

Chapter 15.60 - HISTORIC BUILDING DEMOLITION ORDINANCE

Sections:

15.60.010 - Findings and purpose.

The mayor and city council find and declare:

- A. The City of Grass Valley General Plan, adopted on November 23, 1999, includes a historical element which provides a basis for historic preservation in the City of Grass Valley. The general plan includes an objective for the preservation of buildings of historic and/or architectural merit; identify and record historic neighborhoods and their characteristics in order to protect and preserve those characteristics (2-HO), and policies that include, investigate and implement procedures to protect historic structures from demolition (8-HP); and where historic and prehistoric cultural resources have been identified, the city shall require that development be designed to protect such resources from damage, destruction, or defacement (10-HP).
- B. The "small town" quality and feel of the town are heavily shaped by the attributes, integrity, historical character and scale of existing residential and commercial neighborhoods. The preservation, enhancement and continued use of structures with historic, architectural, cultural and/or aesthetic importance are essential in retaining this community character.
- C. On April 10, 2007, the city council authorized staff to initiate an ordinance to establish a procedure to review the demolition or removal of all structures determined to have historical significance and potentially approve, condition or deny all future demolition permits. The draft of a "Historic Building Demolition Ordinance" was subsequently prepared and reviewed by the historical commission and planning commission. On November 20, 2007, the planning commission reviewed and approved the historic building demolition ordinance.
- D. On January 15, 2008, the city council conducted a public hearing on the historic building demolition ordinance and approved, with certain modifications, a first reading of the ordinance.
- E. That the provisions of the historic building demolition ordinance shall apply to all primary structures constructed on properties lying within city limits prior to the year 1945. The council further finds that the year 1945 represents a transitional time for the City of Grass Valley in its building design and architecture. Following 1945, the city experienced more suburban style development which did always not contain or incorporate a historic design or architectural pattern found in the city's older neighborhoods predating 1945.

(Ord. No. 692 N.S., § 1, 1-29-2008)

15.60.020 - Definitions.

For the purpose of carrying out the intent of this chapter, the words, phrases and terms set forth herein shall be deemed to have the meaning ascribed to them in this chapter.

"Building:" Any structure having a roof and walls built and maintained to shelter human activity or property.

"Demolition/demolished." To tear down, remove or destroy any building or structure so that it is no longer standing or functional.

"Historical Building Code:" Provision of state building code that provides flexibility for buildings that are listed in or eligible for listing in the National Register of Historic Places, or designated as historic under an appropriate state or local law.

"Historic Resource Evaluation Report:" A report that evaluates the historical significance of a resource based upon established criteria. To be used baseline information regarding the types and locations of resources, approximate construction dates, representative architectural styles, construction materials, and contextual historical themes.

"Resource:" A building or structure as defined in this chapter.

"Structure:" Anything constructed or erected, the use of which requires attachment to the ground, attachment to something located on the ground, or placement on the ground.

"1872 Townsite:" The City of Grass Valley's boundaries in the year 1872. This area includes the downtown area and surrounding environs.

(Ord. No. 692 N.S., § 1, 1-29-2008)

15.60.030 - Demolition prohibited.

No buildings and structures constructed prior to the year 1945 shall be demolished unless a valid demolition permit has been issued in accordance with this chapter.

(Ord. No. 692 N.S., § 1, 1-29-2008)

15.60.040 - Exemptions.

The requirements of this chapter shall not apply in the following situations:

