

Text Amendment CMC 21.33 – Historic Preservation

21.33 Historic Preservation

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21.33.010 – Purpose of Chapter

- A. **Public policy.** It is hereby declared as a matter of public policy that the enhancement, perpetuation, preservation, recognition, and use of areas, natural features, sites, and structures within the city having aesthetic, archaeological, architectural, cultural, or historic significance is required in the interest of the cultural enrichment, economic prosperity, health, and general welfare of the people.
- B. **Purpose.** The purpose of this section is to:
 1. Safeguard the heritage of the city by providing for the protection of landmarks representing significant elements of its history;
 2. Enhance the visual character of the city by encouraging and regulating the compatibility of architectural styles within historic districts reflecting unique and established architectural traditions;
 3. Identify valuable and potentially valuable historic resources;
 4. Foster public appreciation of a civic pride in the beauty of the city and the accomplishments of its past;
 5. Strengthen the economy of the city by protecting and enhancing the city's attractions to residents, tourists, and visitors;
 6. Stabilize and improve property values within the city;
 7. Promote the private and public use of landmarks and historic districts for the education, prosperity, and general welfare of the people;

8. Encourage the preservation of existing culturally and historically significant structures as well as landmark features on structures and sites;
9. Retain the established building patterns and architectural and cultural heritage of the community;
10. Fulfill the city's responsibility as a Certified Local Government under Federal preservation laws; and
11. Fulfill the city's responsibilities for Federal Section 106 reviews and for the California Environmental Quality Act.

21.33.020 – Applicability

The provisions of this Chapter shall apply to all historic resources inventory properties, landmarks, and properties and structures located within an historic district.

21.33.030 – Reviewing Authority

The Reviewing Authority for matters of Historic Preservation, as prescribed in this Chapter, shall be the Historic Preservation Board ("the Board"), as established by Section 21.54.040, the Planning Commission, as established by Section 21.54.030, and the City Council.

21.33.040 – Definitions

As used in this section, the following terms shall have the following meanings unless otherwise indicated from the context:

Aesthetic, architectural, cultural, or historical interest, resource, or value. A quality that derives from, is based upon, or relates to any of the following factors:

1. Identification or association with eras, events, or persons that have contributed to local, regional, State, or Federal history in a distinctive, important, or significant manner;
2. Identification as, or association with, a distinctive, important, or significant work or vestige:
 - a. Of an architectural design, method, or style of construction;
 - b. Of a notable architect, artist, builder, or craftsman;
 - c. Of a high artistic merit;
 - d. The totality of which comprises a distinctive, important, or significant work or vestige whose component parts may lack the same attributes; or
 - e. That has yielded, or is substantially likely to yield, information of value about aesthetics, architecture, culture, or history, or that provides for existing and future generations an example of the physical surroundings in which past generations lived or worked. The factor of age alone does not necessarily confer a special aesthetic, architectural, cultural, or historical value of interest upon a structure or site, but it may have an effect if a more distinctive, important, or significant example thereof no longer exists.

Alteration/substantial alteration (also alter). Any physical modification or change to the exterior of a building, structure, site, object or designated interior that may have a negative effect on significant features of a Historic Resource and requires Planning approval and a building permit or does not require a building permit but may have a significant adverse effect on character-defining features of a Historic Resource. Alteration shall also include construction of additions, but shall not include ordinary maintenance and repair.

Certified Local Government. The program authorized by the National Historic Preservation Act of 1966 (16 U.S.C. Section 470 et. seq.) and the subsequent participatory agreement between the City and the State of California Office of Historic Preservation.

City of Campbell, Design Guidelines for Historic Residential Buildings. The City of Campbell's Guidelines that apply to any change in the exterior appearance of a residential building through alteration or the construction of any structure on a residential property within an Historic District, designated as a City Landmark or listed on the City's Historic Resource Inventory.

Historic district. A district that is designated by the city. Such historic district shall be in the form of an overlay zone in the city's zoning map pursuant to Section 21.40.020. A historic district shall be an area that is geographically defined as possessing a concentration of historic resources or a thematically related grouping of properties which contribute to each other.

