

ORDINANCE NO. 20-13 N.S.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RICHMOND AMENDING CHAPTER 6.06 OF THE RICHMOND MUNICIPAL CODE (HISTORIC STRUCTURES CODE) TO STREAMLINE THE DESIGN REVIEW PROCESS FOR ALTERATIONS OF HISTORIC RESOURCES BY REDUCING THE NUMBER OF REVIEW BODIES INVOLVED IN THE REVIEW PROCESS AND BY ENABLING ADMINISTRATIVE REVIEW OF PERMIT APPLICATIONS FOR MINOR ALTERATIONS

The City Council of the City of Richmond do ordain as follows:

SECTION 1. Chapter 6.06 of the Richmond Municipal Code (Historic Structures Code) is hereby amended to read as follows:

Chapter 6.06 - HISTORIC STRUCTURES CODE

Sections:

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6.06.010 - Administration.

- (a) These regulations shall be known as the "Historic Structures Code," may be cited as such, and will be referred to herein as "this chapter."
- (b) This Code is one of the technical codes of building regulations and is administered under Chapter 6.02 of the Municipal Code of the City of Richmond.

6.06.020 - Purpose.

The purpose of this chapter is to promote the general welfare by providing for the identification, protection, enhancement, perpetuation, and use of improvements, buildings, structures, signs, features, sites, places, and areas within the City that reflect important elements of the City's historical, architectural, archaeological, cultural, or aesthetic heritage for the following reasons:

- (1) To encourage public knowledge, understanding, appreciation, and use of the City's past;
- (2) To foster civic pride in the beauty and personality of the City and in the accomplishments of its past;
- (3) To enhance the visual character of the City by encouraging new design and construction that complement the City's historical buildings;

- (4) To increase the economic benefits of historic preservation to the City and its inhabitants;
- (5) To protect property values within the City;
- (6) To identify as early as possible and resolve conflicts between the preservation of historical resources and alternative land uses;
- (7) To conserve valuable material and energy resources by encouraging continued or adaptive re-use and maintenance of the existing built environment;
- (8) Provide a procedure for detailed application of the California Environmental Quality Act (CEQA) as it pertains to historic resources as defined in Section 21084.1 of the California Environmental Quality Act;
- (9) Maintain designation as a Certified Local Government under 36 CFR Part 61 and satisfactorily perform responsibilities delegated by the State of California;
- (10) Facilitate application of and compliance with federal legislation affecting historic properties, including Section 106 of the National Historic Preservation Act of 1966 (as amended);
- (11) Identify properties and maintain a system for the survey and inventory of historic properties;
- (12) Provide for adequate public participation in the application of public policy in historic preservation, including the process of recommending properties for nomination to the National Register of Historic Places, the California Register of Historical Resources, or the Richmond Historic Register;
- (13) Provide owners of historic properties reasonable economic uses and inform them of available economic incentives for historic preservation; and
- (14) Provide a constitutional right of owners for due process for restrictions or proposed restrictions on the use of historic properties.

6.06.030 - Terminology.

For purposes of this chapter, certain terms and words are defined in this section. If any of these definitions are in conflict with the provisions of Title 24, Part 2, of the California Code of Regulations, entitled the California Building Code, then the requirements of Title 24 shall govern.

"Alteration" means any external change in the character, composition, or structure of a potential historical resource or historical resource.

"Archaeological resource" means any material remains of past human life or activities which are of archaeological interest, as determined under uniform regulations promulgated pursuant to the Archaeological Resources Protection Act of 1979.

"Building" means any structure used or intended for supporting or sheltering any use or occupancy. [From Cal. 2007 Building Code Section 202 (Definitions).] As used in this chapter, "building" does not include machinery, equipment, or appliances installed for manufacture or process purposes only, or any construction installations which are not part of a building [From Cal. Health and Safety Code Section 18908(d) (State Building Standards.)] or any goods movement equipment and facilities.

"California Register of Historical Resources" means the official listing of California's historical resources, including those of local, state, and national significance as defined in Section 5020.1(a) of the California Public Resources Code.

“Character defining feature” means the architectural, street and landscape features of a building, structure, object, or historic preservation district which help to convey historical significance.

“Certified Local Government” means a city or town that has met specific standards enabling its participation in certain National Historic Preservation Act programs administered by the National Park Service and the State Office of Historic Preservation.

"City" means all the area within the boundary of the City of Richmond.