- A. Permitted Replacement Structure. Any structure that has a previously approved discretionary entitlement, or a building permit issued to construct a building or structure, or a demolition permit for a building or structure that took place prior to the adoption of this chapter.
- B. Redevelopment Projects. The demolition or relocation of structures required as part of a city redevelopment project for which a redevelopment plan and/or agreement has been approved and executed shall not be subject to the requirement of this chapter. However, an exemption from this ordinance does not remove requirements to do CEQA analysis when appropriate.
- C. Demolition of Dangerous or Substandard Structures. Demolition of dangerous or substandard structures as defined by the city Code or uniform building code, undertaken by the public or the city shall not be subject to the requirement of this chapter. Evidence is required that the structure represents a dangerous or substandard structure as determined and documented by the building official and/or community development director. If evidence is found by the city that the structure has been neglected, an exemption may not be issued, and additional conditions may be added that could include restoration.
- D. Demolition of Accessory Structures. Demolition of accessory structures (as defined in Section 17.44.20 in the development code) shall not be subject to the requirement of this chapter and the city may issue a demolition permit. If the accessory structure is identified as having historical significance due to its architectural character and consistency with a previously identified on-site historic building, a historic evaluation shall be required.
- E. Remodeling, Rehabilitation, Renovation and Minor Additions. Remodeling, rehabilitation, renovation and minor additions for buildings and structures constructed prior to the year 1945 shall be exempt from the

Historic Building Demolition Ordinance. Demolition permit applications may be subject to the provisions of Section 17.72.030, development review permits.

(Ord. No. 692 N.S., § 1, 1-29-2008)

15.60.050 - Evaluation thresholds and review requirements.

Buildings and structures constructed prior to the year 1945 proposed for demolition shall be evaluated to determine historical significance. The level of review required to determine if a building or structure is of historic significance shall be in accordance with the thresholds and requirements described below:

- A. A historic resource evaluation report shall be required for any structure constructed prior to the year 1945 and located in the 1872 Townsite; identified on any state, federal or local list as a historic structure or landmark; listed on a historical inventory; or located within an area identified as being potentially eligible for historic district designation and listed as a contributing resource.
- B. A historic resource evaluation report may be required for any structure constructed prior to the year 1945 and located outside of the 1872 Townsite. If information is presented by the property owner and/or authorized agent for the owner that the site does not include historical or cultural resources, the community development director may make a finding that the building or structure is exempt from the provisions of this chapter and the need to prepare a historic resource evaluation report is waived. In order to make a finding that the building is exempt from these provisions, the community development director shall review the information presented by the owner or owner's agent and apply the criteria established in Section 15.60.070 of this chapter in determining whether the building has historical significance. The historical commission shall receive notice of all decisions of the community development director.

(Ord. No. 692 N.S., § 1, 1-29-2008)

15.60.060 - Historic resource evaluation report.

If required, a historic resource evaluation report shall be submitted with a demolition permit application and shall contain the following elements:

1. Purpose and scope.
2. Methods of evaluation: Field and archival.
3. Location and setting.
4. Architectural description of the resource.
5. Historical background.
6. Discussion of eligibility for NR listing.
7. Statement of significance.
8. Conclusions.
9. Recommendations (may include proposed mitigation).
10. Archival documentation (appendices).

The statement of significance element (item 7. above) shall be made using the criteria listed in Section 15.60.070 of this chapter and shall include a discussion of the related historical contextual themes. The archival documentation (item 10. above) of the resource shall include a completed Department of Parks and Recreation DPR 523 Form and archival quality photo documentation. This information shall be included as an appendix to the report. Preparation and submittal of the report shall be the responsibility of the applicant. All reports shall be prepared by consultants who meet the professional qualification standards for the field of historic preservation as described in the federal register.

(Ord. No. 692 N.S., § 1, 1-29-2008)

15.60.070 - Criteria for determination of historical significance.

For the purpose of determining the historical significance of a structure the following criteria shall apply:

1. The building or structure has character, interest or value as a part of the heritage of the City of Grass Valley; or
2. The location of the building or structure is the site of a significant historic event; or
3. The building or structure is identified with a person(s) or group(s) who significantly contributed to the culture and development of the City of Grass Valley; or
4. The building or structure exemplifies a particular architectural style or way of life important to the city; or
5. The building or structure exemplifies the best remaining architectural type in a neighborhood; or
6. The building or structure is identified as the work of a person whose work has influenced the heritage of the city, the state or the United States; or
7. The building or structure reflects outstanding attention to architectural design, detail, materials or craftsmanship; or
8. The building or structure is related to landmarks or historic districts and its preservation is essential to the integrity of the landmark or historic district; or
9. The unique location or singular physical characteristics of the building or structure represent an established and familiar feature of a neighborhood; or
10. The building, structure or site has the potential to yield historical or archaeological information.

