

ORDINANCE NO. _____

**AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE
COUNTY OF SANTA CRUZ
AMENDING SANTA CRUZ COUNTY CODE SECTION 16.42 TO
INCLUDE NEW LANGUAGE
PERTAINING TO BUILDING DEMOLITION**

WHEREAS, in the County of Santa Cruz there exists numerous historic structures, objects, sites, and areas of historic, cultural, architectural, engineering, or aesthetic significance, importance, and value; and

WHEREAS, the County lost a *National Register I* (NR-1) historic building – *the Redman – Hirahara House*, through neglect and said House having to be delisted from the County’s Historic Inventory on August 5, 2025 as a result of neglect; and

WHEREAS, the County General Plan includes historic resources policies and strategies (Chapter 3 - Agriculture, Natural Resources and Conservation) with an objective to protect historic structures, objects, sites and districts in the unincorporated portion of the County; and

WHEREAS, the purpose of Santa Cruz County Code Chapter 16.42 - Historic Preservation, is to implement the General Plan; and

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WHEREAS, the Santa Cruz County Code Chapter 16.42.010 states the Board of Supervisors finds that the protection, enhancement, perpetuation and use of structures, districts, lands, and neighborhoods of historic, architectural, and engineering significance, located within the County of Santa Cruz, are of cultural and aesthetic benefit to the community, and that respecting the heritage of the County will enhance the economic, cultural, and aesthetic standing of the County; and

WHEREAS, preservation of such sites and structures as community resources for present and future generations is beneficial to the public interests and welfare; and

WHEREAS, the County seeks to prevent demolition and, or demolition by neglect of all historic structures, which either has been referenced in the County General Plan, or has been listed in the historic resources inventory adopted pursuant to SCCC 16.42.050 and has a rating of significance of NR-1, NR-2, NR-3, NR-4, or NR-5; and

WHEREAS, *demolition by neglect* refers to the practice of allowing a building to deteriorate to the point that demolition becomes necessary, or restoration becomes infeasible (economically or otherwise); and

WHEREAS, the Historic Resources Commission met on _____, to consider the Demolition by Neglect Ordinance and approved unanimously to approve the Ordinance and directed staff to forward its recommendation to the county Board of Supervisors; and

WHEREAS, the Planning Commission held a duly noticed public hearing on _____, and recommend adoption of an ordinance to incorporate demolition by neglect; and

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WHEREAS, the Board of Supervisors held a duly noticed public hearing on _____, to consider public input on the proposed Ordinance incorporating demolition by neglect; and

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NOW, THEREFORE, the Board of Supervisors of the County of Santa Cruz ordains as follows:

SECTION I

Section 16.42.060 of the Santa Cruz County Code is hereby amended, to read as follows:

16.42.060 Development procedures for designated historic resources.

- (A) Applications for Historic Review. Applications for historic resource preservation plan approval or sign review shall be filed with the Planning Department in accordance with the procedures of SCCC 18.10.117 through 18.10.119, and the administrative application requirements as established by the Historic Resources Commission.
- (B) Demolition and Relocation.
 - (1) Application Requirements. For projects involving demolition of the historic structure, or involving relocation of an historical structure, the application submittal shall also include:
 - (a) A special inspections report from the County Planning Department on the condition of the structure; and
 - (b) An historical documentation report prepared according to guidelines established by the Historic Resources Commission. The report shall contain the following:
 - (i) Information which supports the claim that preservation is not feasible due to the deteriorated condition of the structure or object, or would create exceptional hardship, or is necessary to alleviate a dangerous condition.
 - (ii) Provisions to preserve the historic values of the structure or object by documentation and/or preservation of artifacts and building materials.
 - (c) Provisions to offer the structure to the general public for removal or dismantling for salvage at no cost or remuneration to the applicant. The availability of the structure shall be advertised by means of an one-eighth-page display ad in a paper of general circulation in the County of Santa Cruz, at least twice during a 30-day period. The advertisement shall include the address at which the structure proposed for demolition is located, information as to how arrangements can be made for relocation (through moving or dismantling)

of the structure proposed for demolition, and the date after which a demolition permit may be issued. Evidence of this publication must be submitted prior to issuance of a demolition permit. This is not applicable to projects involving the relocation of the historic resource on the same site.

