

ORDINANCE NO. 3255

AN ORDINANCE OF THE COUNTY OF MONTEREY AMENDING TITLE 20 OF THE MONTEREY COUNTY CODE BY REPEALING CHAPTER 20.84 AND RE-ENACTING CHAPTER 20.84 TO PERTAIN TO REGULATIONS FOR HISTORIC RESOURCES OR "HR" DISTRICTS

The Board of Supervisors of the County of Monterey ordains as follows:

SECTION 1. Chapter 20.84 of Title 20 of the Monterey County Code, entitle Regulations for Historic and Archaeologic Resources of HR districts, is repealed.

SECTION 2. Chapter 20.84, entitles Regulations for the Historic Resources or "HR" Zoning District, is hereby added to Title 20 of the Monterey County Code to read as follows:

Chapter 20.84

Regulations for the Historic Resources  
or "HR" Zoning District

Sections:

- 20.84.010 Purpose - Applicability
- 20.84.020 Definitions
- 20.84.030 Historic Resources Review Board
- 20.84.040 Membership
- 20.84.050 Planning Department
- 20.84.060 Powers and Duties
- 20.84.070 Permits
- 20.84.080 Permit Criteria
- 20.84.090 Uses Permitted - Use Permit required in each case
- 20.84.100 Appeals
- 20.84.110 Special Regulations

20.84.010 PURPOSE - APPLICABILITY.

The purpose of this Chapter is to promote the public health, safety, and general welfare by providing for the identification, protection, enhancement, perpetuation and use of improvements, buildings, structures, signs, objects, features, sites, places and areas within the County that reflect special elements of the county's architectural, artistic, cultural, engineering, esthetic, historical, political, social, and other heritage for the following reasons:

- A. To safeguard the County's heritage as embodied and reflected in such resources;

- B. To encourage public knowledge, understanding, and appreciation of the County's past;
- C. To foster civic and neighborhood pride and a sense of identity based on the recognition and use of cultural resources;
- D. To promote the enjoyment and use of cultural resources appropriate for the education and recreation of the people of the County;
- E. To preserve diverse and harmonious architectural styles and design preferences reflecting phases of the County's history and to encourage complementary contemporary design and construction;
- F. To enhance property values and to increase economic and financial benefits to the County and its inhabitants;
- G. To protect and enhance the County's attraction to tourists and visitors, thereby stimulating business and industry;
- H. To identify as early as possible and resolve conflicts between the preservation of cultural resources and alternative land uses;
- I. To integrate the preservation of cultural resources and the extraction of relevant data from such resources into public and private land management and development processes;
- J. To conserve valuable material and energy resources by on-going use and maintenance of the existing built environment.
- K. The regulations set forth in this chapter shall apply to all designated sites and structures and in all districts combined with "HR" districts, in addition to the regulations previously specified. This "HR" district shall also be subject to the provisions of Chapter 20.92 of this title. If any of the regulations specified in this chapter differ from any of the corresponding regulations specified in this title for any district combined with an "HR" district, the provisions of this chapter shall govern.

20.84.020 - DEFINITIONS.

Unless the context requires otherwise, the following definitions shall be used in the interpretations of this chapter:

- A. "Alteration" means any exterior change or modification, through public or private action, of any cultural resource or of any property located within an historic district including, but not limited to, exterior changes to or modification of structure, architectural details or visual characteristics such as paint color and surface texture,

grading, surface paving, new structures, cutting or removal of trees and other natural features, disturbance of archaeological sites or areas, and the placement or removal of any exterior objects such as signs, plaques, light fixtures, street furniture, walls, fences, steps, plantings and landscape accessories affecting the exterior visual qualities of the property.