"Construction installations" means materials installed temporarily to facilitate the construction of permanent structures and includes but is not limited to scaffolding, shoring, caissons, cribbing, diversion dams and formwork with an intended period of use not exceeding three years.

"Contributing structure" means a structure in an historic district, which by its age, historical integrity, or historical significance is an essential part of the historic fabric of the district, or would reduce the integrity of the district by its inappropriate alteration or removal.

- (1) A building contributing to the historic significance of a district is one which by location, design, setting, materials, workmanship, feeling and association adds to the district's sense of time and place and historical development.
- (2) A building not contributing to the historic significance of a district is one which does not add to the district's sense of time and place and historical development; or one where the location, design, setting, materials, workmanship, feeling and association have been so altered or have so deteriorated that the overall integrity of the building has been irretrievably lost.
- (3) Ordinarily, buildings that have been built within the past 45 years shall not be considered to contribute to the significance of a district unless a strong justification concerning their historical or architectural merit is given or the historical attributes of the district are considered to be less than 45 years old.

"Council" means the City Council of the City of Richmond.

"Dangerous building" is defined in Chapter 6.10 of the Richmond Municipal Code, (entitled Abatement of Dangerous Buildings Code), or by 2007 California Existing Building Code, Title 24, Part 10.

“Demolition” means any act or failure to act that destroys, destructs, or removes in whole or in part any element of a potential historical resource, an eligible historical resource, or designated historical resource such that its character, historical significance and/or integrity is materially altered.

"Demolition by neglect" means the act of willingly allowing a structure or its components to deteriorate to a state that it becomes economically or functionally impractical to rehabilitate due to damage to structural components or those that define the essential historic characteristics (also see Chapter 9.22 of the Richmond Municipal Code entitled Public Nuisances).

"Director" means the Director of Planning and Building Services of the City of Richmond.

“Exempt alteration(s)” means activities that do not require a City building permit and/or work that requires a building permit but that does not have potential to impair the historic significance of the historical resource, including plumbing, electrical, and mechanical improvements or repairs, and interior improvements (unless such improvements are contributing elements of the historic resource’s historic significance).

“Expert professional” means a person who meets the Secretary of the Interior’s professional qualification standards contained within 36 CFR Part 61. The professional

qualifications define the minimum education and experience required to perform identification, evaluation, registration, and treatment activities. If the City deems necessary, the City shall have the discretion to require additional areas or levels of expertise depending on the complexity of the task and the nature of the historical resource involved.

“Expert technical analysis” means a written report by an expert professional that evaluates the potential historical and architectural significance of a resource or contributing resource based upon accepted criteria and findings of fact. The expert technical analysis may also identify potential impacts to a resource and activities or actions that would reduce those impacts to below a level of significance.

"Exterior architectural feature" means the architectural elements embodying style, design, general arrangement, and components of all of the outer surfaces of an improvement, including but not limited to, the kind, color, and texture of the building materials and the type and style of all windows, doors, lights, signs, and other fixtures appurtenant to such improvement.

"Goods movement equipment and facilities" means equipment and facilities used to move, handle, and store raw and finished materials in solid, liquid, and gaseous forms and includes but is not limited to conveyors, cranes, hoppers, chutes, pipes, ducts, channels, flumes, pumps, tanks and their supporting structures.

"Historic district" means a geographically definable area within the City possessing a significant concentration, linkage, or continuity of sites, buildings, structures, or objects united by past events or aesthetically by plan or physical development. A district may also comprise individual elements separated geographically but linked by association or history (U.S. Title 36: Section 60.3). Buildings, structures, objects and sites within a historic district are normally divided into two categories, contributing and non-contributing.

Included in this designation are all districts listed, at the time of or subsequent to, adoption of the ordinance codified in this chapter, on the National Register of Historic Places or the California Register, including but not limited to:

- (1) Point Richmond Historic District;
- (2) Winehaven Historic District.

"Historic Preservation Commission" means the Historic Preservation Commission as defined in this Section 6.06.050(b).

"Historic property" means a district, site, building, structure or object significant in American history, architecture, engineering, archeology or culture at the national, State, or local level (National Park Service, Preservation Terminology).

