

**ORDINANCE NO. 32 – 10 N.S.**

**AN ORDINANCE OF THE CITY OF RICHMOND REVISING RICHMOND MUNICIPAL CODE CHAPTER 6.06 HISTORIC STRUCTURES**

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

Chapter 6.06 HISTORIC STRUCTURES CODE\*

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\* Prior ordinance history: Ordinance Nos. 24-82 N.S., 20-86 N.S., 60-99 N.S., 10-00 N.S. and 10-01 N.S.

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 special 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 ongoing 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 cultural resources as defined in Section 21084.1 of the California Environmental Quality Act;
- (9) Achieve 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) 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, or the Richmond Historic Register;
- (13) Provide owners of historic properties reasonable economic uses;
- (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 exterior change or modification, through public or private action, of any historical resource, outstanding historical resource, or of any contributing property located within an historic district which involves exterior changes to or modification of a structure, its surface texture, or its architectural details; new construction; demolition; relocation of structures onto, off of, or within a designated property; or other changes to the property affecting the significant historical or architectural features of the property.

"Alteration" shall not include changes to the interior of a structure or building.

"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.

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

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

"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 50 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 50 years old.

"Council" means the 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 the complete removal of all parts of a building from its site.

"Demolition by neglect" means permitting 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).).

"Design Review Board" means the Design Review Board established pursuant to the provisions of Section 15.04.930 of this Code.

"Director" means the Planning Director of the City of Richmond.

"DRB" means the Design Review Board as defined in Section 15.04.930.030(A) of this Code.

"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—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 buildings, structures, signs, features, sites, places, areas, or other improvements 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."

"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.

"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 building, structures or areas nominated as Richmond historic landmarks historic resources or historic districts by the Commission.

"Property, historic," means a district, site, building, structure or object significant in American history, architecture, engineering, archeology or culture at the national, State, or local level.

"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 (formerly Hotel Don);
- (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.

“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.

"Richmond historic register" means the inventory of structures and areas designated by the Council as historic resources.

"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).

"The California Register" means "California Register" as defined in Section 5020.1(a) of the California Public Resources Code.

"The Secretary of the Interior's Standards for Rehabilitation" means the latest edition of the guidelines prepared by the National Park Service for rehabilitating historic buildings with the most current guidelines for applying the standards. The standards (36 CFR Part 67) apply to historic buildings of all periods, styles, types, materials, and sizes. They apply to both the exterior and the interior of historic buildings. The standards also encompass related landscape features and the building's site and environment as well as attached, adjacent, or related new construction.

"The National Register" means the "National Register of Historic Places" as defined in Section 5020.1(l) of the California Public Resources Code.

#### 6.06.040 Applicability.

(a) This chapter shall be applied to historic resources and to historic districts, as defined and designated by this chapter.

(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) Design Review Board. The Design Review Board of the City established by Section 15.04.930 shall review and approve, reject, or approve with conditions all proposed projects involving the alteration, addition, or demolition of historic resources. For projects requiring Planning Commission approval, the Design Review Board shall review only the design-related issues and make a recommendation to the Planning Commission.

(1) In order to exercise this responsibility, each member of the Historic Preservation Commission shall complete eight hours of training in historic preservation public policy

and local historic resources 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 Committee, colleges and universities, American Institute of Architects or the California Preservation Foundation.

(2) Technical Assistance. In addition to review by the Design Review Committee, the Design Review Board, when acting under the provisions of this chapter, may consider the evaluation and analysis of a qualified preservation architect, archaeologist, architectural historian, or preservation landscape architect, who may be either a City staff member or a consultant retained by the City for this purpose. 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. The cost of technical assistance shall be incorporated into the fee charged by the City for processing applications by the Design Review Board.

(3) Historic Preservation Commission and Design Review. The Design Review Board and Planning Commission, when acting under the provisions of this chapter, shall consider the evaluation of the Historic Preservation Commission, which shall appoint a Design Review Committee of three members. Land use applications involving historic resources shall be conveyed, upon receipt, to the Design Review Committee, which shall review and provide timely written recommendations or oral testimony to the Design Review Board and/or Planning Commission for consideration at the regularly scheduled meeting when such application is considered.

