

ARTICLE 8 - HISTORIC PRESERVATION

CHAPTER 8.428 - HISTORIC PRESERVATION PERMITS AND PROCEDURES.

8.428.010 - Purpose.

The purpose of the Historic Preservation Ordinance is to:

- a) Safeguard the historic resources of San Mateo County by preserving buildings, structures and sites of historic, cultural, architectural, archaeological or aesthetic significance.
- b) Promote the use and enjoyment of historic resources for the public's education, pleasure and welfare.
- c) Enhance the visual character of the County by encouraging through regulations the development and maintenance of architectural styles within historic districts which reflect unique and established architectural traditions.
- d) Integrate the preservation of historic resources into public and private land management and development processes.
- e) Establish County historic landmarks and historic districts where uses other than those allowed by existing zoning regulations may be permitted through the provisions of section 8.280.010(g) of the San Mateo County Ordinance Code.

8.428.020 - Definitions.

For the purposes of this chapter, the following definitions shall apply:

- 1. ALTERATION means any exterior change or modification to the exterior of any landmark or of any property located within an historic district including, but not limited to, removal of architectural detail, grading, surface paving, 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.
- 2. CONSTRUCTION means the putting together, erecting or arrangement of materials to form a new building, structure or portions thereof.

San Mateo County, California, Code of Ordinances
Title 8 – Zoning & Development Code

3. DEMOLITION means to destroy, raze, dismantle, deface or in any other manner cause partial or total ruin, of a historic landmark.
4. HISTORIC DISTRICT means any area containing historic resources which have a special, historical interest or aesthetic value or which represent one or more architectural periods or styles typical to 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.
5. HISTORIC RESOURCE means buildings, structures, signs, features, sites, places, areas or other objects of scientific, educational, cultural; architectural, archaeological, or historical significance to the citizens of the County.
6. HISTORIC RESOURCES ADVISORY BOARD means body appointed by the Board of Supervisors who serve as an advisory body to the Board of Supervisors, Planning Commission, Parks and Recreation Commission and other appropriate County departments on matters pertaining to implementation of the Historic Resources Element of the County General Plan and the protection and preservation of the County historic resources.
7. LANDMARK means any historic resource that has special historical, cultural, archaeological, 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 a landmark pursuant to this ordinance.
8. LANDMARK SITE means a parcel or part thereof on which a landmark is situated, and any abutting parcel or part thereof constituting part of the premises on which the landmark is situated, and which has been designated a landmark site pursuant to this ordinance.
9. PRESERVATION means the identification, study, protection, restoration, rehabilitation, or enhancement of historic resources.
10. RELOCATE means to establish or layout in a new place or move to a new location.

8.428.030 - Criteria For The Designation Of County Historic Landmarks And Historic Districts

The Board of, Supervisors may designate a structure as an historic landmark or an area as an historic district pursuant to section 8.428.040 of this chapter if it meets the following criteria:

- a) It exemplifies or reflects elements of the County's cultural, social, economic, political, aesthetic, engineering, or architectural history; or
- b) It has special aesthetic or artistic interests or values; or

San Mateo County, California, Code of Ordinances
Title 8 – Zoning & Development Code

- c) It is identified with persons or events significant in local, State, or national history; or
- d) It embodies distinctive architectural characteristics of a style, type, period, or method of construction, or is a valuable example of the use of indigenous materials or craftsmanship; or
- e) It is representative of the notable work of a master builder, designer, or architect.

8.428.040 -Procedures For Designating A County Historic Landmark And An Historic District

Historic landmarks and historic districts shall be designated in the following manner:

1. Application.

Any person, group or organization may request the designation of a structure as an historic landmark or the designation of an area as an historic district by submitting an application for such designation to the County Planning Commission.

2. Application Requirements.

The applicant shall file a written application with the Planning and Development Division on a form provided by the Director of Planning and Building and shall be accompanied by the following information:

- a. Assessor's parcel number(s) of the site.
- b. Map showing location of the structure and/or boundaries of the historic district.
- c. Description of the structure's special cultural, architectural, aesthetic or engineering interest or value of an historic nature.
- d. Photographs of the existing structure(s) and site. Other descriptive material may also be submitted, i.e., drawings, sketches, lithographs, etc.
- e. Statement of condition of structure(s).
- f. Other material or information as may be requested by the Director of Planning and Building.