"Historic resource" means any building, structure, sign, feature, site, place, area, or other improvement of scientific, aesthetic, educational, cultural, archaeological, architectural, or historical value to citizens of the City and designated as such by the Council pursuant to the provisions of this chapter, including Richmond historic landmarks, and contributing structures in historic districts. (Note: See CEQA Statute 21084.1: "For purposes of this section, an historical resource is a resource listed in, or determined to be eligible for listing in, the California Register of Historical Resources. Historical resources included in a local register of historical resources, as defined in subdivision (k) of Section 5020.1, or deemed significant pursuant to criteria set forth in subdivision (g) of Section 5024.1, are presumed to be historically or culturally significant for purposes of this section, unless the preponderance of the evidence demonstrates that the resource is not historically or culturally significant. The fact that a resource is not listed in, or determined to be eligible for listing in, the California Register of Historical Resources, not included in a local register of historical resources, or not deemed significant pursuant to criteria set forth in subdivision (g) of Section 5024.1 shall not preclude a lead agency from determining whether the resource may be an historical resource for purposes of this section.") "Historic resource" is synonymous with "historic property."

“Integrity” means the authenticity of a property’s historic identity, evidenced by the survival of physical characteristics that existed during the property’s historic period.

“Major alteration” means those alterations that are not exempt or do not qualify as minor alterations, which include, but may not be limited to: a) demolition; b) installation or alteration of windows, doors, or other historic features where the original opening is proposed to be enlarged, reduced or altered; c) additions to a structure or site that exceed 499 square feet; d) new construction within a historic district; e) additions that exceed 499 square feet within a historic district; f) relocation; and g) reconstruction.

“Minor alteration” means alterations that require a building permit but do not affect the historic significance of the historic resource because they meet the Secretary of the Interior’s Standards for Treatment of Historic Properties. Minor alterations include: a) the installation of exterior features such as awnings and garage doors; b) installation or alteration of windows, doors or other historic features where the original opening will not be enlarged, reduced or altered; and c) additions that are less than 499 square feet.

“National Register of Historic Places” means the official listing of the United State’s historic resources maintained by the Secretary of the Interior under the authority of the Historic Sites Act of 1935 and the National Historic Preservation Act of 1966.

“Object” means a construction that is primarily artistic in nature of relatively small scale and simple construction. Although it may be, by nature or design, movable, an object is typically associated with a specific setting or environment, such as a boundary marker, fountain, milepost, sculpture, or statuary.

"Ordinary maintenance and repair" means any work, for which a building permit is not required by law, where the purpose and effect of such work is to correct any deterioration of or damage to a structure or any part thereof and to restore the same, as nearly as may be practicable, to its condition prior to its deterioration or damage.

“Planning Commission” means the Planning Commission as set forth in RMC Chapter 3.20.

“Potential historical resource” means any resource 45 years or older that may, in the opinion of the Zoning Administrator, meet the findings of fact and criteria established in Section 6.06.060.

“Preservation” means the act or process of applying measures necessary to sustain the existing form, integrity, and materials of an historic property. Work, including preliminary measures to protect and stabilize the property, generally focuses upon the ongoing maintenance and repair of historic materials and features rather than extensive replacement and new construction. New exterior additions are not within the scope of this treatment; however, the limited and sensitive upgrading of mechanical, electrical, and plumbing systems and other code-required work to make properties functional is appropriate within a preservation project.

"Process equipment" means equipment used in the research, development or production of manufactured products and includes but is not limited to heaters, furnaces, reactors, incinerators, vaporizers, steam generators, boilers, pipes, ducts, pumps, pressure vessels, heat exchangers, compressors, and boilers.

"Proposed designation" means buildings, structures or areas nominated as Richmond historic landmarks, historic resources or historic districts by the Commission.

“Reconstruction” means, in accordance with the Secretary of the Interior’s Standards for the Treatment of Historic Properties, the act or process of depicting, by means of new construction, the form, features, and detailing of a non-surviving site, landscape, building, structure, or object for the purpose of replicating its appearance at a specific period of time and in its historic location.

“Rehabilitation” means, in accordance with the Secretary of the Interior’s Standards for the Treatment of Historic Properties, the act or process of making possible a compatible use for a property through repair, alterations, and additions while preserving those portions or features which convey its historical, cultural, or architectural values.

“Restoration” means, in accordance with the Secretary of the Interior’s Standards for the Treatment of Historic Properties, the act or process of accurately depicting the form, features, and character of a property as it appeared at a particular period of time by means of the removal of features from other periods in its history and reconstruction of missing features from the restoration period. The limited and sensitive upgrading of mechanical, electrical, and plumbing systems and other code-required work to make properties functional is appropriate within a restoration project.

