

City of Santa Ana

Chapter 30 PLACES OF HISTORICAL AND ARCHITECTURAL SIGNIFICANCE

Sec. 30-1. Register of historical properties.

The historic resources commission may, by resolution and at a noticed public hearing, designate as historical property any building or part thereof, object, structure, or site having importance to the history or architecture of the city in accordance with the criteria set forth in section 30-2. The commission secretary shall maintain a register which shall consist of copies of each such resolution and which shall be known as the city register of historical properties. The historic resources commission may at any time repeal, revise, or modify any such resolution upon reconsideration of the historical or architectural importance of the places therein described.

(Ord. No. NS-1519, § 1, 3-17-80; Ord. No. NS-2338, § 1, 12-1-97; Ord. No. NS-2363, § 3, 8-3-98; Ord. No. NS-2455, § 1, 12-4-00; Ord. No. NS-2521, § 3, 1-21-03)

Sec. 30-1.5. Definitions.

Certificate of appropriateness means the method by which the historic resources commission approves modifications to a historic property pursuant to section 30-6.

Dangerous building shall have the same definition as the Uniform Code for the Abatement of Dangerous Buildings which may from time to time be amended.

Historic property shall include a building, structure, object or site designated as having historical significance and listed on the federal, state or local register of historical properties, as well as those contributing properties located in an historic district.

Local historic district means a collection or group of historic properties within a defined area.

Modification means any change, alteration, restoration, remodeling, rehabilitation, construction, or relocation of the physical exterior of a historic structure. Modification shall not include painting.

Register of historical properties means the official list of historic properties in the city. (Ord. No. NS-2338, § 2, 12-1-97; Ord. No. NS-2455, § 3, 12-4-00; Ord. No. NS-2521, § 4, 1-21-03)

Sec. 30-2. Criteria for selection.

(a) Any person or group may request a building, or part thereof, structure, object or site, to be designated to be included on the city register of historical properties (called "register" in this section). The applicant must submit documentation that demonstrates how the nominated building, structure, object or site satisfies the criteria for designation. A building, structure, object, or site may be designated for inclusion on the register if the building, structure, object or site is fifty (50) or more years old and if the commission finds that one (1) or more of the following conditions are met:

(1) Buildings, structures or objects with distinguishing characteristics of an architectural style or period, that exemplify a particular architectural style or design features;

- (2) Works of notable architects, builders, or designers whose style influenced architectural development;
 - (3) Rare buildings, structures, or objects or original designs;
 - (4) Buildings, structures, objects or sites of historical significance which include places:
 - a. Where important events occurred;
 - b. Associated with famous people, original settlers, renowned organizations and businesses;
 - c. Which were originally present when the city was founded; or
 - d. That served as important centers for political, social, economic, or cultural activity.
 - (5) Sites of archaeological importance;
 - (6) Buildings or structures that were connected with a business or use which was once common, but is now rare.
- (b) The owner of a property(s) must be notified of its nomination upon receipt of an application by the planning and building agency. Upon adoption and placement of the property on the register, the resolution of designation shall be recorded with the county recorder's office pursuant to California Public Resources Code section 5029, as it may be amended from time to time.
- (Ord. No. NS-1519, § 1, 3-17-80; Ord. No. NS-2338, § 3, 12-1-97; Ord. No. NS-2455, § 4, 12-4-00; Ord. No. NS-2521, § 5, 1-21-03)

Sec. 30-2.1. Criteria for selection; exceptions.

A building, structure, object or site less than fifty (50) years old may be nominated provided that it can be proven to be of exceptional significance as outlined in subsections 30-2(a)(1)--(6).

(Ord. No. NS-2338, § 4, 12-1-97; Ord. No. NS-2455, § 5, 12-4-00; Ord. No. NS-2521, § 6, 1-21-03)

Sec. 30-2.2. Categorization.

The historic resources commission shall, by resolution and at a duly noticed public hearing, place all buildings, structures, objects, or sites on the city register of historical properties in one (1) of the following categories based upon the criteria for each category:

(1) *Landmark category.*

- a. The building, structure, object or site is on the national register or appears to be eligible to be placed on the register; or
- b. The building, structure, object or site is on the state register or appears to be eligible to be placed on the register; or
- c. The building, structure, object or site has an historical/cultural significance to the city; or
- d. The building, structure, object or site has a unique architectural significance.

(2) *Key category.*

- a. The building, structure, object or site has a distinctive architectural style and quality; or
- b. The building, structure, object or site is characteristic of a significant period in the history of the city; or
- c. The building, structure, object or site is associated with a significant person or event in the city.

