~ A proposed alteration to a ~~property on the~~ Potential Historic ~~Structurers List~~ Resource that requires a discretionary permit will be reviewed by ~~ana State Certified~~ Architectural Historian to assess if the project may result in a significant adverse impact of a historic resource. The Community Development Director shall use this assessment to determine if a ~~certificate of appropriateness~~ historic alteration permit is required for the proposed project.

~~4.—The Community Development Director shall consult with the City Historian on all discretionary applications involving an alteration to a property included in the Historic Structures List.~~

C.D. Alteration Defined. As used in this chapter, “alteration” means any exterior change or modification to a structure, cutting or removal of trees and other natural features, disturbance of archeological sites or areas, and the placement or removal of any accessory structures affecting the exterior visual qualities of the property. Painting is not considered an alteration unless painted features are designated as significant or characteristic of a historic resource.

D.E. Exception for Preservation and In-Kind ~~Minor Replacements~~ Rehabilitation.

A ~~certificate of appropriateness~~ historic alteration permit is not required for ~~minor replacements~~ preservation or rehabilitation due to damage to windows, doors, trim, or other similar building elements. The ~~replacement~~ rehabilitation shall be in-kind, matching the original design in size, detail, materials, and function. To qualify for this exception,

the applicant must provide evidence of original design and details of the in-kind replacement.

~~E.F.~~ Review Authority. The Planning Commission shall take action on all applications for a ~~certificate of appropriateness~~ historic alteration permit.

~~F.G.~~ Application Requirements. Applications for a ~~certificate of appropriateness~~ historic alteration permit shall be filed and reviewed in compliance with Chapter 17.112 (Permit Application and Review). The application shall include the information and materials required by the Community Development Department together with all required application fees.

~~G.H.~~ Public Notice and Hearing. The Planning Commission shall consider applications for a ~~certificate of appropriateness~~ historic alteration permit at a noticed public hearing in compliance with Chapter 17.148 (Public Notice and Hearings).

~~H.I.~~ Findings for Approval. The Planning Commission may approve a ~~certificate of appropriateness~~ historic alteration permit only if all of the following findings can be made:

1. The historic character of a property is retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize the property is avoided.
2. Distinctive materials, features, finishes, and construction techniques or examples of fine craftsmanship that characterize a property are preserved.
3. Any new additions complement the historic character of the existing structure. New building components and materials for the addition are similar in scale and size to those of the existing structure.
4. Deteriorated historic features are repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature matches the old in design, color, texture, and, where possible, materials.
- ~~5. Chemical or physical treatments are undertaken using the gentlest means possible. Treatments that cause damage to historic materials are not used.~~
- ~~6.5.~~ Archeological resources are protected and preserved in place. If such resources must be disturbed, mitigation measures are undertaken.
- ~~7.6.~~ The proposed project is consistent with the General Plan, any applicable Specific Plan, and the Zoning Code, and the California Environmental Quality Act (CEQA).

~~I.J.~~ Conditions of Approval. The Planning Commission may attach conditions of approval to a ~~certificate of appropriateness~~ historic alteration permit to achieve consistency with the General Plan, Local Coastal Program, Zoning Code, and any applicable specific plan or area plan adopted by the City Council.

~~J.K.~~ Appeals. Decisions on ~~certificate of appropriateness~~ historic alteration permit may be appealed as described in Chapter 17.152 (Appeals).

17.84.070 — Historic Preservation Incentives

- A. ~~Mills Act Agreement.~~** ~~Upon request of the owner of a Historic Landmark~~Designated Historic Resource, the City Council may elect to enter into a Mills Act Agreement with the owner. See Government Code Section 50280 et seq. The Mills Act Agreement shall run with the land and be binding upon subsequent owners of the Historic LandmarkDesignated Historic Resource. If the City Council elects to enter into a Mills Act Agreement, the City shall file the Mills Act Agreement for recording with the County Recorder.
- B. ~~California Historical Building Code.~~** ~~The California Historical Building Code (Title 24, Part 8) shall apply to all properties designated as Historic Landmark~~Designated Historic Resources to facilitate the preservation and continuing use of the building while providing reasonable safety for the building's occupants and access for persons with disabilities.
- C. ~~Grant or Loan Priority.~~** ~~The City shall give the highest priority to Historic Landmark~~Designated Historic Resources when distributing grants or loans whose purpose is historic preservation.
- D. ~~Permitting Fees.~~** ~~The City Council may~~ shall waive application and review fees for any permit required for development projects that preserve, retain, and rehabilitate involving the substantial preservation or rehabilitation of a historic resourcestructure. Permit fees shall be waived only for significant rehabilitations of noteworthy historic structures, not for remodels or additions to older homes that would not substantially advance the City's historic preservation goals.
- E. ~~Modifications to Development Standards.~~** ~~The City Council may approve modifications to development standards in the applicable zoning district, such as parking and setbacks, if the modification is necessary to allow for the preservation, rehabilitation, or restoration of a historic resource.~~