"Richmond historic landmark" means one or more Richmond historic resources having significant historic or architectural worth and designated as such by the Council pursuant to the provisions of this title, of the highest scientific, aesthetic, educational, cultural, archaeological, architectural, or historical value to the citizens of the City of Richmond and designated as such by the Council pursuant to the provisions of this chapter. A Richmond historic landmark is deemed to be so important to the historical and architectural fabric of the City that its loss would be a major loss to the City. Included in this designation are all individual resources, which at the time of adoption of the ordinance codified in this chapter, or subsequently, are listed in or eligible for the National Register of Historic Places or the California Register or listed as Registered California State Historic Landmarks, including but not limited to:

- (1) Alvarado Park, East Bay Regional Park District;
- (2) Carquinez Hotel;
- (3) East Brother Light Station, U.S. Coast Guard;
- (4) Ellis Landing Site;
- (5) Ellis Landing Shellmound Site;
- (6) Ferry Point Pier, East Bay Regional Park District;
- (7) Ford Motor Company Assembly Plant;
- (8) Giant Powder Works, East Bay Regional Park District;
- (9) Lower San Pablo Creek Archaeological District;
- (10) Richmond Museum of History (4th and Nevin);
- (11) Shipyard No. 3, Port of Richmond;
- (12) Stege Mounds Archaeological District.

“Secretary of the Interior’s Standards for the Treatment of Historic Properties” means the latest edition of the standards and guidelines provided by the National Park Service for Preservation, Rehabilitation, Restoration, and Reconstruction of historic properties.

"Site" means a parcel of land bounded by a property line or a designated portion of a public right of way. (California 2007 Building Code Section 202 - Definitions)

"Structure" means that which is built or constructed. (Section 202 of Title 24, Vol. 1 of the 2007 Cal. Building Code). As used in this chapter, "structure" does not include machinery, equipment, or appliances installed for manufacture or process purposes only, any construction installations which are not part of a building, or any goods movement equipment and facilities.

"Substantial deterioration or decay" means those conditions of the structure or property which are not so serious as to constitute demolition by neglect but nevertheless threaten the structural or historical integrity of the resource (also see Chapter 9.22 of this Code).

6.06.040 - Applicability.

- (a) This chapter shall be applied to historic resources, potentially historic resources, and to any property located within an historic district.
- (b) Property that has been designated an historic resource or that is located within an historic district shall continue to be subject to all zoning ordinances and state and federal laws and regulations that would apply to such property if it were not so designated or located. By designating historic resources and historic districts, the Council shall not be construed to be repealing or waiving any other portion of the Richmond Municipal Code as it applies to the designated property.

6.06.050 - Historic preservation policy and implementation.

- (a) Historic Preservation Commission. The Historic Preservation Commission of the City established by this chapter shall review and approve, reject, or approve with conditions all proposed projects involving major alterations to historic resources. For projects requiring Planning Commission approval, the Historic Preservation Commission shall review only the historic preservation and design-related issues and make a recommendation to the Planning Commission.
 - (1) Each member of the Historic Preservation Commission shall complete at least one training session in historic preservation public policy and local historic resources each year. The training session shall be conducted by professional architects, historians, archaeologists, planners and/or attorneys affiliated with or sponsored by established organizations, public agencies or institutions with extensive experience in historic preservation public policy implementation, such as the State Office of Historic Preservation, State Historical Resources Commission, colleges and universities, American Institute of Architects or the California Preservation Foundation.
 - (2) Historic Preservation Commission and Planning Commission. The Planning Commission, when acting under the provisions of this chapter, shall consider the recommendation of the Historic Preservation Commission. Land use applications involving historic resources shall be conveyed, upon receipt, to the Historic Preservation Commission, which shall review and provide timely written recommendations to the Planning Commission for consideration at the regularly scheduled meeting when such application is considered.
- (b) Membership. The Historic Preservation Commission shall consist of seven members who reside or work in the City of Richmond and have a demonstrated special interest, competence or knowledge of historic preservation. At least a majority of the currently serving members shall be persons who reside in the City of Richmond. To the extent practicable, membership shall consist of at least one licensed architect, one licensed landscape architect, one general building contractor, one representative from the National Park Service, and one lay person. The remaining members may be representatives from recognized historic preservation organizations or professionals in the disciplines of history, architecture, architectural history, planning, prehistoric and historic archaeology, folklore, cultural anthropology, conservation, and landscape architecture, urban planning, American studies, American civilization, or cultural geography. Members shall be nominated by the Mayor and appointed with concurrence of at least four other members of the City Council.
- (c) The Historic Preservation Commission shall meet at least four times annually to perform the following tasks:
 - (1) Act in an advisory capacity to the Council in all matters pertaining to historic preservation;