Historic resource. A building, structure, site, object, landscape, sign, district, or contributing member to a district that is significant in American history, architecture, engineering, archaeology, or culture and is designated under city, state, or national significance criteria.

Historic resource inventory. The official, City Council-approved inventory of districts, sites, buildings, structures and objects significant in the City of Campbell's history, architecture, archaeology and culture which is maintained by the Community Development Director. This list shall also include potential historic properties (pursuant to CEQA definition) which are supported with preliminary historic resource data sheets prepared by the Community Development Director and/or his/her designee.

Landmark. Any designated place having a special aesthetic, architectural, cultural, engineering, or historical value or interest and being either or any of the following:

1. An individual structure or portion thereof, or a natural feature;
2. An integrated group of structures on a single parcel;
3. A place designated as a landmark by city ordinance; or
4. Any combination of the above.

Mills Act. A state law enacted in 1972 (and amended in 1984) that grants local governments the authority to directly implement an historic preservation program. This legislation provides for reduced property taxes on eligible historic properties if the owner agrees to maintain and preserve the property. In effect the Mills Act serves as an economic incentive to owners to preserve their historic properties for the benefit of the entire community.

National Register of Historic Places (also National Register). The official inventory of districts, sites, buildings, structures and objects significant in American history, architecture, archaeology and culture which is 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 as amended (16 U.S.C. 470-470t, 36 C.F.R. Sections 60, 63).

Place. Any area or any portion thereof, including anything, element, or fixed object thereon, whether manmade or natural.

Preservation. The conservation, enhancement, perpetuation, protection, reconstruction, rehabilitation, repair, restoration, or other action, taken to conserve, prevent, or repair the deterioration, destruction, or removal of a historic resource.

Secretary of the Interior's Standards for Rehabilitation (also Secretary's Standards). The Secretary of the Interior's Standards for Rehabilitating Historic Buildings, issued by the U.S. Department of the Interior, National Park Service (36 CFR Part 67) and the publications of the National Park Service, Preservation Assistance Division, Guidelines for Rehabilitating Historic Buildings (1992, N.P.S.) and the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings (1995, N.P.S.), and any subsequent publication on the Secretary's Standards by N.P.S. The intent of the Standards is to assist the long-term preservation of a property's historic significance through the preservation of historic materials and features.

State Historic Building Code. Part 8 of Title 24 (California Building Standards Code) of the California Code of Regulations.

Structure. Anything constructed or erected, which requires location on the ground or attachment to something having a location on the ground. A "structure" includes buildings, building appendages (e.g., awnings, canopies, lighting, and marquees), edifices, fences, fountains, kiosks, signs, and walks.

21.33.050 – Historic Resources Inventory

The historic resources inventory is a list of potentially valuable historic resources in the city. The Community Development Department shall maintain a current record of properties on the historic resources inventory. The purpose of the inventory is to identify structures that contribute to the character of a neighborhood and the city, and may warrant preservation. Specifically, the inventory can be used to identify or achieve the following:

1. **Community's character.** Identify properties that contribute to the community's character, or that of its neighborhoods, or that illustrate its architectural and historical development, and as a result deserve consideration in planning.
2. **Community's past.** Identify properties or areas whose study may provide information about the community's past.
3. **Establish priorities.** Establish priorities for conservation, rehabilitation, and restoration efforts within the community.
4. **Protect historic resources.** Provide the basis for using legal and financial tools to protect and enhance historic resources.
5. **Compile a contextual database for new development.** Provide the community development department with a contextual database from which to monitor and channel new development.
6. **Increase awareness.** Increase awareness in the public and private sectors of the man-made environment and the need for preservation efforts.
7. **Review responsibilities.** Enable the city and Federal agencies to meet their planning and review responsibilities under existing Federal legislation and procedures.

21.33.060 – Procedures for Designation of Historic Resource Inventory Properties, Landmarks and Historic Districts

A. **Initiation of designation.** Designation of historic resource inventory properties, landmarks and historic districts may be initiated by the city council, civic improvement commission, planning commission, community development director, or on application of the owner(s) or their authorized agents, of the property for which designation is proposed. In the case of a proposed historic district, the consent of the owners or their authorized agents, who own 60 percent of the number of individual parcels to be included in the proposed district, is required to request designation.

