



March 4, 2021

(By electronic transmission)
Historical Advisory Board
City of Alameda
2263 Santa Clara Avenue
Alameda, CA 94501

Subject: Historic Preservation Ordinance Revision (Item 7-B on Historical Advisory Board's March 4, 2021 Agenda)

Dear Boardmembers:

The Alameda Architectural Preservation Society (AAPS) would again like to thank the Historical Advisory Board (HAB) and staff for resuming your effort to revise the Historic Preservation Ordinance.

We have the following comments on the draft Definitions, Purpose, and Duties of the Historical Advisory Board and Secretary to the Board sections and other topics presented in the staff report. Some of these comments restate the comments in our November 4, 2020 letter to the HAB.

A. DEFINITIONS.

1. **General comment.** It is somewhat challenging to review the definitions section in isolation from the rest of the ordinance, since the definitions set the stage for many aspects of the ordinance framework and even imply some ordinance procedures, such as in the definition of "Certificate of Approval". The staff recommendation of revisiting the definitions of alteration and demolition later in the process when more of the ordinance is fleshed out reflects this challenge, but some of the other definitions will also probably need to be revisited, such as "Certificate of Approval", "Economic Hardship", and "Historic District", among others.
2. **Demolition.** Change the proposed definition of demolition as set forth on the staff report to read as follows:

"Demolition shall mean any one of the following:

- a. Removal of more than twenty-five percent of the surface of a street-facing exterior wall and more than fifty percent of the surface of any nonstreet-facing ~~two~~ exterior walls of any building, except for replacement in kind.
- b. Enclosure or visual obstruction of more than twenty-five percent of a street-facing wall and more than 50% of the surface of a nonstreet-facing wall ~~the exterior wall(s)~~ of any building so that the wall(s) no longer functions as an exterior wall(s).

- c. Removal of more than fifty percent of the roof surface area as measured in plain view, except for the replacement of roof surfaces in kind or replacement to match original roof surfaces.
- d. Any alteration that, in combination with other alterations within the preceding five years, will represent a change as defined in one or more subsections above.
- e. ~~Relocation of any building or other resource within the site or to another site.~~

Note that the demolition definition presented in the staff report is not reflected in the draft ordinance sections attached to the staff report.

We deleted “Relocation” from the definition, since relocation may involve different approval criteria and a different review process than demolition. Note that a specific definition of relocation is already in the draft.

3. **Certificate of Approval.** The definition of Certificate of Approval should be revised to read as follows:

Certificate of Approval shall mean a discretionary permit that may be granted by the Historical Advisory Board for demolition, relocation or alteration to a Historical Monument or Contributor to a Historic District and for demolition or relocation of a Historic Resource or Pre-1942 Building.

The exact wording of this definition may need to be changed, depending, among other things, on what language is developed to amend the existing “interim review” procedure, including:

Whether before the Certificate of Approval process is triggered, the HAB would first make a determination of whether a Pre-1942 Building (or building that is at least 50 years old) should be added to the Historic Resources Inventory.

4. **Economic Hardship.** We assume that this definition will relate to an economic hardship finding to allow approval of a demolition or adverse alteration. If this is the case, the definition of economic hardship should be more precise, such as in terms of a “reasonable rate of return”. Ordinances in various other communities do this and even provide formulas for determining what constitutes a reasonable rate of return. Section 6 of the February 2012 draft ordinance included very specific criteria for economic hardship including a “Certificate of Economic Hardship” procedure that was referenced in the definitions section. **The approach in the February 2012 draft ordinance should be a starting point for the current revision.** The complete February 2012 draft ordinance is attached for reference. See also attached National Alliance of Preservation Commissions’ article “Creating a Better Process to Review Economic Hardship”.
5. Add a definition for “Historic Sign”.
6. Either delete the definition of “Noncontributor” (since there is already a definition of “Contributor”) or change the definition to read “main and accessory buildings and other appurtenances within the boundaries of a Historic District that are not Contributors”.
7. Include the definitions used elsewhere in the AMC (as listed in the 11-1-12 HAB staff report) in the Historic Preservation Ordinance to facilitate reference.

8. Capitalize all defined terms or use italics or other special font.
9. Use consistent terminology, e.g. “Landmark” vs. “Historical Monument” and “Historic” vs. “Historical” as in “Historic(al) Advisory Board”.

There are a number of substantive issues that still need to be resolved that will affect the definitions, but will probably not be addressed until other sections of the draft ordinance are prepared. These issues include:

1. **Should demolition of accessory structures be subject to any review?** AAPS believes that they should. See 12-1-11 and 12-19-11 AAPS comments.
2. **Will Protected Trees continue to be covered in the Historic Preservation Ordinance or will there be a separate ordinance?** During its pre-2013 ordinance reviews, the HAB indicated that Protected Trees should continue to be covered in the Historic Preservation Ordinance, at least for now. In this case, there should be a definition of Protected Tree. See definition in the 7-5-12 memo to the HAB from the-HAB member Judith Lynch and the definition in the 8-10 draft ordinance.
3. **Should exterior changes to altered properties that can be restored and are within Historic Districts be subject to HAB review?** AAPS believes that they should. It may be useful to add a class of Historic District properties called “Potential Contributors” that would supplement “Contributors”.
4. **Should new construction within Historic Districts be subject to HAB review?** AAPS believes that it should.

B. CERTIFICATE OF APPROVAL AND DESIGN REVIEW PROCESSES.

1. **We recommend Option 3: Expand the HAB’s purview to include design review for all alterations to pre-1942 and historic building study list (HBSL) buildings.** This is the cleanest approach; eliminates the “double jeopardy” of an application being subject to both HAB review for “demolition” exceeding the prescribed thresholds and design review for the overall project; and allows the HAB to consider partial demolitions in combination with the overall project.
2. **Limit the finding of conformity with the Secretary of the Interior Standards to projects involving Historical Monuments or properties listed on the National Register of Historic Places.** The Secretary of the Interior Standards set a very high bar that may be too onerous for all but the most significant buildings. In addition, Standard 9’s discouragement of “false historicism” conflicts with the Citywide Design Review Manual’s approach that additions and alterations should “look like they were always there”. The Design Review Manual’s approach is preferable because it is much more straightforward than Standard 9, is easier for staff and applicants to understand, and is easier to administer. In addition, Standard 9’s mandate to differentiate the old from the new sometimes results in additions and alterations that excessively intrude on the original design.

C. CONTINUE TO CONSIDER ALL PROPERTIES ON THE HBSL AS “HISTORIC” FOR PURPOSES OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PENDING EVALUATION OF THE MORE QUESTIONABLE PROPERTIES. We recommend **against** the

staff proposal to consider “historic” for CEQA purposes only the ca. 700 HBSL properties included in the California Historical Resources Information System (CHRIS). The staff proposal would eliminate most of the CEQA safety net for the remaining ca. 3300 HBSL properties by changing the presumption that these ca. 3300 properties are “historic” for CEQA purposes (unless verified otherwise through documentation and analysis) to the presumption that they are **not** historic.