- (2) Maintain a local inventory of historical resources within the City; publicize and update the inventory periodically;
 - (3) Recommend the designation of archaeological resources, historic resources and historic districts;
 - (4) Investigate and report to the Council on the use of various federal, state, local, or private funding sources and mechanisms available to promote preservation in the City;
 - (5) Review and comment on the decisions and documents (including environmental assessments, environmental impact reports, and environmental impact statements) of other non-City public agencies when they affect historic resources in the City;
 - (6) Cooperate with local, county, state, and federal governments in the pursuit of the objectives of historic preservation and request and receive any appropriate information from any City departments or Historic Preservation Commission;
 - (7) Participate in, promote, and conduct public information, educational, and interpretive programs pertaining to historical resources;
 - (8) Render advice and guidance upon the request of the property owner or occupant, on the restoration, alteration, decoration, landscaping, or maintenance of any historic resource;
 - (9) Perform any other functions that may be designated by resolution or motion of the Council.
- (d) Reporting. Each year, the Historic Preservation Commission shall forward its Certified Local Government Annual Report to the City Council. This item shall be for information purposes only and shall not require action by the City Council.
- (e) Surveys. The Historic Preservation Commission shall develop procedures for conducting surveys of historic resources. Such surveys shall be conducted in accordance with guidelines published by the California State Office of Preservation, including the use of state-approved inventory forms (DPR v523), encoding sheets (DPR 660) and the California Historic Resources Inventory Survey Workbook. Procedural standards for evaluation of properties shall be consistent with the National Register of Historic Places Criteria.
- (f) Term of Office of Members. The term of each member shall be for four years provided however, that a member may remain in office until that member's successor has been appointed by the Mayor and confirmed by the Council.
- (g) Absence from Meetings. The absence of any member of the Historic Preservation Commission from more than three regularly scheduled meetings of the Commission within any twelve-consecutive-month period shall constitute an automatic resignation from the Commission; provided that the nonattendance by a member of the Commission at a regularly scheduled meeting due to the requirements of other City business shall not constitute an absence. Such a resignation shall not, however, disqualify an individual from subsequently being appointed to the same or any other City Commission or Board. In the event of any such resignation, the vacancy shall be filled by appointment for the unexpired portion of the term of the appointee's predecessor in the manner prescribed in Section 6.06.085.

6.06.060 - Historic resource designation criteria.

Upon the recommendation of the Historic Preservation Commission and the approval of the City Council, an object, building, structure, site, or area not already designated as a historic or archaeological resource, may be so designated if it is found to meet any of the following criteria:

- (1) It exemplifies or reflects valued elements of the City's cultural, social, economic, political, aesthetic, engineering, archaeological, or architectural history;
- (2) It is identified with persons or events important in local, state, or national history;
- (3) It reflects significant geographical patterns, including those associated with different eras of settlement and growth, particular transportation modes, or distinctive examples of park or community planning;
- (4) It embodies distinguishing characteristics of an architectural style, type, period, or method of construction, or is a valuable example of the use of indigenous materials or craftsmanship;
- (5) It is representative of the notable work of a builder, designer, or architect whose style influenced the City's architectural development; or
- (6) A structure, site, or other improvement which meets any of the above criteria at the highest level, and whose loss would be a major loss to the City, may be designated a Richmond Historic Landmark.

6.06.065 - Historic resource designation procedure.