1. Required information. Any initiation shall be filed with the community development department on the prescribed forms, available from the Community Development Department, and shall include the following information:
 - a. Statement of the potential historic resource inventory property's, landmark's or district's special aesthetic, architectural, cultural, or engineering interest or value of a historic nature;
 - b. Drawings, photographs, sketches, or other descriptive material; and
 - c. Other information requested by the historic preservation board and planning commission.

B. **Consideration of Review Criteria.** The application to designate an historic resource inventory property, landmark or historic district shall be considered by the historic preservation board at a public hearing, conducted in compliance with Chapter 21.64 (Public Hearings). The board shall review the proposal for designation for conformance with the purpose of this chapter, and with respect to the review criteria specified in B(1) and B(2), below.

1. **Review criteria for historic resource inventory property or landmark.** In matters where designation of a historic resource inventory property or landmark are involved, the historic preservation board and the city council shall consider the following criteria as guides in making its determination:
 - a. Historical and cultural significance.
 - (i.) It exemplifies or reflects special elements of the city's aesthetic, architectural, cultural, economic, engineering, political, or social history;
 - (ii.) It is identified with persons or events significant in local, State, or Federal history;
 - (iii.) It embodies distinctive characteristics of a method, period, style, or type of construction, or is a valuable example of the use of indigenous materials or craftsmanship; or
 - (iv.) It is representative of the notable work of an architect, builder, or designer.
 - b. Architectural, engineering, and historical significance.
 - (i.) The construction materials or engineering methods used in the proposed historic resource inventory property or landmark are unusual or significant or uniquely effective; or
 - (ii.) The overall effect of the design of the proposed historic resource inventory property or landmark is unique, or its details and materials are unique, or unusual.
 - c. Neighborhood and geographic setting.
 - (i.) It materially benefits the historic character of the neighborhood;
 - (ii.) Its location represents an established and familiar visual feature of the neighborhood, community, or city.

2. **Review criteria for historic district.** In matters where designation of an historic district are involved, the historic preservation board and the city council shall consider the following criteria, in addition to others specified above, as guides in making its determination:
 - a. Neighborhood and geographic setting.
 - (i.) It is a geographically definable area, urban or rural, possessing a significant concentration or continuity of objects, sites, or structures unified by past events, or aesthetically by plan of physical development; or
 - (ii.) The collective value of the historic district taken together may be greater than the value of each individual structure.

C. **Historic Preservation Board Action.** The Board may recommend approval or deny the proposal for designation.

1. **Deny or Recommend Approval of Designation.** Upon making the required findings, below, the historic preservation board shall recommend to the planning commission and city council applications for an historic resource inventory property, landmark or historic district designation for approval or modified approval.
 - a. Findings for approval of designation. Before recommending approval, or modified approval, the historic preservation board shall find:
 - (i.) The proposed historic resource inventory property, landmark, or historic district does possess significant aesthetic, architectural, cultural, or engineering interest or value of an historical nature;
 - (ii.) An undue hardship has not been demonstrated by the owner of the property proposed for designation; and
 - (iii.) Approval of the application is consistent with the purposes and criteria of this chapter.
2. **Deny Designation.** The board may deny proposal for historic resource, landmark or historic district designation and the decision shall be final unless the applicant or other interested party files an appeal to the city council (Subsection F) in writing within 10 days of the decision, in compliance with Chapter 21.62 (Appeals).

D. **Planning Commission's Action.** Upon receiving a recommendation from the historic preservation board for designation of an historic resource inventory property, landmark or historic district, the planning commission shall hold a public hearing, consistent with agenda preparation procedures and schedules for the meetings, in compliance with Chapter 21.64 (Public Hearings).

1. The planning commission shall consider the report of the historic preservation board and shall consider the conformance, or lack of conformance, of the proposed designation with the criteria identified in Subsection (B)(2), above and the General Plan.
2. The planning commission shall recommend approval, denial, or modified approval of the proposal as provided therein.
3. The planning commission shall transmit the application and its recommendations and comments to the city council to be considered simultaneously with the recommendations of the historic preservation board.