It is true that, as staff observes, that some HBSL properties are questionable, but this issue should be addressed by HAB review of the ca. 3300 HBSL properties to determine which should be considered “historic” for CEQA purposes rather than presume that they are not historic. This review would involve significant work but could be spread over a period of time and perhaps in phases. For example, some HBSL properties appeared to be questionable because of incorrect address entries. In some cases it was an adjacent property that was intended to be on the HBSL rather than the actual listed property. The first phase of the evaluation could, among other things verify addresses. Subsequent phases could:

1. Check the notes that are sometimes on the 1978–79 survey cards that were prepared for each property to determine what basis, if any, was provided for a property’s inclusion on the HBSL; and
2. Check architects and builders as listed in George Gunn’s books and Woody Miner’s building permit compilations to determine if the property should be considered historic based on the architect and/or builder.

D. PURPOSE

Consider adding the following provision that is based on a similar provision included in the February 2012 draft ordinance:

- g. Identification and resolution of conflicts between preservation and land-use: The early identification and resolution conflicts between the preservation of Historical Monuments, Historic Districts and Historic Resources and proposed alternative land uses.

Thank you for the opportunity to comment. Please contact me at (510) 523-0411 or cbuckleyaicp@att.net if you would like to discuss these comments.

Sincerely,

Christopher Buckley, Chair
Preservation Action Committee
Alameda Architectural Preservation Society

Attachments:

(1) Bradley Wolf: Creating a Better Process to Review Economic Hardship. The Alliance Review, Spring 2020 (National Alliance of Preservation Commissions)

(2) February 2012 Draft Historic Preservation Ordinance

By electronic transmission:

cc: Allen Tai and Andrew Thomas - - Planning, Building and Transportation Department
Mayor and Councilmembers
AAPS Board and Preservation Action Committee

Bradley Wolf has been the City Historic Preservation Officer for the City of Kansas City, Missouri since 2001. He serves as staff to the city's Historic Preservation Commission and provides input to other city planning staff, city commissions and city council on historic preservation initiatives throughout the city.

Creating a Better Process to Review Economic Hardship

By Bradley Wolf

A request for a certificate of economic hardship can be one of the most difficult reviews for a preservation commission and staff. One of the ongoing challenges I have experienced throughout my career is defining economic hardship to the public. To most people, economic hardship invokes visions of a bureaucrat rifling through an applicant's personal bank statements, paystubs and tax returns. Explaining that the economic hardship relates to the value the property and the proposed improvements and not the ability of the owner or developer to pay for the improvements leads to baffled expressions.

Like many cities, Kansas City's previous preservation ordinance language for economic hardship used basic model preservation ordinance language. After the preservation commission reviewed a particularly difficult case for a certificate of economic hardship, the deficiencies of the ordinance were starkly apparent, so the city embarked on an update to the ordinance to make the process clear for the commission and the public. The previous economic hardship language stated that "the Commission shall consider the replacement cost factor, the availability of substitute materials, and the assessed and/or market value of the property as presented by the applicant, when determining economic hardship." That language did not give good guidance on the types

of evidence to consider and what constituted an economic hardship.

The ordinance update was an effort of the city, preservation advocacy groups, developers and the public. One of the key points brought up early in the process was to have a definition of what constituted an economic hardship. The definition separated economic hardship into two categories, income and non-income producing properties. Below is the language the city adopted:

For income-producing property, the updated language for economic hardship stated that "a reasonable economic return cannot be obtained or that it is impractical to sell or lease the

property or no market exists for it at a reasonable price if the property retains its historic features or structures in either its present condition or if its features or structures are rehabilitated.”

For non-income producing property, such as owner-occupied dwellings or properties owned by institutional, nonprofit organizations or public entities, the updated language for economic hardship stated that “the value of the work that meets the Secretary of Interior’s Standards for Rehabilitation would be an unreasonable investment based on the overall value of the property in its present condition or if rehabilitated.”

What the new language did not address was a specific dollar amount or percentage of value of a repair that would constitute an economic hardship. For example, a new tile roof that meets the design standards costs 60% of the value of the home versus a composition roof that does not meet the design standards costs 15% of the value of the home. The commission could determine if that investment that meets the design standards would be considered a hardship based on that information along with other factors.

The second key component was a checklist of evidence the commission could consider. The ordinance did not limit evidence to just the list below but gave a common list of items that had been requested in past commission reviews and from research of other ordinances. The National Alliance of Preservation Commission’s website has good references and articles on economic hardship that were very helpful in our process. <https://napcommissions.org/technical-assistance/>

Checklist of possible evidence to present

- Mortgage balance & debt service for two years
- Appraisals
- Assessed value
- Real estate taxes
- Form of ownership
- Attempts to sell (listings or contracts)
- Reasonableness of price or rent
- Advertisements to sell or rent
- Economically feasible alternatives to reuse property
- Structural reports
- Estimated market value of property
- Evidence of self-created hardship
- Incentives available for rehabilitation
- Financial analysis by an independent third party
- Proposed plans for the site
- Estimated mothballing costs

Under the previous ordinance discussion on whether a project meets the guidelines and if it was an economic hardship were intermingled at the same meeting. To solve this confusing evaluation and to create a clear record of the discussion, the commission required that a certificate of economic hardship could not be reviewed at the same meeting that the certificate of appropriateness is denied. This approach allows for separate evaluations of the design standards and economic hardship by the commission, but also allowed the public to understand the items that would be discussed at each meeting.

On the following pages are three examples of requests for certificates of economic hardship. Two cases review proposed demolitions of contributing historic buildings and the last case is a request to use a material that did not meet the design standards.



Image courtesy of the author.

Apartments Proposed for Demolition.

Case Study – Income Producing Apartments

Request: This case was a request to demolish four apartment buildings designed by a local architect and built between 1902 and 1903.

The apartments are located along a prominent boulevard in Kansas City, which made them a significant part of the streetscape.

Background and Evidence: The developer purchased the occupied apartments in 2008 with the intent of a major rehabilitation. The apartments were vacated in anticipation of rehabilitation. The economic downturn began and the anticipated funding for the project was no longer available, so the buildings were

secured and sat vacant for five years. The developer then requested the demolition of the buildings and construction of two new apartment buildings. There were 24 units between the four buildings.

Economic Hardship Considerations	
Owner's basis in the property	\$800,000
Market Value of Property	Jackson County Assessor Market Value (\$500,000)
Potential Income from property	\$900 per unit x 24 = \$259,200 annual \$21,600 per month
Cost of the repairs according to the Secretary of the Interior's Standards for Rehabilitation	Estimate at meeting \$166,275 per unit x 24 = 3,990,600 Estimate from previously planned renovation plan \$4,196,400.00
Availability of loans or grants for historic preservation	N/A
Value of property after repairs	Not available
Effect on rents	Currently unoccupied
Availability of loans or grants for historic preservation	None
Estimated value of property after repairs	Unknown
Existence of market for resale of repaired building	Unknown
Existence of market for sale of building with repairs to be made by a buyer resale without requirements that repairs be made	The applicant listed the building for sale in for 7 months.



Image courtesy of the author.