- B. "Character" is the aggregate of the elements of a building or district that makes it individual or unique.
- C. "Cultural Resource" means improvements, buildings, structures, signs, features, sites, places, areas or other objects of scientific, aesthetic, educational, cultural, architectural, or historical significance to the citizens of the County.
- D. "Designated Site" (historic site, cultural resource site, site) means a parcel or part thereof on which a cultural resource is situated, and any abutting parcel of part thereof constituting part of the premises on which the cultural resource is situated, and which has been determined to be a designated site pursuant to this ordinance.
- E. "Designated Structure" (landmark, cultural resource, historic structure) means any improvement that has special historical, cultural, aesthetic or architectural character, interest or value as part of the development, heritage or history of the County, the State of California, or the nation and that has been designated pursuant to this ordinance.
- F. "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.
- G. "Historic District" means any area containing improvements which have a special character, historical interest or aesthetic value or which represent one or more architectural periods or styles typical of the history of the County, and which improvements constitute a distinct section of the County that has been designated an historic district pursuant to this ordinance.
- H. "Improvement" means any building, structure, place, parking facility, fence, gate, wall, work of art or other object constituting a physical betterment of real property, or any part of such betterment.
- I. "Integrity" means soundness or completeness. The principal test to establish whether or not the property still retains

the identity or character for which it is important. For a property important for its information potential, it is necessary to determine whether the property retains enough of its original materials and their spatial relationships to be capable of yielding valuable data.

- J. "Material Change" means any structural alteration for which a building permit is required that will lessen the integrity of the historic resource by changing the character of the external appearance, or any exterior change that would involve more than 25% of the building envelope. This shall not include ordinary maintenance and repairs which do not require a permit.
- K. "Object" means a material thing of functional, aesthetic, cultural, symbolic or scientific value, usually movable by design or nature.
- L. "Preservation" means the identification, study, protection, restoration, rehabilitation or enhancement of cultural resources.
- M. "Public View" means the visual access to a site from a public property, for example a highway, roadway, right-of-way, or county hiking or riding trail.

20.84.030 - HISTORIC RESOURCES REVIEW BOARD.

There is hereby created the County of Monterey Historic Resources Review Board pursuant to the Historic Preservation Element of the General Plan for the County of Monterey.

20.84.040 - MEMBERSHIP.

The Historic Resources Review Board shall consist of seven members who shall be residents of Monterey County. Each supervisor shall nominate one member. The two additional members to be appointed to the Historical Resources Review Board shall be nominated by the Historical Advisory Commission:

- A. The members of the Board shall include members of preservation-related organizations such as historical societies, museums, heritage groups and civic clubs as well as members of professional bodies such as licensed architects, attorneys, planners and two individuals from the general public.
- B. The original appointment of the members of the Historic Resources Review Board shall be as follows: two for one year; three for two years; two for three years. Thereafter, appointments shall be made for a three-year term.
- C. In the event of a vacancy occurring during the term of a member of the Historic Resources Review Board, the Board of Supervisors shall make an interim appointment to fill the

unexpired term of such member. Where such member is required to have special qualifications, such vacancy shall be filled by interim appointment, in the manner herein prescribed, with a person having such qualifications.

20.84.050 - PLANNING DEPARTMENT.

The Planning Director or his designate shall act as secretary to the Historic Resources Review Board and shall be custodian of its records, conduct official correspondence, and generally supervise the clerical and technical work of the Historic Resources Review Board in administering this ordinance, implementing the Historic Preservation Plan, and carrying out duties specified by the Historic Resources Review Board to further the purposes of this ordinance.

20.84.060 - POWERS AND DUTIES.

The Historic Resources Review Board shall have the following powers and duties:

- A. As an initial task, the Historic Resources Review Board shall develop and adopt its own operating rules and bylaws, thereafter having the power and authority to perform all of the duties hereinafter enumerated and provided.
- B. Establish criteria and conduct or cause to be conducted a comprehensive survey of historic properties in the unincorporated areas of the County and for submittal to the Board of Supervisors for possible adoption. Publicize and periodically update survey results.
- C. Adopt specific guidelines corresponding to those of the California Office of Historic Preservation for the designation of cultural resources including landmarks, landmark sites, and historic districts.
- D. Maintain a local register of cultural resources, including historic districts, landmark sites, and landmarks within Monterey County.
- E. Review and comment upon the conduct of land use, housing and redevelopment, county improvement, and other types of planning and programs undertaken by any agency of Monterey County or the State of California, as they relate to the cultural resources of the County.
- F. Adopt standards to be used by the Review Board, upon approval to the Board of Supervisors, in reviewing applications for permits to construct, change, alter, modify, remodel, remove, or significantly affect any cultural resource.
- G. Recommend to the Board of Supervisors the purchase of fee or less-than-fee interests in property for purposes of cultural

resources preservation.