E. **City Council Action.** The city council shall hold a public hearing in compliance with Chapter 21.64 (Public Hearings). The city council may approve, modify, or deny the proposed designation. Approval or modified approval of designation of an historic resource inventory

property shall be by resolution. Approval, or modified approval of a landmark or historic district designation shall be upon adoption of an ordinance designating the specific landmark or creating the specific historic district. In designating a landmark or historic district, the ordinance shall also combine the base zoning-district(s) of the landmark or of all properties within the historic district, with the "H" overlay/combining zoning district in compliance with Section 21.14.020.

1. **Subject to applicable regulations.** If the proposed designation is granted, the property(s) included in any designation shall be subject to the regulations identified in this chapter and any further controls specified in the designating ordinance.
 2. **Secretary's letter.** After approval of the designation of an historic resource inventory property, historic district or landmark by the city council, the secretary shall mail a letter to the owner of the subject property outlining the basis for the designation, and the regulations that result from the designation. The secretary shall also forward a copy of the letter to all city departments and to any other agency requesting notice or that the secretary considers affected by the designation.
 3. **Filing with county recorder.** The designation of an historic district or landmark shall be filed with the county recorder as a zone change.
- F. **City Council's Consideration of an Appeal of a Denial for Historic Resource Inventory Property, Landmark or Historic District Designation.** The city council shall consider the appeal at the next earliest regular meeting, consistent with the agenda preparation procedures and schedules for the meetings. The city council may approve, deny, or modify a recommendation of the historic preservation board.
- G. **Interim Measure.** As an interim measure, the city council may designate properties of historic significance as historic resources for a period not to exceed one hundred twenty (120) days as an interim measure to protect those structures of architectural significance to allow for the formal designation to occur.
- H. **Amending or Rescinding of an Historic Resource Inventory Property, Landmark, or Historic District.** The historic preservation board may, at any time, recommend to the city council the amending or rescinding of an historic resource inventory property, landmark or historic district designation in compliance with the same procedures identified in this chapter for original designation.
- I. **No Fee for Designation.** There shall be no fee required of an applicant(s) who wishes to have their property(s) considered for designation as an historic resource inventory property, a landmark, or an historic district.
- J. **Fee for Rescinding.** The fee for rescission of an historic resource inventory property, landmark or historic district shall be in compliance with the city council's fee resolution.

21.33.070 – Procedure to Authorize Construction, Demolition, Relocation, or Material Change to an Historic Resource Inventory Property

- A. **Referral to Historic Preservation Board.** When the building official or community development director receives a development application that affects or involves an historic resource, the application shall be referred to the historic preservation board during pre-application review and at the time of formal application. The City of Campbell's "Design

Guidelines for Historic Residential Buildings" shall be consulted when changes to residential properties are proposed.

- B. Historic Preservation Board Recommendation Required.** Any change in exterior appearance of an historic resources inventory property through alteration or construction, which is determined by the community development director to be inconsistent with the architectural style and character of the structure(s), shall require review and recommendation by the historic preservation board, in accordance with the Secretary of the Interior's Standards, before the granting of a development or building permit, in compliance with Chapter 21.64 (Public Hearings).
- C. Historic Preservation Board Review Required for Proposed Demolition.** The proposed demolition of an historic resources inventory property shall require review by the historic preservation board conducted in compliance with Chapter 21.64 (Public Hearings).
1. The historic preservation board, in considering the appropriateness of the application shall consider among other things the purposes of this chapter, the architectural and historical value and significance of the structure, and the Secretary of the Interior's Standards.
 2. The historic preservation board may request that a site visit be allowed so that the condition of the structure may be known. Additional submittal requirements may include a report from a structural engineer and an estimate of the cost of bringing the structure up to current building and fire codes for occupancy.
 3. The historic preservation board may recommend any one of the following actions to the building official:
 - (i.) Approve the demolition application as presented; or
 - (ii.) Approve the demolition application with voluntary recommended actions that could include, but are not limited to:
 - (a.) Offering the structure to a party interested in retaining the structure and moving it from its current location.
 - (b.) Offering the structure for salvage if it is not able to be retained in some capacity.
 - (iii.) Continue the application. The historic preservation board may continue action on a demolition application for a maximum of 30 days.
 - (iv.) Deny the application.
- D. Historic Preservation Board's Recommendation to Planning Commission.** In the case of an application for a development permit for an historic resources inventory property, the historic preservation board may recommend any one of the following actions to the planning commission:
1. Approve the application as presented.
 2. Approve the application subject to modifications as the historic preservation board finds reasonable and necessary to cause the application to conform to the purposes of this chapter and with the Secretary of the Interior's Standards;
 3. Deny the application.
- E. Historic Building Materials.** Historic building materials shall be salvaged and/or recycled. The applicant shall submit an Historic Building Materials Salvage/Recycle Plan to the Community Development Director for review and approval prior to issuance of a building permit.