(3) *Contributive category.* The building, structure, object or site contributes to the overall character and history of a neighborhood or district and is a good example of period architecture.

The historic resources commission may after a duly noticed public hearing revise, or modify any such categorization upon reconsideration of the historical or architectural importance of the places therein described.

(Ord. No. NS-2417, § 1, 1-18-00; Ord. No. NS-2455, § 6, 12-4-00; Ord. No. NS-2521, § 7, 1-21-03)

Sec. 30-2.3. Removal from the city register of historical properties.

(a) Any owner of a historic property may apply to the city for removal from the city register of historical properties. The historic resources commission shall by adoption of a resolution, following a duly noticed public hearing, remove the historic property from the city register of historical properties if the historic property meets one or more of the following:

- (1) The building, structure, object or site does not meet the criteria for being placed on the city register of historical properties; or
- (2) Discovery of information subsequent to placement on the register of historical properties regarding the significance of the building, structure, object or site, such that the criteria for placement on the city register of historical properties is not met; or
- (3) The building, structure, object or site has been substantially damaged or destroyed by a catastrophic event such that it no longer meets the criteria for placement on the city register of historical properties; or
- (4) There has been a loss of the integrity of the building, structure, object or site, provided the loss of integrity was not the result of any illegal act or willful neglect by the owner or agent of the owner; or
- (5) The owner proves that he/she would have no economically viable use of the property unless the building, structure, object or site is removed from the register of historic properties.

(b) The historic resources commission shall give notice of its decision, which shall be final unless timely appealed pursuant to section 30-8.

(Ord. No. NS-2521, § 8, 1-21-03)

Sec. 30-3. Application of state historical building code.

Any building or structure designated as having historical or architectural importance by inclusion in the city register of historical properties shall be deemed a "qualified historical building or structure" for purposes of applying the state historical building code, as set forth in Part 2.7 (commencing with Section 18950) of Division 13 of the Health and Safety Code of the State of California and Part 8 of Title 24 of the California Administrative Code. The city's building official is authorized to apply the said state historical building code to any such building or structure.

(Ord. No. NS-1519, § 1, 3-17-80; Ord. No. NS-2338, § 5, 12-1-97; Ord. No. NS-2521, § 9, 1-21-03)

Sec. 30-4. Local historic districts.

- (a) The historic resources commission, after public hearing noticed and held in the manner prescribed by Section 37628 of the Health and Safety Code of the state, may, recommend that the city council designate an area within the city as a local historic district.
- (b) A local historic district shall be designated only if it meets one or more of the following standards:
- (1) The area constitutes a distinct section of the city and has special character, historical, architectural, or aesthetic interest and value.
 - (2) The area provides significant examples of architectural values of the past or landmarks in the history of architecture.
 - (3) The area serves as a reminder of past eras, events, or persons important in the history of the city, the county, the state or the United States of America or illustrates past living styles for future generations to observe, study, or inhabit.
 - (4) The area is the site of a historically or culturally significant ground, garden, or object.
- (c) The city council, after receiving the recommendation from the historic resources commission, may by resolution designate the recommended area as a local historic district. At the time of the creation of the local historic district, the city council may adopt design guidelines for the district.

(Ord. No. NS-2521, § 10, 1-21-03)

Editor's note: Ord. No. NS-2521, § 10, adopted January 21, 2003, amended § 30-4 in its entirety to read as herein set out. Formerly, § 30-4 pertained to historic districts and neighborhoods and derived from Ord. No. NS-1519, § 1, adopted March 17, 1980; Ord. No. NS-2338, § 6, adopted December 1, 1997; Ord. No. NS-2363, § 4, adopted August 3, 1998.

Sec. 30-5. Historical rehabilitation financing program.

The standards set forth in sections 30-2 and 30-4 shall constitute criteria for selection of historical properties eligible for financing and criteria for the selection of historical rehabilitation areas, pursuant to the provisions of the Marks Historical Rehabilitation Act of 1976, as set forth in Part 10 (commencing with Section 37600) of Division 24 of the Health and Safety Code of the State of California, for the purposes of any historical rehabilitation financing program which may be undertaken pursuant to that act by the City of Santa Ana or the community redevelopment agency of the City of Santa Ana.

(Ord. No. NS-1519, § 1, 3-17-80)

Sec. 30-6. Modification of historic properties.

(a) No exterior physical modifications, other than those identified by the historic resources commission for administrative approval by city staff, shall be permitted with respect to an historic structure until the historic resources commission approves such request at a duly noticed public hearing and issues a certificate of appropriateness. The historic resources commission shall issue the certificate of appropriateness upon finding that the proposed modification(s) does not substantially change the character and integrity of the historic property. The minutes of the historic resources commission meeting shall serve as the official record.