- H. Review all completed applications for permits, environmental assessments, environmental impact reports, environmental impact statements, and other similar documents as set forth in this ordinance, pertaining to cultural resources, or related neighboring property within public view. The Planning Department shall forward all such completed applications to the Review Board for review and comment; the Review Board shall forward its comments to the Planning Department.
- I. Stay any proposed application for 90 days that appears to have a detrimental effect on any designated cultural resource so that all means to lessen or obviate the detrimental effect have been explored.
- J. Investigate and report to the Board of Supervisors on the use of various federal, state, local or private funding sources and mechanisms available to promote cultural resource preservation in Monterey County.
- K. Cooperate with local, county, state and federal governments in the pursuit of the objectives of historic preservation.
- L. Keep minutes and records of all meetings and proceedings including voting records, attendance, resolutions, findings, determinations and decisions. All such material shall be public record.
- M. Render advice and guidance, upon the request of the property owner or occupant, on the restoration, alteration, decoration, landscaping or maintenance of any cultural resource, including landmark, landmark site, historic district, or neighboring property within public view.
- N. Contract, with prior approval of the Board of Supervisors, with County, State or Federal governments, or with any other organizations.
- O. Approve or disapprove, in whole or in part, applications for permits pursuant to Section 20.084.080 of the chapter.
- P. Permit any other functions that may be designated by resolution or motion of the Board of Supervisors.

20.84.070 - PERMITS.

It is unlawful for any person to tear down, demolish, construct, alter, remove, or relocate any improvement, or any portion thereof, which has been designated a cultural resource or cultural resource site pursuant to the provisions of this chapter, or which lies within an historic district, or to alter in any manner any exterior architectural feature of such a cultural resource, cultural resource site or improvement within

an historic district, or to place, erect, alter or relocate any sign within an historic district or on a cultural resource or cultural resource site, without first obtaining a use permit as as per the requirements outlined in this ordinance, nor shall the Building Director or Planning Commission grant any permit to carry out such work on a designated cultural resource or cultural resource site or within an historic district, without the prior written approval of the Historic Resources Review Board.

20.84.080 - PERMIT CRITERIA.

The Planning Commission shall issue a use permit for any proposed work as described in Section 20.84.070 if and only if it determines:

- A. In the case of a designated cultural resource, the proposed work would not alter (detrimentally), destroy or adversely affect any exterior architectural feature; or
- B. In the case of any property located within an historic district, the proposed construction, removal, rehabilitation, alteration, remodeling, excavation or exterior alteration conforms to the prescriptive standards as adopted by the Commission, and does not adversely affect the character of the district; or
- C. In the case of construction of a new improvement, building or structure upon a cultural resource site, the exterior of such improvements will not adversely affect and will be compatible with the external appearance of existing designated improvements, buildings and structures on said site.

20.84.090 - USES PERMITTED - USE PERMIT REQUIRED IN EACH CASE.

The uses permitted, subject to first securing a Use Permit in each case, are:

- A. Uses permitted in the respective district with which the "HR" District is combined and which were not existing at the time the provisions of this chapter became applicable to the property;
- B. Alteration of structures, signs, features or of the ground surface; or demolition or removal of a structure or feature;
- C. Any disturbance of an archaeological site which is within the district;
- D. Any alteration to structures within the district. Such alteration may include, but shall not be limited to, painting and repainting; landscaping; fencing; installation of lighting fixtures and other building appendages. (Ord. 2111 (part), 1975; Ord. 911 - 28.11 (part), 1955.) See

definitions in Section 20.84.020.

20.84.100 - APPEALS.

For appeal procedure, refer to Section 20.96.050.

20.84.110 - SPECIAL REGULATIONS.

Any structural, electrical or plumbing change, or addition, is subject to approval of a permit from the Monterey County Building Department, issued in conformance to the requirements for historic buildings in the Monterey County Building Ordinance. (Ord. 2111 (part), 1975; Ord. 911 - 28.11 (part), 1955.)

PASSED AND ADOPTED THIS 14th day of July, 1987, by the following vote:

AYES: Del Piero, Shipnuck, Petrovic, Karas, Strasser Kauffman

NOES: None

ABSENT: None

  
Supervisor Karin Strasser Kauffman, Chair

(SEAL)

ATTEST:

ERNEST K. MORISHITA  
CLERK OF THE BOARD

By:

  
(Deputy)