(b) Historic Preservation Commission. For the purpose of recommending public policy related to historic resources and conducting historic resources surveys or studies a nine-member Historic Preservation Commission is established. Members shall have documented experience, education and/or commitment related to historic preservation, be nominated by the Mayor and appointed with concurrence of at least four other members of the City Council. Commission members shall include three representatives from the community at-large and six representatives from the following associations, commissions, boards, committees, and community organizations. Members shall have demonstrated an interest and pertinent experience in historic preservation issues and, ideally, include at least one architect, one landscape architect and one general building contractor:

- (1) Richmond Museum Association;
- (2) Point Richmond History Association;
- (3) Richmond Planning Commission;
- (4) Richmond Design Review Board;
- (5) Rosie the Riveter Trust;
- (6) Richmond Arts and Cultural Commission;
- (7) Contra Costa County Historical Society;
- (8) Richmond Chamber of Commerce;
- (9) American Institute of Architects;
- (10) Society of Architectural Historians.

(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 historical resources;
- (2) Maintain a local inventory of historical resources within the City; publicize and update periodically the inventory;
- (3) Recommend the designation of historical resources, including 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 historical resource 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 historical 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 Design Review Board;

- (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 historical resource;
- (9) Perform any other functions that may be designated by resolution or motion of the Council.
- (d) The Historic Preservation Commission shall submit an annual report to the Council at the end of each calendar year describing, but not limited to:
  - (1) Appointments to the Commission;
  - (2) Resumes of Commission members and staff;
  - (3) Attendance records;
  - (4) Minutes of official meetings;
  - (5) Recommendations for revisions to this chapter, if applicable;
  - (6) Sponsorship or participation in special programs, workshops, training or conferences;
  - (7) New properties designated;
  - (8) Cultural resource surveys undertaken.
- (e) Surveys and Inventories. The Commission shall develop procedures for conducting an inventory of cultural 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.

(Amended by Ordinance No. 16-07 N.S.)

(e) Term of office of members.

The term of each member and alternate shall be four years, with the initial appointments randomly staggered so that four members have a four-year term and three members have a two-year term. No member shall serve for more than four consecutive full terms. Any vacancies on the Commission shall be filled by appointment by the Mayor with the concurrence of at least four other members of the City Council for the unexpired portion of the term. (f) Absence from meetings.

The absence of any member of the 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.

(Source: Ordinance No. 24-05 N.S.)

#### 6.06.060 Historic resource designation criteria.

Upon the recommendation of the Commission and the approval of the Council, a structure, site, or other improvement, not already designated as a historic resource, may be designated a historic resource within the City or may be designated an historic district if it meets 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 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 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 as required by Section 15.04.930.100. 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 boundary.

(c) Permit or Work Moratorium. While the 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 review by the Design Review Board if the improvement were already designated an historic 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) Commission Recommendations. Within thirty days of the close of the public hearing, the 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 Commission may require and request the evaluation and analysis of a qualified preservation architect, archaeologist, architectural historian, or preservation landscape architect, who may be either a City staff member or a consultant retained by the City for this purpose. 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 Commission Recommendations. The Council, within sixty days of receipt of the 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 pursuant to (b) above and any other interested or affected parties.. Notice shall also be sent to the Building Official and to the Director of Community Development and Planning 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 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 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 Community Development and Planning 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 Commission may initiate and the Council, with or without the Commission's initiation, may 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, additions and demolition require discretionary approval.

(a) No exterior addition, alterations or demolition 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 Design Review Board 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 Design Review Board or on appeal by the Council.

(b) Demolition by neglect shall be deemed an alteration or demolition under this chapter.

(c) The Design Review Board is given the authority to delegate certain minor projects to the Technical Review Committee as defined in Section 15.04.930.040 of this Code for review and approval or denial. The Design Review Board shall establish guidelines for such projects to be reviewed by the Technical Review Committee.

(d) Appeals of decision of the Technical Review Committee or the Design Review Board shall follow the procedures established in Section 15.04.930.080 of this Code.