21.33.080 – Procedures to Authorize Construction, Demolition, Relocation, or Material Change of a Landmark or in a Historic District.

A. Conditional Use Permit Required.

1. Any exterior change in any structures, through alteration or construction, which is determined by the community development director to be inconsistent with the architectural style and character of the structure(s) in an historic district, shall require the granting of a conditional use permit as identified in this section.
2. Any exterior change in a landmark, through alteration or construction shall require review and recommendation by the historic preservation board in accordance with the Secretary of the Interior's Standards, and the granting of a conditional use permit by the planning commission, in compliance with Chapter 21.46 (Conditional Use Permits).
3. Demolition or relocation of a designated landmark shall require review by the historic preservation board in accordance with the Secretary of the Interior's Standards, and the granting of a conditional use permit by the planning commission, in compliance with Chapter 21.46 (Conditional Use Permits).

B. Required Information. Any initiation shall be filed with the community development department on the prescribed forms, and shall include the following information:

1. A clear statement of the proposed scope of work;
2. Plans describing the appearance, height, and size of the proposed work;
3. A site plan showing all existing structures and the proposed work;
4. Where the application is for demolition, the necessity for demolition shall be justified;
5. Other information deemed necessary by the historic preservation board and the planning commission; and
6. Applicable fees, in compliance with the city council's fee resolution.

C. Historic Preservation Board Considerations. An application for construction, demolition, relocation, or other material change shall be considered by the historic preservation board at a public hearing, conducted in compliance with Chapter 21.64 (Public Hearings).

1. The historic preservation board, in considering the appropriateness of the application shall consider, among other things, the purposes of this chapter and the architectural and historical value and significance of the landmark or historic district.
2. The historic preservation board shall also consider the material and context of the structure in question or its appurtenant fixtures, including fences, landscaping, parking, signs, site plan, and the relationship of the features to similar features of other structures within an historic district, and the position of the structure in relation to the street or public way and to other neighboring structures.

D. Historic Preservation Board Action. The Board may recommend approval or denial of the application as presented, or recommend approval subject to modifications as the historic preservation board finds reasonable and necessary to cause the application to conform to the purposes of this chapter.

1. Recommend Approval of Application: Before making any recommendation for approval or modified approval of a conditional use permit, the historic preservation board shall find that:

- a. The action proposed is consistent with the purposes of this chapter; and
- b. The action proposed is consistent with the secretary of the interior's standards for the treatment of historic properties with guidelines for preserving, rehabilitating, restoring and reconstructing historic buildings; and
- c. The action proposed will not be detrimental to a structure or feature of significant aesthetic, architectural, cultural, or engineering interest or value of an historical nature; or
- d. The applicant has demonstrated that the action proposed is necessary to correct an unsafe or dangerous condition on the property in compliance with Section 21.33.110 (Unsafe or dangerous conditions), or
- e. The applicant has demonstrated that the denial of the application will result in immediate or substantial hardship in compliance with Section 21.33.140 (Showing of hardship in cases of proposed material change).

E. Planning Commission Action. The planning commission may continue action on conditional use permits for two meetings for purposes of reaching a mutually acceptable solution in keeping with the criteria of this section. If, at the end of that time, an acceptable solution has not been achieved, the application shall be finally granted or denied.