(2) Processing. Demolition applications shall be processed as follows:

- (a) The complete demolition of the entirety of a landmark or contributing resource shall require a public hearing and recommendation by the Historic Resources Commission and a public hearing and final action by the Board of Supervisors.
- (b) The partial demolition, as defined in SCCC 16.42.030(C), of a landmark or contributing resource shall require a public hearing and final action by the Historic Resources Commission. The Historic Resources Commission may, at their discretion, refer the final action to the Board of Supervisors.
- (c) Lesser demolition, not meeting the definition of “demolition” in SCCC 16.42.030(C), of a landmark or contributing resource may be approved or denied without public hearing by the Planning Director. The Planning Director, at his or her discretion, may refer the final action to the Historic Resources Commission.

(C) Alteration.

(1) Criteria for Projects Involving the Exterior Alteration of a Historic Resource. A historic resource preservation plan for alterations and changes to the exterior of an historical structure or object shall conform to the following criteria:

- (a) Every reasonable effort shall be made to provide a compatible use for a property that requires minimal alteration of the building, structure, or site and its environment, or to use a property for its originally intended purpose.
- (b) The distinguishing original qualities or character of a building, structure, or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible.
- (c) All buildings, structures, and sites shall be recognized as products of their own time. Alterations that have no historical basis and which seek to create an earlier or later appearance shall be discouraged.
- (d) Changes which may take place in the course of time are evidence of the history and development of a building, structure, or site and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.

- (e) Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure, or site shall be treated with sensitivity.
- (f) Deteriorated architectural features shall be repaired rather than replaced, wherever possible. In the event replacement is necessary, the new material should match the material being replaced in composition, design, color, texture, and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplications of features substantiated by historic, physical or pictorial evidence, rather than on conjectural design or the availability of different architectural elements from other buildings or structures.
- (g) The surface cleaning of structures shall be undertaken with the gentlest means possible. Sandblasting and other cleaning methods that will damage the historic building materials should not be utilized.
- (h) Every reasonable effort shall be made to protect and preserve archaeological resources affected by, or adjacent to, any project.
- (i) Alterations and additions to existing properties shall not destroy significant historical, architectural or cultural elements or materials, and shall be compatible with the size, scale, color, materials, and character of the property, neighborhood or environment.
- (j) Whenever possible, new additions or alterations to structures shall be done in a manner so that the essential form and integrity of the structure would be unimpaired.

(2) Processing. Alteration applications shall be processed as follows:

- (a) Alteration applications shall require a public hearing before the Historic Resources Commission.
- (b) Minor historic alteration project applications may be approved or denied without public hearing by the Planning Director. The Planning Director, at his or her discretion, may refer the final action to the Historic Resources Commission.

(D) New Construction. Historic resource preservation plans for construction of new structures on historic properties or in historic districts shall conform to the following criteria:

- (1) The location, siting and size of new construction on an historical property shall not detract from the historic character of the property, and between existing buildings, landscape features and open space.

- (2) All structures shall be designed in proportion and integrated into the historic character of the property or district by the use of compatible building materials and textures, construction methods, design, and color.
- (3) The size, location and arrangement of new on-site parking or loading ramps shall be designed so that they are as unobtrusive as possible and preserve the features of the property or district.
- (4) Ingress and egress, and internal traffic circulation shall preserve the historic features of the property.
- (5) Landscaping should be provided in keeping with the character and design of the historic site, property or district.
- (6) Disturbance of terrain around existing buildings or elsewhere on the property should be minimized to reduce the possibility of destroying unknown archaeological materials. Where any proposed land alterations may impact important archaeological resources, a professional archaeological survey shall be provided and its recommendations implemented to mitigate potential impacts as provided for in Chapter 16.40 SCCC.

(E) Duty To Maintain Structures And Premises

(1) Preservation of Historic Structures. Maintenance and repair required.

