

Planning & Redevelopment Department Staff Report Planning Commission Meeting June 8, 2006

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<u>ITEM VII-A:</u> <u>ZONING ORDINANCE AMENDMENT – CITYWIDE – SIGNIFICANT BUILDING ORDINANCE - FILE# 2005PL-056 OA-000007</u>

REQUEST

The applicant requests approval of an amendment to the Zoning Ordinance that would preclude the demolition of certain significant buildings without first having a public hearing notice and a discretionary approval. The proposed regulations would require following the City's existing Design Review Permit procedures prior to the demolition of a significant building.

Applicant - City of Roseville

SUMMARY RECOMENDATION

The Planning Department recommends that the Planning Commission:

- A. Recommend that the City Council adopt the Negative Declaration; and
- B. Recommend that the City Council approve the Significant Building Ordinance as shown in Exhibit B.

BACKGROUND

At the July, 2005 meeting of the Chamber of Commerce Central Roseville Revitalization Committee (CRRC), the Committee discussed the future of the Haman House and other unoccupied buildings in the Downtown. The committee became concerned when it learned that a building could be demolished upon the issuance of a demolition permit and with no consideration given to the historical or cultural significance of the building. Subsequently, in a letter dated August 4, 2005, the Chamber requested that the City consider an ordinance to ensure that demolition of buildings in Central Roseville does not occur without public notice or without the existence of a viable plan for the site.

EVALUATION

Under the City's current regulations (the Building Code), the Building Department may issue a demolition permit for any building subject to a limited review of such matters as safety, traffic control and the need for an encroachment permit, but not subject to any consideration of the building's historic or community significance. A demolition permit is issued administratively and without public notice. Conceivably any building could be demolished in this manner, including the Haman House, which is listed on the National Register of Historic Places.

The Chamber CRRC maintains that some buildings are historically or culturally significant to the community and contribute value to Central Roseville. The Committee is concerned about the potential loss of a significant building, especially when there is not a viable plan for the re-use of the site. The Committee does not seek to prevent the demolition of a significant building when it is needed for a viable re-use of the site, but believe there is benefit to the public in requiring a public notice and some level of review prior to the demolition.

The proposed ordinance is in keeping with the Committee's objective. The regulations would not prohibit demolition of a significant building, but would require approval of a viable development plan for the re-use of the site. The regulations would be contained in a new Chapter 19.61 – Significant Buildings, within the Roseville Municipal Code, Title 19, Zoning Ordinance. The draft Significant Building Ordinance is attached as Exhibit B, and its key features include the following.

Definitions -- "significant building" and "demolition" are defined for purposes of the ordinance.

List of Significant Buildings – a short list of buildings deemed to be of significance to the community. The list contained in the proposed ordinance started with the list of historic resources contained in the General Plan. Staff consulted with John Piches, Duke Davis and the Chamber of Commerce Central Roseville Revitalization Committee to identify other significant buildings, and we then discussed the proposed ordinance with the owners of these properties. It should be noted that several historic buildings in Central Roseville (the Carnegie Library, Tower Theater, etc.) are Cityowned properties and are not included on the list in this ordinance. Demolition of these buildings could not happen without some level of public review because such a project would already be subject to approval by the City Council. Also, the post office is federal property and as such would not be subject to local jurisdiction. Amending the list of significant buildings would follow existing Zoning Ordinance Amendment procedures.

Application Procedures – demolition of a significant building would follow the City's existing Design Review Permit procedures. Accordingly, two existing sections of the Zoning Ordinance would also be amended to revise the Design Review Permit regulations to include demolition of a Significant Building. Section 19.74.010.C would be amended to require a Design Review Permit prior to demolition of a Significant Building. Section 19.74.010.C.2.b.7 would be amended to assign approval authority to the Design Committee.

Findings – in addition to the required DRP findings, the Design Committee must make four special findings for demolition of a Significant Building. The findings provide a fair test of whether the proposed re-use of the site would mitigate the loss of a Significant Building.

Exemption – for clarity, the ordinance stipulates that demolition of dangerous buildings is exempt, subject to a determination by the Building Official, as already allowed by the Building Code.

CONCLUSION

The proposed Significant Building Ordinance is intended to preclude the demolition of specified buildings in Central Roseville without first having a public notice and discretionary approval. The procedures are crafted to follow existing City procedures, which are already required prior to new construction and re-use of the site. Thus, the ordinance provides a measure of consideration prior to demolition of significant buildings with minimal burden on the property owner.

ENVIRONMENTAL DETERMINATION

The Planning & Redevelopment Department prepared an Initial Study and Negative Declaration for this project. The document is available for review at the Planning & Redevelopment Department office, located at 311 Vernon Street, Roseville, CA 95678. The public review period extends through June 15, 2006. Comments on the document may be offered at the Planning Commission hearing.

RECOMMENDATION

The Planning & Redevelopment Department recommends the Planning Commission take the following action:

- A. Recommend that the City Council adopt the Negative Declaration; and
- B. Recommend that the City Council approve the Zoning Ordinance Text Amendment adding Chapter 19.61 Significant Buildings File # 2005PL-056, OA-000007, as shown in Exhibit B.

EXHIBITS

- A. Negative Declaration and Initial Study
 - B. Significant Building Ordinance (redline strikeout version)

Note to Applicant and/or Developer: Please contact the Planning & Redevelopment Department staff at (916) 774-5276 prior to the Commission meeting if you have any questions on any of the recommended conditions for your project. If you challenge the decision of the Commission in court, you may be limited to raising only those issues which you or someone else raised at the public hearing held for this project, or in written correspondence delivered to the Planning & Redevelopment Director at, or prior to, the public hearing.