1904 Building Proposed for Demolition.

Outcome: The commission denied the request to demolish the apartments based on the fact that the properties had deteriorated since the developer purchased the buildings. Also, based on public testimony, there may have been other options in terms of incentives or a possible sale of the property to another owner. After a city council election, a new city council representative worked with the developer to create an incentive package that made the rehabilitation of the apartments financially viable and the apartments opened for occupancy in 2017.

Case Study – Non-Profit and For-Profit Partnership

Request: This case involved the demolition of a former classroom building at a seminary. The campus consisted of two buildings, a former orphanage built in 1899 and a former home for seniors built in 1904. The seminary purchased the campus in 1922. The seminary is still operational, but it only occupies the 1899 building. The seminary partnered with a developer to rehabilitate the 1899 building and construct townhomes on the rest of the site. The developer proposed to demolish the 1904 building because it was not economically viable to rehabilitate.

Economic Hardship Considerations	
Gross Income from property years 1 to 10	\$115,960 to 165,451
Total Expenses from property years 1 to 10	\$-91,800 to -119,778
Debt Service on Loans years 1 to 10	\$-65,366 to -61,874
Cash Flow After Debt Service years 1 to 10	\$-41,176 to -16,201
Debt Service Coverage Ratio (DSCR)	.037 to 0.74 (1.2 to 1.3 minimum 1.4 is risky)
Cash on Cash Returns years 1 to 10	-2.08% to -1.29%
Total Development Costs	\$5,105,982
Tax Credit Equity Federal	\$492,236
Tax Credit Equity State	\$576,191

Background and Evidence: The applicant provided an analysis for rehabilitation cost and income for a 10-year period. The analysis assumed 12 residential dwelling units in a 16,000 square foot building.



Image courtesy of the author.

Slate Roof.

The applicant provided a professional evaluation of the site and the city had staff from economic development review the applicant's analysis and evaluate it based on the current economic conditions in the area. The economic development staff agreed with the assessment that there would be a negative return. The last part of the consideration of the certificate was evidence of demolition by neglect. The campus was designated to the local historic register in 1988. The seminary was in continuous ownership of the property even though they are partnering with a developer under the current plan. The photographs at the time of designation showed the building in fair condition with no signs of major deterioration. The seminary also had been sent notices to repair the building due to its condition.

Outcome: After reviewing the photographs and service orders, the commission determined that there was evidence of demolition by neglect and denied the application for demolition. The owners appealed to the city council, who approved the demolition.

Case Study – Owner Occupied Roof Replacement

Request: This application requested a certificate of economic hardship based on materials that did not meet the design guidelines. This request was for removal of an original slate roof on a 1902 Georgian Revival house in a historic district.

Background and Evidence: The applicants requested the installation of a composition three-tab shingle roof in a dark grey color to match the color and pattern of the slate roof. The commission

Economic Hardship Considerations	
Appraised value of the property (Jackson County)	\$384,000
Cost of installation of composition roof	\$14,874.00 (composition) \$25,000.00 (polymer slate)
Cost of the repairs (repair and installation of new slate) according to the <i>Secretary of the Interior's Standards for Rehabilitation</i>	\$40,486.00
Difference in cost of repair vs. composition	\$25,612.00 (composition) \$15,486.00 (polymer slate)
Tax credits, grants or loans available	None
Value of property after repairs	unknown

also requested a bid for a polymer slate that more closely matched the existing slate. The replacement of the slate roof will cost 10.5% of the county appraised value of the house compared to 3.9% for the composition and 6.5% for the simulated slate.

Outcome: The commission determined that the composition shingle was not a compatible replacement and given the value of the house, it was not an economic hardship. The commission approved the use of the polymer slate or installation of matching slate.

Best Practices

1. Define what constitutes an economic hardship. It sets a clear expectation for the public and for the commission on what they may consider.
2. Outline the types of evidence the commission can consider so the applicant and public can determine what type of evidence is appropriate to submit.
3. Keep the design review separate from the consideration of the economic hardship. It creates a clear record of the commission's decisions.
4. If the commission feels the applicant has not provided key information to decide economic hardship, even if it's not on the checklist, request more information so you have a clear record of your determination
5. If available, approach staff outside of the preservation staff to assist in the evaluation of the proposal. Engineers from our building and permitting division and staff from our local economic development agency were helpful in reviewing the evidence submitted in economic hardship cases. ■

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Section 1: Purpose

The purpose of this legislation is to promote the education, safety and general welfare of the citizens of the City by:

A. Recognition and protection of Historic and Cultural Resources: The recognition, protection, enhancement, perpetuation and use of historical-cultural structures, sites, parks, landscaping, streets, signs, markers, protected trees, lamp standards, and neighborhoods that are reminders of past eras, events and persons important to local, state or national history, or that provide distinctive examples of architectural styles of the past, or that are unique and irreplaceable assets to the City;

B. Fostering of civic pride: The fostering of civic pride in the beauty and character of the city and in its past accomplishments;

C. Enhancement of City character: The enhancement of the visual character of the City by encouraging new design and construction that complements the City's historic buildings and districts.

D. Enhancement of property values: The enhancement of property values, the stabilization of neighborhoods, and the increase of economic and financial benefits to the City and its inhabitants through promotion of Heritage Tourism;

E. Identification and resolution of conflicts between preservation and land use: The early identification and resolution of conflicts between the

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preservation of Landmarks, Historic Districts, and Historical-Cultural
Resources and proposed alternative land uses.

Section 2: Historic Advisory Board established

The Historic Advisory Board shall have and exercise the powers and perform the
duties set forth in this section with respect to historical, cultural, and architectural
preservation.

A. HAB membership: The Historic Advisory Board shall consist of five
members:

1. One California licensed architect;
2. One architectural historian, historian or California licensed landscape
architect,
3. One California licensed general building contractor;
4. Two residents of the City.

All members shall have a demonstrated interest in the architecture, culture,
heritage, and history of the City of Alameda and shall serve without pay. All
Historic Advisory Board members shall, at the time of their appointment and
continuously during their incumbency, be residents of the City of Alameda.

In the event that the City Council determines that any of the positions described
in subsections 1, 2, or 3 cannot be filled by a person with the stipulated
qualification, the Council may fill any such position by appointing a person
qualified under subsections 1, 2, 3 or 4.

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44 **B. Procedures for appointing and removing members:** Upon nomination of
45 the Mayor, the City Council shall appoint, between May 1 and July 1 of each
46 year, such members as are necessary to maintain a full Board, for terms
47 commencing on the first day of July following such appointment and continuing
48 for four years thereafter until the successor of such member is appointed and
49 qualified. A member of the Historic Advisory Board may be removed by the vote
50 of a majority of the full City Council. A vacancy in the office of a member shall be
51 filled by appointment of a new member by the City Council for the duration of an
52 unexpired term of office.

53

54 **C. Term of office:** Members of the Historic Advisory Board shall serve four year
55 terms. Terms shall be staggered so that the number of terms expiring in any year
56 shall not differ by more than one from the number of terms expiring in any other
57 year. Members may be reappointed to serve a maximum of two consecutive full
58 four-year terms of office. Should a vacancy occur, the remainder of the vacated
59 term shall be filled in the manner set forth above. Historic Advisory Board
60 members serving the remainder of another Historic Advisory Board member's
61 term shall not have that time counted towards their two term limit.