F. Appeal of Demolition.

- 1. **Failure to act on appeal within 180 days.** If an appeal is made on an application for a conditional use permit to demolish a designated landmark, the city council may continue action on the appeal for a period of up to 180 days from the date of its public hearing or longer if agreeable to the owner. If the city council fails to act in this period of up to 180 days, the application shall be deemed to have been approved.
- 2. **Steps to preserve the structure.** During this period, the city council, with the advice and assistance of the historic preservation board, may take steps as it determines are reasonable and necessary to preserve the subject structure in compliance with the purposes of this section. The steps may include consultations with civic groups, public agencies, and interested citizens, recommendations for acquisition of the property by public or private bodies or agencies, and exploration of the possibility of moving one or more structures or other features.

G. Conditional Use Permit Fee Required. The fee for consideration of a conditional use permit application shall be in compliance with the city council's fee resolution.

H. Historic Building Materials. Historic building materials shall be salvaged and/or recycled. The applicant shall submit an Historic Building Materials Salvage/Recycle Plan to the Community Development Director for review and approval prior to issuance of a building permit.

21.33.090 – Procedures to Authorize a Change of Use of an Historic Resource Inventory Property, a Landmark or in a Historic District.

B. Conditional Use Permit Required. A change of use in an historic resource inventory property, a landmark or in an historic district shall require approval of a conditional use permit, in compliance with Chapter 21.46 (Conditional Use Permits). The application shall

be referred to the historic preservation board for review and report to the planning commission and city council.

- C. **Required Information.** Any initiation shall be filed with the community development department on the prescribed forms, and shall include the following information:
1. Statement of the property(ies) special aesthetic, cultural, architectural, or engineering interest, or value of an historic nature;
 2. Drawings, photographs, or other descriptive material;
 3. A plan showing the relation of the proposed work to surrounding structures;
 4. Alterations required for the change of use; and
 5. Other information requested by the historic preservation board and the planning commission.
- D. **Historic Preservation Board Considerations.** The conditional use permit application to allow a change of use shall be considered by the historic preservation board at a public hearing, conducted in compliance with Chapter 21.64 (Public Hearings).
1. The historic preservation board, in considering the appropriateness of the application shall consider, among other things, the purposes of this chapter and the architectural and historic value and significance of the historic resource property, landmark, or historic district property;
 2. The historic preservation board shall also consider the material and context of the structure in question or its appurtenant fixtures, including fences, landscaping, parking, signs, site plan, and the relationship of the features to similar features of other structures within an historic district, and the position of the structure in relation to the street or public way and to other neighboring structures.
- E. **Historic Preservation Board Action.** The Board may recommend approval or deny the application.
1. **Recommend Approval of a Change of Use.** Before recommending approval or modified approval to the Planning Commission, the historic preservation board shall make the following findings:
 - a. The action proposed is consistent with the purposes of this chapter; and
 - b. The action proposed will not be detrimental to a structure or feature of significant aesthetic, architectural, cultural, or engineering interest or value of an historical nature.
 2. **Deny a Change of Use.** The historic preservation board may deny a proposal for a change of use, and the decision shall be final unless the applicant or other interested party makes an appeal to the city council in writing within 10 days of the decision, in compliance with Chapter 21.62 (Appeals).
- F. **Planning Commission Action.** Upon receiving a recommendation from the historic preservation board, the planning commission shall conduct a public hearing. At the hearing, the planning commission shall consider the report of the historic preservation board and may approve, modify, or deny the application, in compliance with Chapter 21.46 (Conditional Use Permits). Before approval or modified approval, the planning commission shall make those findings identified in subparagraph (D)(2).

G. Conditional Use Permit Fee Required. The fee for consideration of a conditional use permit application shall be in compliance with the city council's fee resolution.

21.33.0100 – Advice and Guidance to Property Owners

The historic preservation board may, upon request of the property owner, render non-technical advice on proposed work on an historic resource inventory property, a designated landmark structure, or in an historic district which does not require a conditional use permit. In rendering the advice and guidance, the historic preservation board shall be guided by the purposes and criteria in this chapter. This section shall not be construed to impose any regulations or controls upon any property.