3. Referral Of Application.

- a. The Planning Division shall refer the application to the Historic Resources Advisory Board for review and recommendation.

San Mateo County, California, Code of Ordinances
Title 8 – Zoning & Development Code

- b. In making its recommendation to the Planning Commission the Historic Resources Advisory Board's report shall include the basis for the Board's finding drawn from the criteria in section 8.428.030.

4. Public Hearing And Comment.

- a. The Planning Commission and Board of Supervisors shall hold a public hearing before taking action on the designation of the historic landmark or a historic district.
- b. In addition to testifying at a public hearing, any person may submit written comment on an application at any time prior to the close of the applicable public hearing. Written comments shall be submitted to the Director of Planning and Building who shall forward them to the appropriate commission or board.

5. Public Hearing Notice.

Notice of the time and date set for public hearings by the Planning Commission and Board of Supervisors shall be given as required for use permits in section 8.280.030 of the San Mateo County Ordinance Code, Zoning Annex.

6. Action By Board Of Supervisors.

The Board of Supervisors shall by resolution approve the application in whole or in part, or shall by motion disapprove it in its entirety.

7. Recording Designation.

Within thirty (30) days of the date on which the Board of Supervisors designates any building, structure, or site as a landmark worthy of preservation, the Clerk of the Board of Supervisors shall file with the County Recorder a certificated copy of the resolution stating that such property is designated a County Historic Landmark, and said resolution shall be maintained on the public records until such time as the landmark designation may be withdrawn by the Board of Supervisors.

8.428.050 - Historic Preservation Permits.

A permit shall be required to:

- a. Demolish, alter, or relocate any structure(s), or any portion thereof, which has been designated an historic landmark or historic district pursuant to the provisions of this chapter.
- b. Construct, place, alter or relocate any signs, exterior lighting, fences, parking areas, or any other structure or pertinent feature within an historic district or on a landmark or landmark site.

San Mateo County, California, Code of Ordinances
Title 8 – Zoning & Development Code

In the Coastal Zone, a coastal development permit consistent with chapter 8.252 of the County Ordinance Code shall also be required.

8.428.060 - Historic Preservation Permit Procedure.

The following procedures shall be followed in processing applications for historic preservation permits required by section 8.428.050.

1. Application Requirements.

The applicant shall file a written application with the Planning and Development Division on a form provided by the Director of Planning and Building and, where applicable, shall be accompanied by the following information:

- a. Elevation drawings of proposed construction or alterations.
- b. Photographs of existing and adjacent structures.
- c. Site plan.
- d. Proposed use (Coastal Zone only).

2. Review, Referral And Report.

- a. The Planning Division shall refer the application to the Historic Resources Advisory Board for review and recommendation.
- b. In making its recommendations to the Planning Commission, the Historic Resources Advisory Board shall include in its report the basis for its recommendation drawn from the criteria in section 8.428.060(4).

3. Public Hearing And Comment.

- a. The Planning Commission shall hold a public hearing before taking action on the permit application. The decision of the Commission to approve, approve with conditions, or disapprove the permit shall be based on the criteria described in section 8.428.060(4).

San Mateo County, California, Code of Ordinances
Title 8 – Zoning & Development Code

- b. In addition to testifying at a public hearing, any person may submit written comment on an application at any time prior to the close of the applicable public hearing. Written comments shall be submitted to the Director of Planning and Building who shall forward them to the appropriate commission or board.
- c. In review of permits sought in order to wholly or partially remove or demolish an historic landmark or historic district, the Planning Commission may approve issuance of said permit or permits or disapprove the issuance of said permit or permits for a period not to exceed 180 days, beginning on the date the application is disapproved. This period may be extended for an additional 180 days by action of the Board of Supervisors.

4. Standards For Application Review.

The Planning Commission, or Board of Supervisors, upon appeal (pursuant to section 8.428.060(5).), shall issue an approval for any permit as described in section 8.428.050 if it determined that:

- a. ALTERATION. The proposed alteration conforms to the Guidelines for Historic Rehabilitation contained in the adopted Historic Resources Element of the County General Plan and does not detrimentally alter, destroy, or adversely affect the exterior architectural character of the structure.
- b. CONSTRUCTION. The construction of a new improvement, building or structure in an historic district, does not adversely affect and is compatible with the external appearance of existing designated landmarks.
- c. DEMOLITION. The Commission shall consider the following criteria in determining whether or not to grant a permit for razing or demolition.
 - 1. The landmark is of such interest or significance that it could qualify as a National or State historic landmark.
 - 2. The landmark is of such old and unusual or uncommon design, texture and/or material that it could not be reproduced or be produced with great difficulty and/or expense.
 - 3. The owner of the landmark would have no reasonable economic use of the property unless the structure is removed.
 - 4. The proposed use of the property would provide a substantial benefit which could not be provided unless the landmark is removed.