62

63 **D. Meetings, officers and rules:** The Historic Advisory Board shall hold regular
64 meetings in the City Council Chamber on the first Thursday of each month,
65 unless proper notification is given for a change of location or time, and shall hold

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such additional meetings necessary for discharge of its responsibilities. The Historic Advisory Board shall select a Chair and a Vice Chair who shall serve one year terms or until successors are selected. Former officers may be returned to office. The City Manager or his or her designee shall be the Secretary of the Historic Advisory Board and he or she shall cause minutes and records of the Historic Advisory Board meetings be kept. Meetings shall be generally conducted under Robert's Rules of Order. The Historic Advisory Board shall develop, maintain, and amend as needed "Rules and Procedures."

E. Quorum: Three members of the Historic Advisory Board shall constitute a quorum. A decision of the Historic Advisory Board shall be determined by a majority vote of those members present at the meeting, with three or more votes required for passage.

F. Powers and duties: The Historic Advisory Board shall advise the City Council on all matters concerning the historical state of the City, report to the City Council the historic preservation needs of the City, and recommend to the City Council the means of fulfillment of those needs.

1. Rules and procedures: Adopt rules and procedures for the transaction of duties and business.

2. Preservation goals: Preserve Landmarks, contributors to Historic Districts, and listings on the Historical-Cultural Resources Inventory by

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taking all steps necessary that do not conflict with the health, safety, and general welfare of the public, or the powers and duties of the City.

3. Grants and funding: Research, review, and make recommendations to the City Council on the use of grants from Federal and State agencies, private foundations, and individuals, and any other funding mechanisms available to carry out provisions of this chapter.

4. Public Awareness: Participate in, promote, and conduct programs that increase public awareness, appreciation and protection of Historical-Cultural Resources, including commending historic preservation efforts, emplaqueing Landmarks and contributors to Historic Districts, identifying Heritage Areas, and other activities identified in the Historic Preservation Element of the General Plan.

5. Historic tourism: Promote the City of Alameda as a Heritage Tourism destination to stimulate economic development.

6. Recommendations to Council: Make any recommendation to the City Council in connection with the exercise of the powers and duties of the Historic Advisory Board, as necessary to carry out the spirit and intent of this section.

a. Make recommendations to the City Council about the periodic update of the City's preservation program, inventory, standards, procedures, and criteria, including the establishment of a preservation incentive program.

b. Make recommendations to the City Council for the enforcement and penalties covered in this ordinance.

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111 c. Make recommendations to the City Council for the expenditure of HAB
112 funds, including:

113 Studies of structures, neighborhoods and districts

114 Grants for public and private historic preservation efforts

115 **7. Recommendations to SHPO:** Review and recommend to the State Office
116 of Historic Preservation any Alameda properties that should be nominated
117 for the California Register, as California Points of Historic Interest, as
118 California Historical Landmarks and the National Register of Historic
119 Places.

120 **8. Delegation of Powers:** Resolve to delegate its review powers for specific
121 projects or categories of projects to the Historic Advisory Board Secretary.
122 Upon making a finding that such delegation is necessary, the Historic
123 Advisory Board shall approve appropriate guidelines for the Secretary.

124

125 Section 3: Criteria and procedures for designating and 126 undesignating Landmarks and Historic Districts

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128 A. Criteria When considering buildings, sites, and areas as Landmarks,
129 contributors to an existing Historic District or as new Historic Districts, the HAB
130 shall consider

131

132 1. Architecture

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133 a. A property, building, site, interior feature, or area that is a significant
134 example of architectural period, style, movement or construction
135 technique;

136 b. A property, building, site, interior feature or area that is a significant
137 work of an architect, contractor, designer, developer, or master
138 builder.

139 2. **Culture:** A property, building, site or area associated with economic,
140 educational, governmental, military, political, religious, and /or social
141 development of the City of Alameda, the County of Alameda, the State of
142 California and/or the United States of America.

143 3. **History:** A property, building, site or area that embodies and expresses
144 the history of the City of Alameda, the County of Alameda, the State of
145 California and/or the United States of America.

146 4. **Listings:** Listing on the California Register, listing as a California
147 Historical Landmarks, listing as a California Point of Historical Interest or
148 Listing on the National Register of Historic Places

149 5. **Historic Districts:** Two thirds of the buildings included in a new Historic
150 District must be eligible for designation as Contributors.

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B. Procedures

1. Initiation: Initiation of designation or undesignation shall be by the Historic Advisory Board, or by a resolution of intent by the City Council, or by the application of the owners of the property or their authorized agents, or by a valid petition to the HAB signed by 50 Alameda residents.

2. Property owner permission: Permission of the property owner is encouraged but not required for designation or undesignation of a Landmark or a Contributor to a District. However, interior features may only be designated or undesignated with permission of the property owner.

3. Notice of public hearing: Notice of the public hearing shall be given by posting thereof on or adjacent to the property involved not less than ten days before the hearing. In addition to the posting of notice, a notice of the hearing shall be mailed not fewer than ten days before the hearing to all property owners having property and each residential or other unit within 100 feet of the property referred to in the application. The failure of any such property owner or resident to receive such notice shall not affect the validity of the proceedings

The Historic Advisory Board may also give such other notice as it may deem desirable and practical, including, if requested, to organizations or individuals indicating an interest in the work of the Historic Advisory Board.

4. HAB public hearing: The Historic Advisory Board shall conduct a public hearing and shall recommend approval or disapproval of the application to

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175 the City Council for final certification within 70 days after the conclusion of
176 the public hearing; failure to act within said time shall constitute
177 disapproval of the application for the designation. A permanent record of
178 pertinent information presented at the hearing shall be made and
179 maintained.

180 **5. City Council hearing:** The City Council shall hold a public hearing on
181 each proposal approved by resolution of the HAB within 45 days of the
182 HAB action.

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184

Section 4. Criteria and Procedures for adding to and deleting from the Historical-Cultural Resources Inventory

187

188 **A. Criteria:** When considering adding to or deleting from the Inventory, the HAB
189 shall consider

1. Architecture

191 a. A property, building, site, or area that is an example of architectural
192 period, style, movement or construction technique;

193 b. A property, building, site, or area that is a work of a notable
194 architect, designer or master builder.

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2. Culture: A property, building, site or area associated with economic, educational, governmental, military, political, religious, and /or social development of the City of Alameda

3. History: A property, building, site or area that embodies and expresses the history of the City of Alameda

B. Procedures

- 1. Initiation:** Initiation of adding to or deleting from the Historic-Cultural Resources Inventory shall be by a member of the Historic Advisory Board, or by City Council resolution, or by the application of the owner of the property or the owner's authorized agent,
- 2. Property owner permission:** Permission of the property owner is encouraged but is not required for adding to or deleting from the Inventory.
- 3. Notice of Public Hearing:** Notice of a public hearing shall be given by posting thereof on or adjacent to the property involved not less than ten days before the hearing. In addition to the posting of notice, a notice of the hearing shall be mailed not fewer than ten days before the hearing to all property owners having property and each residential or other unit within 100 feet of the property referred to in the application. The failure of any such property owner or

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215 resident to receive such notice shall not affect the validity of the
216 proceedings.