The approval of a historic building demolition permit shall be based on findings that the structure does not represent a significant historic feature or characteristic under the criteria 1. thru 10. above, as well as, consistency with the 2020 General Plan.

(Ord. No. 692 N.S., § 1, 1-29-2008)

15.60.080 - Review process.

- A. Environmental Review (CEQA). An initial study pursuant to the California Environmental Quality Act shall be prepared for a demolition permit application when a historical resource evaluation report is required in accordance with section evaluation thresholds and review requirements. The report may be included as an attachment to the initial study or referenced in the initial study. The initial study shall be reviewed by the decision-making body for an environmental determination following the project being deemed complete, as defined under (CEQA).
- B. Historical Commission. The historical commission shall receive notification of demolition permit applications for its review and make recommendations to the development review committee regarding the historic

significance of resources and the approval or denial of applications.

- C. Development Review Committee. A demolition permit application shall be scheduled for review by the development review committee within forty-five days after a complete environmental determination. The development review committee shall review demolition permit applications to determine the historical significance of the resource based upon the criteria set forth in Section 15.60.070 of this Chapter. The development review committee may also consider the National Register criteria for evaluation. Based upon the information provided, the development review committee shall take action on the environmental determination and approve or deny the issuance of the demolition permit. If the development review committee approves the demolition permit application, the demolition permit shall be issued in accordance with the development review committee action based on the findings in Section 15.60.070 and following compliance with the provisions of this chapter and all other city requirements.
- D. Historical Building Code. If the building is determined to be historically significant under any state, federal, regional or local criteria, the building shall be subject to the Historical Building Code. Any improvements to the historic structure either on-site or at a relocated site shall be eligible to be evaluated and regulated by the Historical Building Code.
- E. Potential Conditions of Approval. If the building is determined to be historically significant under any state, federal, regional or local criteria. The development review committee may add conditions to explore different options that may include, but not limited to, the property owner may be required to advertise in at least two publications for the potential relocation of the structure. The demolition of the structure shall not take place until sixty days from the date of the publications.
- F. Effective Date of Permit. Demolition permits shall become effective sixteen days following the final date of action (i.e., approval) by the director or the planning commission unless an appeal has been filed pursuant to Section 15.60.090 (appeals), which shall stay the issuance of the demolition permit until after the appeal is decided.

(Ord. No. 692 N.S., § 1, 1-29-2008)

15.60.090 - Appeals.

Any person may appeal the decisions of the community development director or the development review committee pursuant to this chapter to the planning commission. Decisions of the planning commission pursuant to this chapter may be appealed to the city council.

An appeal must be submitted in writing with the required appeal fee (if applicable) to the community development department within fifteen days following the final date of the action for which an appeal is made. The written appeal shall include the reason(s) why the historic resource evaluation report should or should not be required; or why the demolition permit application should be granted, denied or exempt from the provisions of this ordinance.

(Ord. No. 692 N.S., § 1, 1-29-2008)

15.60.100 - Severability.

If any section, subsection, sentence, clause or phrase or any portion of this ordinance is for any reason declared invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of the ordinance. The city council hereby declare that it would have adopted this ordinance and each and every section, subsection, sentence, clause or portion thereof irrespective of the fact that any phrase, or any portion thereof, would be subsequently declared invalid or unconstitutional.

(Ord. No. 692 N.S., § 1, 1-29-2008)

15.60.110 - Penalty.

Any person, firm or corporation, whether as principal, agent, employee, or otherwise, violating or causing the violation of any of the provisions of this chapter is guilty of a misdemeanor, which upon conviction thereof is punishable in accordance with the provisions of this code in addition to any other civil or administrative remedies.

(Ord. No. 692 N.S., § 1, 1-29-2008)

15.60.120 - Fees.

Upon submittal of a demolition permit application to the building division, the applicant shall pay all applicable planning division fees as adopted by the city council for an initial study and for the planning commission review. The applicant shall pay all required building inspection division fees as adopted by the city council prior to issuance of a demolition permit.

(Ord. No. 692 N.S., § 1, 1-29-2008)