5. Appeals.

San Mateo County, California, Code of Ordinances
Title 8 – Zoning & Development Code

The action of the Planning Commission in authorizing or denying a permit may be appealed by the applicant, or any other person who is aggrieved by issuance of or non-issuance of the permit or any conditions thereof.

Permits considered and acted upon by the Planning Commission may be appealed to the Board of Supervisors by filing a written notice of appeal with the Planning Division within ten (10) calendar days from issuance or denial of said permit. The Board of Supervisors shall hear such appeal and render a decision following such hearing. The decision of the Board of Supervisors shall be final. The action taken by the decision maker shall be reported to the affected parties.

6. Duration Of Permit.

If a substantial amount of work authorized by any permit is not commenced within one (1) year of the date of issuance or as otherwise indicated on the face of the permit, or on the improvement agreement, or if said work is not completed within one (1) year of commencement or as otherwise indicated on the permit, or the improvement agreement, the permit shall expire and become void.

7. Renewal.

The renewal of an expired permit may be administratively approved by the Director of Planning and Building providing no changes to the plans have been made. An application for such renewal must be made in writing no later than one month prior to the expiration date, in the same manner as specified for in the original application.

8. Permit Amendment.

Upon application by the permittee, the permit required by this chapter may be amended by the approving authority. Application for and action on an amendment shall be accomplished in the same manner specified by this chapter for initial approval of the permit. All sections of this chapter shall apply to the permit amendment.

8.428.070 - 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. Nothing in this chapter shall be construed to prevent the construction, reconstruction, alteration, restoration, demolition or removal of any such feature when the Building Inspector certified to the Commission that such action is required for the public safety due to an unsafe or dangerous condition and cannot be repaired under the California Historical Building Code.

8.428.080 – Duty To Keep In Good Repair.

The owner, occupant or other person in actual charge of an historic landmark, or an improvement, building or structure in an historic district shall keep in good repair all of the exterior portions of such improvements, building or structure, all of the interior portions thereof when subject to control as specified in the designating ordinance or permit, and all interior portions thereof whose maintenance is necessary to prevent deterioration and decay of any exterior architectural feature.

8.428.090 - Enforcement.

The Director of Planning and Building shall administer and enforce the provisions of this chapter. The Director may refer violations of this chapter to the Planning Commission, Board of Supervisors or County Counsel for appropriate action when deemed necessary.

8.428.100 - Severability.

If any section, sentence, clause or phrase of this chapter is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, it shall not affect the remaining portions of this chapter.

[Prior code Chapter 7 Added by Ordinance No. 2894 - Adopted June 5, 1984]

[Prior code Amended by Ordinance No. 3304 - Adopted 03/12/91]

[Prior code Section 7738 Amended by Ordinance No. 3214 - Adopted 04/24/90]

ARTICLE 9 - SPECIAL HOUSING REQUIREMENTS & PROGRAMS

CHAPTER 8.432 - INCLUSIONARY REQUIREMENTS FOR AFFORDABLE HOUSING

8.432.010 - Findings

1. The State of California requires local governments to plan to meet the housing needs of all income groups. Specifically, "local governments have a responsibility to use their powers to facilitate the improvement and development of housing to meet the housing needs of all economic segments of the community (State Government Code Section 65580) and to assist in the development of adequate housing to meet the needs of low and moderate income households (Government Code Section 65583(c)(2))."
2. It is a public purpose of the County, as expressed in the County's General Plan Housing Element "to promote sufficient production of new housing of affordable cost and diverse size to accommodate the housing needs of all persons who reside, work, or who can be expected to work or reside in the County (Policy 14.2, Housing Element, County General Plan)."
3. As documented in the County's General Plan Housing Element, there is a housing shortage for extremely low, very low and low-income households in the County and a shortage of ownership housing for moderate income households. Increasingly, very low and low-income persons who work or live within the