(a) It is the intent of this section to preserve from deliberate, or inadvertent neglect the exterior features of historic structures, and the interior portions thereof when such maintenance is necessary to prevent deterioration and decay of the exterior. Neither the owner of nor the person in charge of a structure or site in any of the National Register (NR) categories of NR-1 thru NR-5, as set forth in section 16.42.050.B of this Code shall prevent or permit such structure, or property to fall into a state of disrepair which may result in the deterioration of any exterior appurtenance, or architectural feature so as to produce, or tend to produce, in the judgment of the Historic Resource Commission and, or the enforcing officer (i.e., the Code Enforcement Officer, Building Official, or Historic Resources Planner), a detrimental effect upon the character of the structure, or district if applicable, including but not limited to:

(i) The deterioration of exterior walls or other vertical supports;

(ii) The deterioration of roofs or other horizontal members;

(iii) The deterioration of exterior chimneys;

(iv) The deterioration of crumbling of exterior plasters or mortar;

(v) The ineffective waterproofing of exterior walls, roofs and foundations, including broken windows or doors;

- (vi) The peeling of paint, rotting, holes and other forms of decay;
 - (vii) The lack of maintenance of surrounding environment, e.g., fences, gates, sidewalks, street signs, accessory structures and landscaping;
 - (viii) The deterioration of any feature so as to create or permit the creation of any hazardous or unsafe condition or conditions or an “attractive nuisance” (in the sense that deteriorated structures, construction projects and junk yard can be construed as exciting places to explore and so somewhat akin to a playground).
- (b) The enforcing officer (i.e., the Code Enforcement Officer, Building Official, or Historic Resources Planner) shall give notice by certified or registered mail of specific instances of failure to maintain or repair an historic structure. The owner or person in charge of an historic structure shall have 60 days to remedy such violation(s); provided that the enforcing officer, upon request by the property owner or property manager, may allow an extension for a period of time appropriate to remedy such violation(s) subject to a written (hard copy or by email) request for the extension if the extension request is received by the enforcing officer within 5 business days of the end of the 60 day period. **A Compliance Agreement** shall be entered upon between the County and the property owner that will describe what work will be done by the property owner to bring the structure into a state of compliance based on the *Secretary of the Interior’s Standards for Rehabilitation* , and the time frame to complete the work.
- (c) If a property owner has been requested to maintain the property but refuses to do so, this ordinance allows the Planning Director to arrange for necessary repairs and charge the expenses to the owner. In the event the corrective action specified in the aforementioned notice by certified or registered mail per SCC Section 16.42.060.(1)(b), is not instituted within the time allotted, a lien against the property may be established, and draw interest at the highest legal rate, the amount to be amortized over a period of 10 years subject to a public sale if there is a default in payment.
- (d) If a property owner has been requested to maintain the property but refuses to do so, this ordinance allows the Planning Director to negotiate with a third party entity that is interested in preserving the historic structure, and expenditures of private funds allocated by contract between the County and the private entity. Expenses incurred by the private entity for such work such as administration, labor and materials shall be a lien against the property, and draw interest at the highest legal rate, the amount to be amortized over a period of 10 years subject to a public sale if there is a default in payment. Also, under the circumstances where a private entity is involved, expenses incurred by the County for such work such as administration, labor and materials shall be a lien against the property, and

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draw interest at the highest legal rate, the amount to be amortized over a period of 10 years subject to a public sale if there is a default in payment.

(e) Any such order by the enforcing officer to remedy violations shall state the actions to be taken with reasonable particularity and shall specify dates for compliance, notwithstanding reference to 60 days in Section 16.42.060.E(1)(b), which may be extended by the Planning Director for reasonable periods to allow the owner to secure financing, labor or materials and conclusion of restoration/renovation. It is up to the discretion of the Planning Director what a reasonable period shall be.

(f) Any such order issued by the enforcing officer may be appealed to the Planning Director within 30 days of the notice by certified, or registered mail sent by the enforcing officer to the owner or person in charge of the historic structure(s).

~~(F)~~ Sign Approvals. Plans for all new signs and alterations to existing signs located on an historical structure, or located on an historical property, or located in an historical district, except for historic landmark plaques as approved by the Historic Resources Commission or changes in sign copy, shall be submitted to the Planning Director. No historic resource preservation plan is required for this review. Signs shall conform to all other County Code requirements and adopted sign design guidelines.

~~(G)~~ Development Applications Involving Historic Resources. When plans for a project affecting an historic resource are required by this section to obtain an approval or a recommendation by the Historic Resources Commission, all applications for permits authorizing development of the project shall be deemed incomplete until the Historic Resources Commission approval or recommendation has been granted and documentation of such action is submitted with the permit applications, except as provided in subsection ~~(H)~~ of this section.

~~(H)~~ Concurrent Processing. Where the Planning Director determines that processing time for a permit will not be adversely affected, the Director may authorize the acceptance of a permit application as complete for processing concurrently with the Historic Resources Commission review and action required by this chapter.