217 The Historic Advisory Board may also give such other notice as it may
218 deem desirable and practical, including, if requested, to organizations or
219 individuals indicating an interest in the work of the Historic Advisory Board.

220 **4. Public Hearing:** The Historic Advisory Board shall conduct a public
221 hearing and shall approve or disapprove adding to or deleting from the
222 Historic-Cultural Resources Inventory within 70 days of the filing of the
223 application or resolution. A permanent record of pertinent information
224 presented at the hearing shall be made and maintained.

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226

227 Section 5: Criteria and procedures for actions subject to review

228 **A. Review of Permit Applications:** The Secretary of the Historic Advisory
229 Board shall maintain with the Department of Community Development
230 Department a current record of Landmarks, Historic Districts, designated
231 interior features of Landmarks and Historical-Cultural Resources as well as
232 a record of those undergoing consideration for designation and
233 undesignation or for addition and deletion.

234 Upon receipt of any application for a permit to carry out any construction,
235 alteration, or demolition of a Landmark or a contributor to a Historic District, the

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Community Development Department shall, except in conformance with the provisions of the Abatement of Dangerous Buildings listed in this ordinance, promptly forward such permit application to the Historic Advisory Board for review.

Upon receipt of any application for a permit to carry out work meeting or exceeding the demolition threshold of a listing on the Historical-Cultural Inventory or of a main building constructed prior to 1942, the Community Development Department shall, except in conformance with the provisions of the Abatement of Dangerous Buildings listed in this ordinance, promptly forward such permit application to the Historic Advisory Board for review.

Upon receipt of any application for a permit to remove any protected tree the Community Development Department shall review the application and determine whether the removal is required because the tree is dangerous, diseased or damaging a building, or if the protected tree removal is for other purposes including future development. If the removal is for other reasons including future development the Community Development Department shall promptly forward such permit application to the Historic Advisory Board for review.

B. HAB Public Hearing: The Historic Advisory Board shall conduct a public hearing and shall approve or disapprove each application within 70 days after the conclusion of the public hearing; failure to act within said time shall constitute disapproval of the application.

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C. Landmarks and Contributors to Historic Districts

1. Demolition Permit: If an application involves the complete demolition of a Landmark or a contributor to a Historic District, a Demolition Permit shall be required. The decision whether to issue a Demolition Permit will be made by the Historic Advisory Board. The application shall be accompanied by any and all information necessary to assist the Historic Advisory Board in making its determination, including historical assessments from appropriate experts, who meet standards set by the Secretary of the Interior. If the building is a historic resource as defined under CEQA, the application shall also include the appropriate level of environmental review documentation.

If the Demolition Permit is part of an entitlement process required for a development project, the application for the Demolition Permit shall be forwarded to the Historic Advisory Board for action before final action by the decision-making body.

2. Alteration Permit: If an application involves an exterior alteration to a property, building, site or area listed as a Landmark or a contributor to a Historic District, or the alteration of a designated Interior feature of a Landmark, an Alteration Permit shall be required. The decision whether to issue an Alteration Permit will be made by the Historic Advisory Board. The application shall be accompanied by any and all information necessary to assist the Historic Advisory Board in making its determination. If the Alteration Permit is part of an entitlement process

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required for a development project, the application for the Alteration Permit shall be forwarded to the Historic Advisory Board for action prior to final action by the decision-making body.

All work requiring an Alteration Permit shall conform to the Secretary of the Interior's Standards for Rehabilitation.

D. Historic-Cultural Resources and pre 1942 Structures

1. Demolition Permit: If an application includes work meeting or exceeding the demolition threshold of a structure listed on the Historic-Cultural Resources Inventory, or of a main building constructed before 1942 according to City records, the application shall first be routed the Historic Advisory Board for approval. If the building is a historic resource as defined under CEQA, the application shall also include the appropriate level of environmental review documentation.

If the building was constructed before 1942 and is not currently listed on the City's Historic-Cultural Resources Inventory the Historic Advisory Board may either approve the Demolition Permit or designate the property, building, site or area building as a potential Landmark, a contributor to a Historic District or add it to the Historic-Cultural Resources Inventory.

If the Demolition Permit is part of an entitlement process required for a development project, the application for the Demolition Permit shall be

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305 forwarded to the Historic Advisory Board for action before final action by
306 the decision-making body.

307 2. Appeal/Call up of staff level design review

308 Any person dissatisfied with a decision of the Community Development
309 Director relating exclusively to Design Review of a structure listed on the
310 City's Historic-Cultural Resources Inventory may file an appeal to the
311 Historic Advisory Board within 10 calendar days from the date of the
312 Notice of Decision. Any member of the Historic Advisory Board may call
313 up for review by the Historic Advisory Board a decision of the Community
314 Development Director relating exclusively to Design Review of a structure
315 listed on the City's Historic-Cultural Resources Inventory within 10
316 calendar days from the date of the Notice of Decision.

317 The Findings used by the Historical Advisory Board for the appeal/call up
318 of the staff level design review application shall be the same as the
319 Findings required in the original design review application.

320 E. Exceptions

321 1. Exceptions for emergencies

322 When immediate action is necessary to protect the public health, safety, or
323 general welfare, the Building Official or his or her designee may, after prior
324 consultation with the Secretary to the HAB, order the alteration, relocation,
325 or demolition of a Landmark, contributor to a Historic District, a Historical-
326 Cultural Resource or a pre 1942 main building. The Building Official shall
327 address the mitigation of the hazard in a manner that will have the least

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328 detrimental effect on the resource. The Building Official or his or her
329 designee shall notify the HAB within two days of the issuance of any such
330 order.

331 **2. Ordinary maintenance exemption:** When a building permit is
332 submitted to the City for ordinary maintenance and repair, this action
333 shall be exempt from discretionary review. Staff shall make this
334 determination.

335

336 **F. Good repair and maintenance required:** Both the exterior and all
337 designated interior features of all Landmarks and contributors to a Historic
338 District shall be kept in good repair. This requirement is the responsibility
339 of the owner, lessee, or other person in actual charge of the Landmark or
340 contributor. For purpose of this section, "good repair" means the
341 prevention of structural decay or structural failure or the prevention of
342 irreparable damage to the major historic or architectural features of the
343 building.

344

345 **G. Good Faith Requirement:** As a condition of approval for projects
346 contemplating the complete demolition of a Landmark, a contributor to a Historic
347 District, a Historical-Cultural Resource or a pre 1942 main building reasonable
348 efforts shall be made to relocate the structure to an acceptable site, preferably in
349 Alameda. The applicant may be deemed to have fulfilled this condition, if the

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applicant can demonstrate to the HAB that reasonable efforts have been made, and that these efforts have been fruitless. The applicant shall present a report to the HAB demonstrating the extent of the good faith efforts. The HAB shall review the report to determine if reasonable such efforts have been made.