- (a) **Initiation of Designation.** Designation of an historic resource may be initiated by the Historic Preservation Commission or by any resident of Richmond. Applications for designation originating from outside the Commission must be accompanied by such historical and architectural information as is required by the Commission to make an informed recommendation concerning the application, together with a fee set by the Council.
- (b) **Public Hearing.** Within 30 days of an application being found complete, the Historic Preservation Commission shall schedule a public hearing on all proposed designations, whether originating with the Commission or with another party. Notices of hearings shall be in writing and shall be noticed in accordance with RMC Section 15.04.970. In the case of a proposed historic district, notice of the date, place, time, and purpose of the hearing shall be made to owners of all properties within the proposed district, and to all property owners within three hundred feet of the proposed district boundary.
- (c) **Permit or Work Moratorium.** While the Historic Preservation Commission's public hearing or the Council's decision on the Commission's recommendation is pending, the Council, upon the Commission's recommendation, may declare a permit or work moratorium on the affected project. Such moratorium shall be extended by the Council at the first regular Council meeting occurring after the Commission's public hearing, or the moratorium shall be automatically terminated. During the moratorium, any work that would require discretionary review by the Zoning Administrator or Commission if the improvement were already designated an historical resource or if it were already located in an historic district shall not be carried out or granted a permit. The work or permit moratorium shall end at the time of the Council's decision to designate or not to designate, or earlier if the Commission so declares, but shall not exceed one hundred eighty calendar days in any event. A moratorium shall not be placed on work for which a permit has been issued unless the Council determines that the permit was issued in error based on false or misleading information provided by the applicant.
- (d) **Historic Preservation Commission Recommendations.** Within thirty days of the close of the public hearing, the Historic Preservation Commission shall recommend approval in whole or in part or disapproval of the application for designation in writing to the Council, setting forth those findings that constitute the basis for the decision.
- (e) **Technical Assistance.** The Historic Preservation Commission may require and request the evaluation and analysis of a qualified preservation architect, archaeologist, architectural historian, or preservation landscape architect retained by the City. Such individual shall be appropriately licensed by the state in the profession pertinent to the type of project under consideration and shall have extensive experience in historic preservation,

including the evaluation, nomination, qualification and rehabilitation of properties listed on the National Register of Historic Places. When applications are made by parties other than the Commission, the cost of technical assistance may be required by the Commission to be paid by the applicant.

- (f) Approval of Historic Preservation Commission Recommendations. The Council, within sixty days of receipt of the Historic Preservation Commission's recommendations concerning proposed designations, shall by resolution, approve the recommendations in whole or in part, or shall by motion, disapprove them in their entirety. Notice of the Council's decision shall be sent to all parties noticed of the Commission's hearing in accordance with (b) above and any other interested or affected parties. Notice shall also be sent to the Building Official and to the Director of Planning and Building Services.
- (g) Failure to Send Notice. Failure to send any notice by mail to any property owner where the address of such owner is not a matter of public record shall not invalidate any proceedings in connection with the proposed designation. The Historic Preservation Commission and Council shall also give other notice as they may deem desirable and practicable and as they may deem reasonable and necessary to ensure notice to all affected and interested parties.
- (h) Following an eligibility determination, in addition to the process described in Section 6.06.070, the Historic Preservation Commission shall take steps within the scope of its powers and duties as it determines are necessary for the preservation of the site. Such steps may include, but shall not be limited to, consultation with the property owner, civic groups, public agencies, and interested citizens; recommendations for acquisition of property by public or private bodies or agencies; and exploration of the possibility of moving one or more structures or features.
- (i) Richmond Historic Register. Resolutions adopting designations of historic resources pursuant to this chapter, shall be known as the Richmond Historic Register. The Richmond Historic Register and any subsequent amendments or deletions thereto shall be on file with the City Clerk, the Director of Planning and Building Services, the Building Official, the Richmond Museum Association, the Richmond Library, the State Office of Historic Preservation and the Contra Costa County Historical Society. The City Clerk shall cause the Richmond Historic Register and all changes thereto to be recorded with the Contra Costa County Recorder.
- (j) Demolition of a Listed Structure. When a listed structure has been demolished pursuant to any provisions of this Code, the City Clerk upon notice thereof, shall cause such listed structure to be deleted from the Richmond historic register. Upon such deletion the provisions of this title shall not be deemed to encumber or otherwise restrict the use of the subject remaining property.
- (k) Amendment or Rescission. The subject property owner, Historic Preservation Commission, or Council may initiate, amend or rescind any designation of an historical resource or historic district in the same manner and procedure as are followed for designation, if the resource no longer meets the designation criteria found to apply due to the subsequent discovery of information on the significance of the resource or the destruction of the resource by a catastrophic event.

6.06.070 - Alterations require discretionary approval.