~~(I)~~ Historic Resources Commission Hearing Procedure. When an application for historic review is determined by Planning Department staff to be complete it shall be forwarded with any other information of record to the Historic Resources Commission for their review and subsequent action. Except for minor historic alteration projects, minor demolition as described in subsection (B)(2)(c) of this section, and sign review, each completed application for a historic resource preservation plan approval and associated recommendation shall be considered for review and action by the Historic Resources Commission at a public hearing. Notice of all hearings shall be given pursuant to SCCC Section 18.10.117 through 18.10.119. The Commission may continue a hearing from the original hearing date in order to request additional information, conduct a site inspection, require that a professional historian and/or archaeologist prepare the historical

documentation report, or for any other reason determined to be necessary by the Historic Resources Commission.

(~~H~~) Historic Resources Commission Action. Following the public hearing on an application, the Historic Resources Commission may approve a historic resource preservation plan, or historic documentation report, by an affirmative vote of three or more of the Commission members. In order for the Commission to approve or conditionally approve the historic resource preservation plan, all the following findings must be made:

- (1) That the historic resource preservation plan is consistent with the purposes and goals of this chapter and the County General Plan;
- (2) That the historic resource preservation plan is in conformance with the requirements of this chapter; and
- (3) That the historic resource preservation plan, if implemented, will preserve and maintain the cultural and historical heritage of the County and/or further cultivate the knowledge of the past.
- (4) The Historic Resources Commission shall deny the historic resource preservation plan if one or more of these findings cannot be made.

(~~K~~) Final Project Approval. When an historic resource preservation plan is required by this section, no final County approval shall be given to a land division, development permit, building permit, demolition permit, land clearing permit or grading permit for a project affecting an historical structure, object, property, site or district, unless an historic resource preservation plan for the protection of the historic resource has been approved by the Historic Resources Commission, the project is in conformance with the approved plan, and development will commence prior to the expiration of the Historic Resources Commission approval. Final inspection clearance on project permits or improvement plans shall not be granted unless the completed project complies with all provisions of the historic resource preservation plan.

(~~K~~) No Project Authorization Granted. The Historic Resources Commission's approval of a historic resource preservation plan, historic documentation report or sign recommendation does not authorize any development rights or grant permission to proceed with project development; such actions can only be authorized through the approval and issuance of project permits pursuant to other provisions of the County Code.

(~~M~~) Expiration. An approved historic resource preservation plan shall remain valid for a period of two years from the date of approval by the Historic Resources Commission unless the Commission specifies a longer period of time. Time extensions as provided for in SCCC 18.10.133(A) may be subsequently granted by the Historic Resources Commission upon application prior to expiration of the plan approval.

~~(MN) Environmental Review. When an environmental impact report (EIR) is required for a development project affecting a designated historic resource, the Historic Resources~~

~~Commission shall be consulted in establishing the scope of the EIR and for comments on the draft EIR and historic resource mitigation measures.~~

SECTION II

The Board of Supervisors further finds that the ordinance is exempt from CEQA pursuant to CEQA Guidelines Section 15378(b)(5) [states a “Project does not include” [...] **“Organizational or administrative activities of governments that will not result in direct or indirect physical changes to the environment”**.

Or,

Based on CEQA Guidelines Section 15061(b)(3), **which states: The activity is covered by the common-sense exemption that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.**

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SECTION III

The Board of Supervisors further finds and determines in its reasonable discretion and on the basis of the entire record before it that the proposed amendments to the Santa Cruz County Code are consistent and compatible with and will not frustrate the objectives, policies, general land uses, and programs specified in the General Plan.

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SECTION IV

Should any section, clause, or provision of this ordinance be declared by the courts to be invalid, the same shall not affect the validity of the ordinance as a whole, or parts thereof, other than the part so declared to be invalid.

SECTION V

This ordinance shall take effect on the 31st day following adoption.

PASSED AND ADOPTED this ____ day of _____ 2025, by the Board of Supervisors of the County of Santa Cruz by the following vote:

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NOES: SUPERVISORS
ABSENT: SUPERVISORS
ABSTAIN: SUPERVISORS

CHAIRPERSON, BOARD OF SUPERVISORS

ATTEST: _____
Clerk of the Board

APPROVED AS TO FORM:

Office of the County Counsel