Salvage of historical materials is required to aid in the reuse of materials from a resource scheduled for demolition. A condition of approval by the Historic Advisory Board shall stipulate which parts of the building, both interior and exterior materials, features, and fixtures, shall be saved.

H. Notice of decision: Final action on an Alteration, Major Alteration or Demolition Permit shall be made in writing, listing findings and conditions of approval. A copy of the action shall be mailed to the applicant and to any person who has requested notice. The date of the final action shall be the date the Historic Advisory Board took final action on the project.

I. Stabilization or removal of imminently hazardous buildings: If any Landmark, contributor to a Historic District, or building on the Historic-Cultural Resources Inventory is found to be unsafe or dangerous and imminently hazardous, the Chief Building Official shall make this declaration in writing. Once this declaration is made, the Chief Building Official may participate in creating an Interim Stabilization Plan and/or issue permits to prevent danger to public health and safety. In addition to demolition or deconstruction, the official is encouraged to consider barriers, signs, reinforcements, and other means that would cause

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the least damage to the resource. In addition, solely at the discretion of the Chief Building Official, a demolition permit can be issued for any building that is proven to be a threat to health and safety of the public.

J. Damaged resources: Should a Landmark or a contributor to a Historic District, be damaged by work without a permit, neglect, fire, earthquake, flood or other natural occurrences, an Interim Stabilization Plan shall be prepared by the owner to prevent further deterioration of the Resource. This plan shall be submitted to the Community Development Director in consultation with the Building Official. The plan shall be submitted no more than thirty days after the owner was notified of required action by the City. The plan shall include at a minimum a condition assessment of the building, a weatherization plan, and any other information deemed pertinent. The plan shall be implemented immediately and to the satisfaction of the Community Development Director or his or her designee.

K. Advice and guidance: The Historic Advisory Board may render advice and guidance to public and private property owners with respect to any proposed work not requiring a City permit, on a Landmark or a contributor to a Historic District. Examples include painting and repainting of exterior surfaces; fencing; landscaping; and installation of lighting fixtures. In offering such advice, the

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Historic Advisory Board shall be guided by the purposes and standards of this chapter.

M. Findings: A Certificate of Approval to demolish, relocate, or alter a Landmark or a contributor to a Historic District or to demolish or relocate a Historical-Cultural Resource or a pre-1942 may be granted only if the HAB makes one of the following findings:

1. The proposal does not demolish, remove or materially alter in an adverse manner those physical characteristics of the Landmark or contributor to a Historic District that convey its significance and that justify its designation. Generally, proposals that follow the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings or the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Properties shall be considered as meeting these criteria, as they are interpreted by the HAB.
2. The Landmark, Contributor to a Historic District, Historical-Cultural Resource or pre-1942 main building has become a detriment to the community and the detrimental condition cannot be reasonably corrected.
3. The owner of the Landmark, Contributor to a Historic District, Historical-Cultural Resource or pre-1942 main building has received a Certificate of Economic Hardship pursuant to Section 6.

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4. The proposal is necessary to implement a project important to the City and the benefits of the proposal outweigh any adverse affect on the Landmark, Contributor to a Historic District, Historic-Cultural Resource or pre-1942 main building.

Section 6: Consideration of Economic Effects

A. Preservation Incentives

- 1. State Historic Building Code:** Any Landmark, contributor to a Historic District, or property on the Historical-Cultural Resources Inventory is eligible for application of the State Historic Building Code.

- 2. Mills Act:** Any Landmark, contributor to a Historic District or Historic Cultural Resource is eligible for the Mills Act. A maximum of five contracts per calendar year may be granted by the City.

- 3. Conservation Easement:** Any Landmark or contributor to a Historic District is eligible for a conservation easement.

- 4. Conditional Uses:** Any Landmark, contributor a Historic District or a property on the Historical-Cultural Resources inventory may be eligible for a broader range of permitted or conditionally uses, including the return to its original use, subject to Planning Board approval.

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B. Severe economic hardship: The Historic Advisory Board may approve a Certificate of Economic Hardship, a permit to carry out alterations or construction to a Landmark, a contributor to a Historic District, a Historic-Cultural Resource or a pre 1942 main building if the applicant presents clear and convincing evidence to the Historic Advisory Board that meeting the requirements of this ordinance will cause an immediate and severe economic hardship because of specific conditions particular to the building or feature involved. If hardship is found to exist under this section, the Historic Advisory Board shall make a written finding to that effect, and shall also specify in writing the facts relied upon in making such finding.

1. Submittal requirements

a. Plans and documents: All elements of all proposed plans including appropriate site plans, images, both graphic and written description of the proposed project, including land use, landscaping, and parking.

b. Professional Reports: A report from a licensed engineer or architect with experience in rehabilitation of historic properties as to the structural soundness of any historic structures on the property and their suitability for rehabilitation.

c. Preservation Cost Estimate: Estimate of the cost to maintain or restore the Landmark, Contributor to a Historic District, a Historic-Cultural Resource or a pre 1942 main building in accordance with the recommendations of the HAB. In connection with any such estimate, rehabilitation costs that are the result of the current property owner's

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intentional or negligent failure to maintain the historical-cultural resource in good repair shall not be considered by the HAB in its determination of whether the property may yield a reasonable economic return to the owner.

d. Proposal Cost Estimate: Estimate of the cost of the proposed alteration, demolition, removal, new construction or plans for the vacant lot.

e. Market valuation alternatives: Estimated market value of the property in its current condition; estimated market value of the property if restored to comply with HAB recommendations and estimated market value after completion of the proposed construction, alteration, demolition or removal.

2. Required findings: To grant a Certificate of Economic Hardship, the HAB must make a finding that without approval of the proposed demolition, relocation or alteration all reasonable use of or return will be denied a property owner. In the case of a proposed complete demolition, the HAB must also make a finding that the Resource cannot be remodeled or rehabilitated in a manner which would allow a reasonable use of or return to the property owner.

Section 7: Appeals and Calls for Review

A. Time Limits: Any decision of the Historical Advisory Board shall be final on the date of the decision, unless any interested party files a Notice of Appeal with

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the Community Development Department, no later than 10 calendar days following the decision. In filing an appeal, the appellant shall state the reasons or justification for the appeal.

In addition, any City Council member may call the decision up for a review no later than 10 calendar days following the decision. The call shall specify the reasons or justification for the review. No fee shall be required for a call for review.

When the end of an appeal or call for review period falls on a non-work day, weekend or a statutory holiday, the period shall continue until the first working day thereafter.

The filing of a notice of appeal or call for review within the time and in the manner specified in this section shall stay all proceedings by all parties in connection with the matter upon which the appeal is taken until the final decision of the City Council as provided herein.