~~17.84.080~~17.84.070 Demolition of Historic Resources

- A. Permit Required.** The demolition of a historic resource requires approval of a Historic Resource Demolition Permit.
- B. Review Authority.**
1. The Planning Commission takes action on Historic Resource Demolition Permit applications to demolish a Potential Historic Resource.
 - ~~1.2.~~ 2. The Planning Commission recommends and the City Council takes action on Historic Resource Demolition Permits applications to demolish a **Historic Landmark**Designated Historic Resource.
 - ~~2.~~ The Planning Commission takes action on Historic Resource Demolition Permit applications to demolish a structure on the Historic Structures List.

- C. Application Submittal and Review.** Applications for a Historic Resource Demolition Permit shall be filed and reviewed in compliance with Chapter 17.112 (Permit Application and Review). The application shall include the information and materials required by the Community Development Department together with all required application fees to the satisfaction of the CDD or Planning Commission. The City may require third-party review of these materials at the applicant's expense. It is the responsibility of the applicant to provide evidence in support of the findings required by Section 17.84.060.5 (Findings for Approval).
- D. Planning Commission Recommendation.** For Historic Resource Demolition Permit applications to demolish a ~~Historic Landmark~~Designated Historic Resource, the Planning Commission shall provide a recommendation to the City Council on a Historic Resource Demolition Permit at a noticed public hearing in compliance with Chapter 17.148 (Public Notice and Hearings). The Planning Commission shall base its recommendation on the findings specified in Paragraph F (Findings for approval) below.
- E. Public Notice and Hearing.** The review authority shall review and act on a Historic Resource Demolition Permit at a noticed public hearing in compliance with Chapter 17.148 (Public Notice and Hearings).
- F. Findings for Approval.** To approve a Historic Resource Demolition Permit, the review authority shall make one or more of the following findings:
1. The structure must be demolished because it presents an imminent hazard to public health and safety as determined by a licensed structural engineer.
 2. The structure proposed for demolition is not structurally sound despite evidence of the applicant's efforts to rehabilitate and properly maintain the structure.
 3. The rehabilitation or reuse of the structure is economically infeasible. Economic infeasibility shall be demonstrated by preparing actual project costs and by comparing the estimated market value of the property in its current condition, after rehabilitation and after demolition.
 4. There exist no feasible alternative use of the structure that can earn a reasonable economic return.
- G. Limitations on Findings of Economic Hardship.** The review authority may not approve a Historic Resource Demolition Permit if an economic hardship was caused by any of the following:
1. Willful or negligent acts by the applicant.
 2. Purchasing the property for substantially more than market value.
 3. Failure to perform normal maintenance and repairs.
 4. Failure to diligently solicit and retain tenants.
 5. Failure to prescribe a rental amount which is reasonable for the current market.
 6. Failure to provide normal tenant improvements.

H. Post-Decision Procedures. Post-decision procedures and requirements in Chapter 17.156 (Post-Decision Procedures) shall apply to Historic Resource Demolition Permit.

17.84.080 Historic Preservation Incentives

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- B. California Historical Building Code.** The California Historical Building Code (Title 24, Part 8) shall apply to all Designated Historic Resources to facilitate the preservation and continuing use of the building while providing reasonable safety for the building's occupants and access for persons with disabilities.
- C. Grant or Loan Priority.** The City shall give the highest priority to Designated Historic Resources when distributing grants or loans whose purpose is historic preservation.
- D. Permitting Fees.** The City Council shall waive application and review fees for permit required for development projects that preserve, retain, and rehabilitate a historic structure. Permit fees shall be waived only for significant rehabilitations of noteworthy historic structures, not for remodels or additions to older homes that would not substantially advance the City's historic preservation goals.
- E. Modifications to Development Standards.** The City Council may approve modifications to development standards in the applicable zoning district, such as parking and setbacks, if the modification is necessary to allow for the preservation, rehabilitation, or restoration of a historic resource.