21.33.110 – Unsafe or Dangerous Conditions

Nothing in this chapter shall be construed to prevent any measures of alteration, construction, demolition, relocation, or removal necessary to correct the unsafe or dangerous condition of any structure, other feature or part thereof where the condition has been declared unsafe or dangerous by the building official or the fire chief after informing the historic preservation board when the structure is an historic resource inventory property, designated as a landmark or located in an historic district, and where the proposed measures have been declared necessary by the building official to correct the condition. Only work that is necessary to correct the unsafe or dangerous condition may be performed in compliance with this section. In the event any structure or other feature is involuntarily damaged by fire or other calamity, the city manager or building official may authorize, before the historic preservation board's review, the repair necessary to correct an unsafe condition(s).

21.33.120 – Ordinary Maintenance and Repair

Nothing in this chapter shall be construed to prevent the ordinary maintenance or repair of any exterior architectural feature in or on any property covered by this chapter that does not involve a change in design, material, or external appearance thereof, nor does this chapter prevent the alteration, construction, demolition, reconstruction, removal, or restoration of any feature when the building official certifies to the historic preservation board that the action is required for the public safety due to an unsafe or dangerous condition which cannot be rectified through the use of the California Historical Building Code.

21.33.130 – Duty to Keep in Good Repair

The owner, occupant, or other person in actual charge of a designated historic or cultural resource, or an improvement or structure in an historic district shall keep in good repair all of the exterior portions of the improvement or structure, and all interior portions thereof whose maintenance is necessary to prevent deterioration and decay of any exterior architectural feature. It shall be the duty of the building official to enforce this section.

21.33.140 – Showing of hardship in cases of proposed material change

The historic preservation board may recommend approval of a conditional use permit to carry out construction, demolition, material change, or relocation of an historic resource inventory property, a landmark or in an historic district, if the applicant presents facts clearly demonstrating to the satisfaction of the historic preservation board at the public hearing that failure to receive the approval will cause an immediate and substantial hardship. If hardship is found to exist under this

subsection, the historic preservation board shall make a written finding to that effect, and shall also specify in writing the facts relied upon in making the finding.

21.33.150 – Conformance requirement

Issuance of a permit in conformance with this chapter shall not alter conformance requirements with other standards and requirements of this zoning code or those of the building and fire codes.

21.33.160 – Incentives for preserving historic resources

A. **State Historic Building Code.** It is the purpose of the State Historical Building Code to provide regulations and standards for the rehabilitation, preservation, restoration (including related reconstruction) or relocation as applicable to all historical buildings, structures and properties deemed of importance to the history, architecture, or culture of an area by an appropriate local or state governmental jurisdiction. Such standards and regulations are intended to facilitate the restoration or change of occupancy so as to preserve their original or restored elements and features, to encourage energy conservation and a cost effective approach to preservation, and to provide for reasonable safety from fire, seismic forces or other hazards for occupants and users of such "buildings, structures and properties" and to provide reasonable availability and usability by the physically disabled. The State Historical Building Code is defined in Sections 18950 to 18961 of Division 13, Part 2.7 of Health and Safety Code (H&SC) Health and Safety Code, a part of California Law.

B. **Historic Exceptions.** An Historic Exception is intended to provide relief from strict compliance with the standards set forth by this chapter and the City of Campbell Municipal Code, that may impair the ability of a Historic Resource, Landmark or Historic District to be properly used for adaptive reuse and/or altered in a manner that will minimize the impact upon its historic character and the surrounding area. A property designated under this chapter as an Historic Resource is allowed for adaptive reuse in compliance with the provisions of this chapter and the City of Campbell Municipal Code. As used herein, adaptive reuse is a change to a new use, including but not limited to retail uses, commercial uses, etc., as long as such use is in compliance with the applicable zoning, the City's General Plan, any adopted neighborhood or specific plan for that area and applicable design guidelines except as provided herein. The approval of an Historic Exception shall be based on the following findings:

1. The Historic Exception is necessary to provide for an appropriate use of an existing building and/or to provide for the design and alteration of a building or site in a manner that shall enhance its functional use and utility, including potential adaptive reuse.
2. The Historic Exception shall not adversely impact property within the neighborhoods and Historic District, if it is within an Historic District.
3. The Historic Resource being preserved shall retain its integrity as an Historic Resource and any impacts on its historic characteristics shall be minimized.
4. The Historic Exception shall not adversely impact properties or public rights-of-way within an Historic District.
5. The Historic Exception is the minimum departure from the requirements of this Code.