(b) The building official may determine a historic property is a dangerous building. Modifications as determined necessary by the building official to correct the dangerous building shall not require a certificate of appropriateness. Modifications shall be consistent with the overall architectural design and historic character of the structure and blend in with the surrounding environment.

(Ord. No. NS-2521, § 11, 1-21-03)

Editor's note: Ord. No. NS-2521, § 11, adopted January 21, 2003, amended § 30-6 in its entirety to read as herein set out. Formerly, § 30-6 pertained to historic resources commission approvals and derived from Ord. No. NS-2338, § 7, adopted December 1, 1997; Ord. No. NS-2363, § 5, adopted August 3, 1998; Ord. No. NS-2405, § 1, adopted October 18, 1999; Ord. No. NS-2438, § 1, adopted August 21, 2000; Ord. No. NS-2455, § 7, adopted December 4, 2000.

Sec. 30-7. Demolition of historic properties.

(a) An application of intent to demolish an historic property shall be submitted to the planning and building agency. At a duly noticed public hearing, the historic resources commission must review all applications for demolition permits for historic properties. The commission shall investigate all feasible alternatives to demolition. These alternatives include, but are not limited to:

(1) Seeking private citizens, local trusts, and other financial sources who may be willing to purchase the structure for restoration or relocation.

(2) Publicizing the availability of the structure for purchase for restoration or relocation purposes.

(3) Exploring possible sites for relocation of the historic building if on-site preservation is not possible. Any structure relocated under this section shall not require a residential relocation permit, pursuant to section 41-620 of this Code.

(4) Suggesting to the city council that the city purchase the structure when private preservation or relocation is not feasible.

(b) All of the above items are to be completed within two hundred and forty (240) days from the date of application submittal. After two hundred and forty (240) days, or at the conclusion of the environmental review period, whichever is longer, a demolition permit must be issued. Prior to the issuance of the demolition permit, the applicant shall provide, to the reasonable satisfaction of the commission, and at the applicant's sole cost, complete photo-documentation of archival quality and historical profile of the structure to be demolished, prior to the scheduling of the demolition.

(c) The building official may determine a historic property is a dangerous building. Such determination allows the waiver of historic resources commission review and the required review period for demolition if the historic property is declared a dangerous building.

(Ord. No. NS-2338, § 8, 12-1-97; Ord. No. NS-2363, § 6, 8-3-98; Ord. No. NS-2405, § 2, 10-18-99; Ord. No. NS-2455, § 8, 12-4-00; Ord. No. NS-2521, § 12, 1-21-03)

Editor's note: Ord. No. NS-2521, § 12, adopted January 21, 2003, changed the title of § 30-7 from "demolition of historic structures" to "demolition of historic properties."

Sec. 30-8. Appeals from decisions of historic resources commission.

- (a) An appeal from a decision or requirement of the historic resources commission may be made by any interested party, individual or group.
- (b) Any appeal made under the terms of this section shall be made within ten (10) calendar days following the date of the decision by the historic resources commission. Further, such appeal period shall end at 5:00 p.m. on the tenth calendar day following such date of the decision by the historic resources commission. If such tenth calendar day ends on a Saturday, Sunday or holiday, the ten-day period shall end at 5:00 p.m. on the next regular business day. The formal action by the historic resources commission shall become effective on the day following the first regularly scheduled council meeting after the ten-day appeal period, unless the city council, in compliance with section 41-643, section 41-644 or section 41-645, holds a public hearing on the matter, then the decision of the city council will become effective on the day following the hearing and decision by the city council.
- (c) All appeals shall be in writing and on forms provided by the planning department and shall specify wherein there was any error of decision or requirement by the commission. Furthermore, a copy of such appeal shall be filed with the planning department and the clerk of the council.
- (d) Upon receipt of such appeal, the planning department shall set the matter for hearing by the council.
- (e) All appeals shall be heard in the same manner as prescribed for the original hearing.
- (f) Upon filing of an appeal, the planning department shall forward to the clerk of the council a copy of the written findings, maps, papers and exhibits upon which the decision of the historic resources commission was based.
- (g) The council may, after public hearing, affirm, reverse, change, or modify the original decision and may make any additional determination it shall consider appropriate within the limitations imposed by this chapter. Such decision shall be filed with the clerk of the council, and the city planning department; one (1) copy thereof shall be sent to the applicant.
- (Ord. No. NS-2338, § 8, 12-1-97; Ord. No. NS-2363, § 7, 8-3-98)