- (a) No major alteration shall be made by any person to a historic resource, including resources determined eligible pursuant to 6.07.074, without review and approval by the Historic Preservation Commission or on appeal by the Council. Nor shall the Building Official grant any permit to carry out such work on a designated historic resource without approval by the Commission or on appeal by the Council.
- (b) No minor alteration shall be made by any person to a historic resource, including resources determined pursuant to 6.07.074, without review and approval by the Zoning Administrator or on appeal by the Historic Preservation Commission. Nor shall the

Building Official grant any permit to carry out such work on a designated historic resource without approval by the Zoning Administrator or on appeal by the Commission.

6.06.071 - Historic Building Code.

To the extent allowable under state law, the Building Official shall apply the State Historic Building Code (CCR Title 24, Part 8) for alterations and additions to structures on the Richmond Historic Register, California Register of Historical Places, and National Register of Historic Places.

6.06.072 - Standard of review.

- (a) The Historic Preservation Commission shall promulgate and publish such standards as are a necessary supplement to the provisions of this chapter to inform property owners and the general public of those standards of review by which applications for discretionary approval are to be judged. Any such standards shall be approved by the Council by resolution.
- (b) In evaluating applications for alteration permits, the appropriate review and decision-making body shall approve the issuance of an alteration permit for any proposed work if and only if it finds:
 - (1) The alterations conform to the Secretary of the Interior's Standards for the Treatment of Historic Properties.
 - (2) With regard to any property located within an historic district but which is not a contributing structure, the proposed work does not adversely affect the character and integrity of the district.
 - (3) For work within a historic district for which a preservation area plan or Historic Structures Report has been adopted, the proposed work is consistent with the district preservation area plan or recommendations of the Historic Structures Report.

6.06.073 - Review procedures.

- (a) Filing of Application. Applications for alteration permits shall be accompanied by plans and sufficient information to show the details of the proposed alteration and determine whether the required finding(s) can be made for alteration of the resource. Applications shall also be accompanied by the following: (1) a City-approved form requesting the alteration permit and stating the purpose and necessity of the proposed alteration; (2) At the discretion of the Zoning Administrator, an expert technical analysis of the proposed alteration paid for fully by the applicant; and (3) the alteration permit fee as established by Council in the City's master fee schedule.
- (b) Public Hearing and Notice. Upon determination of completeness and review of the application, a public hearing shall be scheduled before the appropriate decision-making body to consider approval, conditional approval or denial of the proposed alteration permit. Notice of the public hearing shall be made in accordance with RMC Section 15.04.970.
- (c) Appeals. Zoning Administrator's decision to approve, conditionally approve or deny an application for an alteration permit may be appealed to the Historic Preservation Commission. Decisions by the Commission may be appealed to the Council.

6.06.074 - Demolitions.

- (a) The decision to issue a permit to demolish a structure or alter a site listed in the Richmond Register is discretionary, subject to review under CEQA and Richmond Municipal Code Section 6.06.070.
- (b) An application for a permit to demolish a structure not listed in the Richmond Register but more than 45 years old shall include an evaluation on DPR523 series forms provided

by the California Office of Historic Preservation, completed according to "Instructions for Recording Historic Resources" provided by the California Office of Historic Preservation. Based on an initial review to be rendered within 30 days, the Director of Planning and Building Services, or his or her designee, shall render an opinion on whether or not the structure is eligible for listing as a historic resource. If the opinion is negative, no other action is required by the applicant. If the opinion is positive, then the applicant shall submit a DPR523 series form completed and signed by an individual meeting the U.S. Secretary of the Interior's professional qualification standards for history or architectural history and the Director of Planning and Building Services, or his or her designee, shall refer the matter to Historic Preservation Commission. The Commission shall review the completed DRP523 series form and determine if the structure is eligible for listing individually or as a contributing structure in a historic district on the National Register of Historic Places, the California Register of Historic Resources or Richmond Historic Register.

If the structure is determined to be eligible for listing either individually or as a contributing structure, an alteration permit shall be required under Richmond Municipal Code Section 6.06.070.

An eligibility determination for listing in the Richmond Historic Register may be appealed to the City Council. An eligibility determination for listing in the National Register of Historic Places or the California Register of Historic Resources may be appealed only to the State Historic Preservation Office (SHPO).

(c) Exceptions:

(1) A demolition permit for any property within the area covered by the Project PRISM Historic Resource Survey Report shall not be discretionary or subject to 6.06.074(a) or (b) unless the property is listed in the Project PRISM Historic Resource Survey Report as a potential historic resource on the National, California or Richmond Register.