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.

6.06.072 Standard of review.

(a) The Design Review Board, with the advice of the 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 in accordance with 15.04.930.070.C.

(b) In evaluating applications for alteration permits, the Design Review Board or the Council upon appeal shall consider the architectural style, design, arrangement, texture, materials, color, and any other factors relevant to the character defining features of the property.. The Design Review Board, the Council upon appeal, or the Technical Review Committee shall approve the issuance of an alteration permit for any proposed work if and only if it finds:

(1) With regard to a designated historical resource, the proposed work neither adversely affects the exterior architectural features of the designated resource nor adversely affects the character or historical, architectural, or aesthetic interest or value of the designated resource and its site. Exterior alterations and additions shall conform to the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitation of Historic Buildings.

(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. (3) For a new historic district designated after the adoption of the ordinance codified in this chapter, in order to implement the authority granted hereunder, and prior to the exercise thereof, the Board shall promulgate a preservation area plan for each preservation area, which shall contain, but is not necessarily limited to, the following elements and findings:

- (A) A statement of the goals for design review;
- (B) A representation of existing land uses;
- (C) The historical period to which the area is significant;
- (D) The predominant architectural periods or styles of the buildings therein;
- (E) The specific features of said architectural periods or styles, as represented in the preservation area, including, but not limited to, building height, bulk, distinctive architectural details, materials, textures, and landscaping; and
- (F) A statement of the standards and criteria to be utilized in determining the appropriateness of any proposed building or structure or alteration thereof within the preservation area.

#### 6.06.073 Design review procedures.

(a) Filing of Application. Applications for alteration permits shall be filed as required for design review pursuant to Section 15.04.930 of this Code. The application shall be accompanied by any other information that the Design Review Board determines is required for them to make an informed judgment of the proposed work according to the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitation of Historic Buildings.

(b) Processing of Application. The application shall be processed in accordance with Section 15.04.930 of this Code. In addition to the required application materials listed at Section 15.04.930.090(D), the Design Review Board shall publish a list of such other application materials as are necessary for processing of applications for historic resources. Following an applicant's initial submittal of application materials and the required fee, the Design Review Board shall notify the applicant of any further materials required to process the application. An application shall be deemed complete if 30 calendar days have passed without the Design Review Board requesting additional application materials or information from the applicant.

(c) Appeals. The Design Review Board's decision to approve, disapprove, or approve subject to conditions any application for an alteration permit may be appealed in accordance with Section 15.04.930 of this Code.

#### 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 50 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 complete and 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. The Director of Planning and Building Services, or his or her designee, shall provide any application for demolition of structures more than 50 years old to the Richmond Design Review Committee of the Historic Preservation Commission, which may offer advice to the Director regarding the application. The Director of Planning and Building Services, or his or her designee, shall review the evaluation 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.

- (1) If the structure is determined to be eligible for listing either individually or as a contributing structure, a permit shall be required under Richmond Municipal Code Section 6.06.070
  - (2) An eligibility determination as to only a Richmond Historic Resource and not the National Register of Historic Places or the California Register of Historic Resources may be appealed to the City Council in accordance with Section 15.04.980. An eligibility determination for 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 will 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 (HPC) 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.

Historic Preservation Commission 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 Rehabilitation. A change in 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 Design Review Board 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 Design Review Board 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 Design Review Board 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 Design Review Board 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.

First reading at a regular meeting of the Council of the City of Richmond held October 19, 2010 and finally passed and adopted at a joint meeting thereof held November 16, 2010 by the following vote:

AYES:	Councilmembers Bates, Butt, Lopez, Rogers, Viramontes, Vice Mayor Ritterman, and Mayor McLaughlin
NOES:	None.
ABSTENTIONS:	None.
ABSENT:	None.

DIANE HOLMES  
Clerk of the City of Richmond

(SEAL)

Approved:

GAYLE MCLAUGHLIN  
Mayor

Approved as to form:

RANDY RIDDLE  
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. 32-10, finally passed and adopted by the City Council of the City of Richmond at a joint meeting held on November 16, 2010.