B. City Council Review: Within forty-five (45) days following the filing of the notice of appeal, the City Council shall review the action of the Historic Advisory Board and may do any one of the following:

1. Refer the matter to the Historic Advisory Board for further consideration, in which case the Historic Advisory Board shall conduct such further investigation as it shall deem advisable and report its conclusion to the City Council;

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2. If the facts stated in or ascertainable from the application, the notice of appeal, the written statement of the Historic Advisory Board setting forth the reasons for its decision, and the other papers, if any, constituting the record do not, in the opinion of the City Council, warrant further hearing, the City Council may uphold the decision of the Historic Advisory Board and dismiss the appeal;

3. If, in the opinion of the City Council, said facts warrant further hearing, the City Council shall set the matter for hearing and shall give notice of the time and place of said hearing in the same manner as is provided for giving notice of the time and place for hearing before the Historic Advisory Board. The City Council may reverse or affirm wholly or partly, or modify any decision, determination or requirement of the Historic Advisory Board, and may make decisions or determinations or may impose such conditions as the facts warrant and its decision or determination shall be final.

C. Time Limits and Notification of Appeals: If a public hearing is set on the appeal, the City Council shall decide the appeal within sixty (60) days from the date that the public hearing on the appeal. If the City Council is unable to act on such appeal within such time, the decision of the Historic Advisory Board shall be automatically affirmed.

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526 The City Clerk shall promptly notify in writing the appellant, owners or
527 authorized agents of affected property, and residents of such property of
528 the action taken.

529 Payment of fees for an appeal from the decision of the Historic Advisory
530 Board shall be set by resolution of the City Council.

531

532 Section 8: Enforcement and Penalties

533 A. Unlawful Actions is a violation of the Alameda Municipal Code

534 It is unlawful for a person or entity to alter, relocate, or demolish or cause to be
535 altered, relocated, or demolished any Landmark or contributor to a Historic
536 District in violation of any of the provisions of this ordinance.

537 It is unlawful for a person or entity to perform work meeting or exceeding the
538 demolition threshold to any structure listed on the Historical-Cultural Resources
539 inventory in violation of any of the provisions of this ordinance.

540 It is unlawful for a person or entity to perform work meeting or exceeding the
541 demolition threshold to any main building constructed prior to 1942 in violation of
542 any of the provisions of this ordinance.

543 Any violation of this chapter or failure to obtain a Permit or comply with a
544 condition of approval of any Historic Advisory Board Permit, or other permit

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issued pursuant to this chapter constitutes a violation of the Alameda Municipal Code.

B. General Responsibilities

It shall be the duty of the Community Development Director, to administer and enforce the provisions of this chapter.

For the purposes of this section, the date of alteration, relocation, or demolition shall be the date the City first was advised of the action, unless the property owner can provide proof of an earlier date.

The alteration, removal, or demolition of a Landmark or a contributor to a Historic District shall result in the requirement to restore the resource to its original appearance to the extent such restoration is physically possible to the satisfaction of the Historic Advisory Board. If the violator is a contractor, the City Attorney may notify the State Contractor Licensing Board of the violation.

C. Interim Stabilization Plan

The Community Development Director may require the owner to prepare an interim stabilization plan that may include additional measures designed to establish a weather resistant enclosure or secure the structural stability of an unsafe or deteriorated Landmark or contributor to a Historic District. The owner shall submit a site maintenance plan to the satisfaction of the Community Development Director, and shall implement the maintenance plan to prevent the accumulation of debris and waste on the property during this period.

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568

569 **D. Penalties for Violations of this Chapter**

570 The Historic Advisory Board shall recommend appropriate penalties to the City

571 Council from the following list:

572 1. When the illegal demolition is to a Landmark or to a contributor to a
573 Historic District then the payment shall be a fine equal to the in-kind
574 replacement value of the structure. The estimate of replacement value
575 shall be determined by a real estate appraiser with a certified general
576 license. That appraiser shall be selected by the City and any fees shall be
577 paid by the applicant.

578 Or

579 2. Payment of a fine of between \$1,000 and \$100,000 per violation for illegal
580 demolition or illegal alteration of a Landmark or contributor to a Historic
581 District or illegal work exceeding the demolition threshold of a Historic-
582 Cultural Resource.

583 And

584 3. A parcel that is the site of illegal alteration, relocation, or demolition of a
585 Landmark, a contributor to a Historic District, a Historical-Cultural
586 Resource or a pre 1942 main building in violation of this chapter shall not
587 be developed in excess of the pre-existing floor area ratio, or the
588 preexisting dwelling unit density for a period of five years from the action.

589 The parcel that is the site of an illegal demolition shall not be used as a

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590 private or commercial parking lot and new curb cuts shall not be permitted
591 for a period of 20 years.

592 The Community Development Director shall pursue means to collect
593 assessed penalties. The City Attorney may attach a lien to the property if the
594 fine is not paid within one year of the assessment of the fine or take other
595 means necessary to secure the funds. All fines shall be deposited in the
596 Historic Advisory Board Fund.

597

598 **E. Alternative Reparation:** A person or entity may be relieved of the penalties
599 provided in this ordinance if, as to an unlawful demolition or alteration, the person
600 or entity provides evidence to the satisfaction of the Historic Advisory Board that
601 the original distinguishing qualities and character of the resource will be restored.
602 Such restoration must be undertaken pursuant to a valid building permit issued
603 after the issuance of a Historic Advisory Board permit. A complete application for
604 such Historic Advisory Board permit shall be submitted to the Community
605 Development Department within 90 days of the date of the Notice of Violation. A
606 complete application for a building permit shall be submitted within 60 days after
607 approval of the Historic Advisory Board permit. Construction shall begin within
608 30 days of the issue of the building permit. The owner shall submit a site
609 maintenance plan to the satisfaction of the Community Development Director and
610 shall implement the maintenance plan to prevent the accumulation of debris and
611 waste on the property during this period.

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The City Attorney may maintain an action for injunctive relief to restrain or correct a violation, or cause, where possible, the complete or partial restoration, reconstruction or replacement in kind of any Landmark or contributing building to a Historic District altered, relocated, or demolished, or allowed to fall below minimum maintenance standards in violation of this chapter.

The remedies provided above are not exclusive.

Section 10: Definitions

Accessory Building: Any building located on a lot other than a main building.

Addition: The creation of any new portion of a building which results in a vertical or horizontal extension of the building visible from the outside of the building.

Alteration: Physical changes or modifications to the structural elements of a Landmark or contributor to a Historic District or any main building listed on the Historical-Cultural Resources inventory. Alterations include, but are not limited to:

1. Any exterior addition; removal and/or modification of windows, doors, roofing, siding or visible part of foundation of any main or accessory building that requires a building permit.
2. Any removal and/or modification of designated interior features of a Landmark.

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636 *Alteration Permit:* A discretionary permit that may be granted by the Historic
637 Advisory Board for physical changes or modifications to the historic fabric of a
638 Landmark or contributor to a Historic District. This permit will be require the
639 proposed project to be found to be consistent with the Secretary of the Interior's
640 Standards for Treatment of Historic Properties.

641

642 *Building:* Any structure having a roof supported by columns or walls.

643

644 *California Historical Building Code:* Title 24, Part 8 of the California Code of
645 Regulations (California Building Standards Historic Advisory Board); applies to all
646 qualified historic buildings, districts, and sites, designated under federal, state,
647 and local authority.