(2) Unless exempt from permit requirements by other laws or codes, a demolition permit shall be ministerial for the demolition of process equipment, goods movement equipment and facilities, and construction installations, as these are defined in this chapter.

(d) In addition to the process described in 6.06.070, the Historic Preservation Commission may take steps within the scope of its powers and duties as it determines are necessary for the preservation of the site. Such steps may include, but shall not be limited to, consultation with civic groups, public agencies, and interested citizens; recommendations for acquisition of property by public or private bodies or agencies; and exploration of the possibility of moving one or more structures or features.

6.06.075 - Ordinary maintenance and repair.

Nothing in this chapter shall be construed to prevent the ordinary maintenance or repair of any exterior feature of any property covered by this chapter, so long as such maintenance or repair does not involve a change in exterior design, material, or appearance, or a technique that is contrary to the Secretary of the Interior's Standards for Treatment of Historic Properties. A change in existing paint color is not construed as a change in appearance or design unless the paint color was reviewed and approved as part of a previous discretionary review.

6.06.076 - Unsafe or dangerous conditions.

(a) None of the provisions of this chapter shall prevent any measures of construction, alteration, or demolition necessary to correct the unsafe or dangerous conditions of any structure, other feature, or part thereof, where such condition has been declared unsafe or dangerous by the Building Official or the Fire Chief, and where the proposed measures have been declared necessary by such official, to correct the said condition, provided, however, that only such work as is absolutely necessary to correct the unsafe or dangerous condition and as is done with due regard for preservation of the appearance of the

structure involved may be performed pursuant to this section. In the event any structure or other feature shall be damaged by fire, or other calamity, or by Act of God, to such an extent that in the opinion of the aforesaid officials it cannot be reasonably repaired and restored, it may be removed in conformity with normal permit procedures and applicable laws.

- (b) If the condition of an unsafe or dangerous historical resource does not pose an immediate threat to life or safety, the official in charge of correcting such a condition shall consult with the Historic Preservation Commission before carrying out corrective measures.

6.06.077 - Duty to keep in good repair.

- (a) Demolition by Neglect. The owner, lessees and any other person in actual charge or possession of an historical resource shall prevent demolition by neglect.
- (b) Showing of Extreme Hardship. If the applicant for an alteration or demolition permit presents facts clearly demonstrating to the satisfaction of the Historic Preservation Commission that failure to approve an application will cause an immediate extreme hardship because of conditions peculiar to the particular structure or other feature involved, the Commission may approve or conditionally approve such application even though it does not meet the standards set forth herein. In determining whether extreme hardship exists, the Commission shall consider evidence which demonstrates that:
 - (1) Denial of the application will diminish the value of the subject structure or property so as to leave substantially no value.
 - (2) Sale or rental of the property is impractical, infeasible, or uneconomic, when compared to the cost of holding such property for uses permitted in this zone.
 - (3) Improvement of the property in a manner which would preserve its character defining features is impractical, infeasible, or uneconomic.

6.06.080 - Enforcement and penalties.

- (a) Any person who violates a requirement of this chapter or fails to obey an order or permit issued pursuant thereto shall be guilty of a misdemeanor.
- (b) Any person who constructs, alters, removes or demolishes a historic resource in violation of this chapter shall be required to restore the building, object, site or structure to its appearance or setting prior to the violation to the extent such restoration is physically possible. Any action to enforce this provision may be brought by the City or any other interested party. This civil remedy shall be in addition to, and not in lieu of, any criminal prosecution and the penalty or other remedy provided by law.

SECTION 2. This ordinance shall be effective thirty (30) days after passage and adoption.

First read at a regular meeting of the Council of the City of Richmond held September 10, 2013, and finally passed and adopted at a regular meeting thereof held October 15, 2013, by the following vote:

AYES: Councilmembers Beckles, Butt, Myrick, Rogers, and Mayor McLaughlin.
NOES: None.
ABSTENTIONS: None.
ABSENT: Councilmember Bates and Vice Mayor Boozé.

DIANE HOLMES
CLERK OF THE CITY OF RICHMOND

(SEAL)

Approved:

COURTLAND BOOZÉ

Vice Mayor

Approved as to form:

BRUCE GOODMILLER

City Attorney

State of California }
County of Contra Costa : ss.
City of Richmond }

I certify that the foregoing is a true copy of **Ordinance No. 20-13 N.S.** finally passed and adopted by the City Council of the City of Richmond at a regular meeting held on October 15, 2013.