C. **Economic Incentives.** In order to carry out more effectively and equitably the purposes of this chapter, the City Council may, by resolution, adopt a program of economic (i.e. Mills Act contracts) and other incentives to support the preservation, maintenance and appropriate rehabilitation of the City's significant historic resources.

Text Amendment CMC 21.54.040 – Historic Preservation Board

21.54.040 Historic preservation board.

- A. **Establishment.** The Campbell historic preservation board, referred to in this Zoning Code as the "board," is hereby established.
- B. **Appointment and membership.**
1. The board shall consist of five voting members. Not less than four (4) such members shall at the time of their appointment, and continuously during their incumbency, be residents or electors of the city. Any non-resident member shall meet the special qualifications established by the State for Certified Local Governments.
 2. The board members shall be appointed directly by the city council, in compliance with adopted city council policy (Resolution No. 9807, 2001).
 3. Each member shall have demonstrable competence, interest, or knowledge of historic preservation.
- C. **Term of office.**
1. The term of office for each member shall be four years.
 2. An appointment to fill an unexpired term shall be for the remainder of the unexpired term.
- D. **Chairperson.**
1. The board shall elect the chairperson from among its members on an annual basis at the first meeting of the calendar year.
 2. The term of office of the chairperson shall be for the calendar year, or that portion remaining after the appointment or election.
 3. When there is a vacancy in the chairperson position, the board shall elect the chairperson from among its members.
- E. **Vacancy.** If a member is absent from three consecutive meetings without cause, unless by permission of the board, or ceases to be a resident of the city, or the city's sphere of influence, the member's seat shall be considered vacant.
- F. **Removal by city council.** A board member serves at the pleasure of the city council and may be removed upon a majority vote of the city council.
- G. **Duties and authority.** The board shall perform the duties and functions prescribed by this Zoning Code, and the city council may, from time to time by resolution, prescribe additional powers and duties not inconsistent with State law, including the following:
1. Recommend measures to implement historic preservation to the city council, and advisory commissions;
 2. Administer the applicable provisions of Chapter 21.32, (Tree Protection Regulations);
 3. Perform other advisory functions as may be delegated from time to time to the board by the city council; and
 4. Review new policies affecting historical resources in the community.

H. **Community development director's role.**

1. The community development director shall act as secretary to the board and shall be the custodian of its records, conduct official correspondence, and generally supervise the clerical and technical work of the board in administering Chapter 21.32, (Tree Protection Regulations).
2. The community development director shall assist and staff the board. (Ord. 2043 §1(part), 2004).

Text Amendment CMC 21.54.050 – Site and architectural review committee

21.54.050 Site and architectural review committee.

- A. **Establishment.** The Campbell site and architectural review committee, referred to in this Zoning Code as the “committee,” is established.
- B. **Appointment and membership.** The site and architectural review committee shall consist of two members of the planning commission to be appointed by, and to serve at the discretion of, the chairperson of the planning commission.
- C. **Appointment of an architectural advisor.**
 - 1. An architect or licensed building designer shall be appointed by the planning commission to serve as an advisor to the site and architectural review committee.
 - 2. The advisor shall serve at the discretion of the planning commission for a period of twelve months.
- D. **Appointment of an historic preservation advisor.**
 - 1. An historic preservation board member shall be appointed by the historic preservation board to serve as an advisor to the site and architectural review committee for projects involving a City of Campbell listed historic resource.
 - 2. The advisor shall serve at the discretion of the historic preservation board for a period of twelve months.
- E. **Duties and authority.** It shall be the duty of the site and architectural review committee to review all applications for site and architectural approval as required by this Zoning Code and to make reports and recommendations on each application to the planning commission. (Ord. 2043 §1(part), 2004).