648

649 *California Environmental Quality Act (CEQA):* Sections 21000-21177 of the State
650 of California Public Resources Code. These Sections contain environmental
651 regulations governing the review of projects in California.

652

653 *California Register California Historical Landmarks, California Points of Historical*
654 *Interest:* Buildings, sites, and places with statewide historical significance
655 officially designated by the Director of California State Parks.

656

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657 *Certificate of Economic Hardship:* A discretionary permit issued by the Historical
658 Advisory Board to relieve *economic hardship* an owner of a Landmark, a
659 contributor to a Historic District, a Historic-Cultural Resource or of a pre 1942
660 main building.

661

662 *Character-defining:* Visual aspects and physical elements that comprise the
663 appearance of a Landmark, a contributor to a Historic District or a Historic-
664 Cultural Resource that are significant to its historical, architectural, or cultural
665 value. These aspects include, but are not limited to: architectural style, form,
666 mass, materials, craftsmanship, construction techniques, decorative details, and
667 other visible features.

668

669 *Contributor:* Designated main and accessory buildings, and other designated
670 appurtenances within the boundaries of a Historic District that represent the
671 qualities that give significance to the site. Examples include: a resource
672 constructed during the period of significance of the Historic District that has not
673 lost its integrity due to alteration or demolition.

674

675 *Demolition threshold:* Any one of the following:

676 a. Removal of more than (twenty-five?) (fifty?) percent of the surface of any
677 (two?)(one?) exterior walls, except for replacement in kind.

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- 678 b. Enclosure or visual obstruction of more than (twenty-five) (fifty?) percent of
679 the exterior wall(s) of any building so that the wall(s) no longer function as
680 exterior wall(s).
- 681 c. Removal of more than fifty percent of the roof surface area as measured in
682 plan view, except for the replacement of roof surfaces in kind or replacement
683 to match original roof surfaces.
- 684 d. Any alteration that, in combination with other alterations within the preceding
685 five years, will represent a change as defined in one or more subsections
686 above.
- 687 e. Relocation of any building or other resource to another site.

688

689 *Demolition- Complete: The tearing down, razing or total removal of a structure*
690 *from its subject property.*

691 *Demolition Permit:* A discretionary permit that may be granted by the Historic
692 Advisory Board for work proposed to demolish a Landmark or a contributor to a
693 Historic District or work that meets or exceeds the *demolition threshold* of any
694 resource listed on the Historical-Cultural Resources Inventory or any main
695 building constructed before 1942.

696

697 *Economic Hardship:* Significant potential financial loss caused by incurring the
698 costs necessary to retain the beneficial use of a Landmark, a Contributor to a
699 Historic District, a Historic-Cultural Resource or of a pre 1942 main building.

700

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701 *Hardscape*: Rigid portions of the urban landscape, including the surfaces of
702 streets and sidewalks, buildings, light standards, and other appurtenances.

703

704 *Heritage Area*: .Honorary recognition by the Historical Advisory Board of a
705 section of the city that is architecturally or historically unified, a program
706 authorized by the City Council June, 1986. Four Heritage Areas have been
707 identified: Bay Station, Burbank-Portola, Leonardville, and Park Avenue.

708

709 *Historical Advisory Board (HAB)*: A five member board established by the City
710 Charter whose members are appointed by the Mayor, approved by City Council,
711 and charged with carrying out the duties set forth in the Municipal Code.

712

713 *Historical Advisory Board Fund*: All fines, fees, or other monies arising out of the
714 administration of this ordinance, or gifts or trusts given to the city expressly for
715 the Historic Advisory Board.

716

717 *Historical-Cultural Resources Inventory*: The officially adopted City of Alameda
718 list of buildings, structures, signs, sites, lamp standards, hardscape, landscapes,
719 and other appurtenances. A portion of this inventory was formerly called the
720 Historic Buildings Study List.

721

722 *Historic District*: A geographically defined area designated by the Historic
723 Advisory Board and approved by City Council that has a significant concentration

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724 or continuity of sites, hardscapes, signs, landscapes, or buildings unified

725 historically, culturally, or architecturally.

726

727 *Historic Fabric:* Historically significant construction materials, architectural

728 finishes, or elements in a particular pattern or configuration dating from the time

729 of the historic resource's period of significance.

730

731 *Historic Preservation Element:* Part of the General Plan of the City of Alameda

732 adopted by the City Council.

733

734 *Interim Stabilization Plan:* A plan provided by an owner to preserve a neglected

735 or damaged building until a final building permit is approved by the city.

736

737 *Imminently Hazardous Building:* A building or portion thereof that is in a condition

738 of structural weakness or that is an immediate danger to life, health, or safety of

739 the public or property. Such hazard is so imminent that the risks there from

740 require summary or immediate action to avoid serious harm.

741

742 *Integrity:* The authenticity of a property's historic identity, evidenced by the

743 survival of physical characteristics that existed during the property's historic or

744 prehistoric period.

745

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746 *Landmark:* A building, building, site, sign, landscape or hardscape designated by
747 the Historic Advisory Board and approved by the City Council.

748

749 *Landscape:* An expanse of scenery, lawns, trees, plants, and other materials,
750 such as rock and decorative features, including sculpture, patterned walks,
751 fountains, arbors, trellises, patio covers, fences, gates, and pools.

752

753 *Main Building:* The primary building on a site.

754

755 *Maintenance and Repair:* Conserving or repairing a building without modifying its
756 form, detail, or materials. Maintenance and repair include the replacement of a
757 concrete or brick foundation, painting of exterior elevations and replacement in
758 kind of original architectural details utilizing the same materials found in the
759 original element, consistent with the Department of Interior Standards.

760

761 *National Register of Historic Places:* The Nation's official list of historical and
762 cultural resources. Properties on the Register include districts, sites, buildings,
763 buildings, and objects that are significant in American architecture, archeology,
764 culture, engineering, and history. The National Register is administered by the
765 National Park Service, part of the United States Department of the Interior.

766

767 *Noncontributing:* A part of a Landmark or Historic District that is not

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representative of the qualities that give significance to the site. Examples include:
resources constructed before or after the period of significance of the Historic
District or a Landmark, or parts of a Landmark or Historic District that have lost
integrity due to alterations and demolitions.

Replacement-in-kind: shall mean the replacement of any building or architectural
element which is identical to the existing building or architectural element in
terms of location, size, and shape; and is made of materials that outwardly have
the same dimensions, proportions, details and textures of the original and that
outwardly appear unchanged from the original. See the Department of Interior
Standards for the Treatment of Historic Properties.

Restoration: shall mean to restore or replace any building or architectural
element back to its original dimensions, proportions, details and textures of the
original element and that outwardly appear unchanged from the original element
in place at the time of construction. If the original element has been removed or
altered, the replacement element shall be consistent with the building's original
architectural style as set forth in the Department of Interior Standards for the
Treatment of Historic Properties.

Secretary of the Interior's Standards for the Treatment of Historic Properties:
Standards provided by federal agencies in the preservation of historic properties.

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790 The Secretary of the Interior Standards for Treatment of Historic Properties are
791 published by the U.S. Department of the Interior.

792

793 *State Historical Building Code*: See California Historical Building Code.