

ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE 16, CHAPTER 16.220, SECTIONS 16.220.030 AND 16.220.100 OF THE STOCKTON MUNICIPAL CODE RELATING TO THE CULTURAL HERITAGE BOARD AND NOTICE REQUIREMENTS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF STOCKTON, AS FOLLOWS:

SECTION I. FINDINGS AND INTENT.

The City Council of the City of Stockton finds that:

Procedural due process requirements impose limitations on governmental decisions that deprive individuals of liberty or property interests.

The most fundamental requirements of procedural due process are: (1) adequate notice; and (2) an opportunity to be heard before a fair and impartial hearing body. Under general principles of due process, notice must be reasonably calculated to give the person with the property interest knowledge of the proceedings. The burden of obtaining notice cannot be unfairly placed on the affected citizens themselves.

Currently, the Stockton Municipal Code does not require notice be provided to property owners prior to the designation of that property as a structure of merit. An amendment of the Stockton Municipal Code is required to ensure property owners are provided with adequate notice that their property interests may be affected.

SECTION II. AMENDMENT OF CODE.

Title 16, Chapter 16.220, Section 16.220.030 of the Stockton Municipal Code is hereby amended to read as follows:

16.220.030 Review Authority.

The review authorities for the Certificate of Appropriateness and Cultural Resource designations and their role for each are listed in Tables 7-2 as follows:

**TABLE 7-2
CULTURAL RESOURCE REVIEW AUTHORITIES**

	Board	Director	Commission	Council
Certificates of Appropriateness	Recommendation	Decision	Appeal	Appeal
Landmarks	Recommendation	—	Recommendation	Decision
Historic Preservation Districts	Recommendation	—	Recommendation	Decision

	Board	Director	Commission	Council
Historic Sites	Recommendation	—	Recommendation	Decision
Structures of Merit	Decision	—	Appeal	Appeal

(Prior code § 16-730.030)

SECTION III. AMENDMENT OF CODE.

Title 16, Chapter 16.220, Section 16.220.100 of the Stockton Municipal Code is hereby amended to read as follows:

16.220.100 Structures of merit.

A. **Criteria for Designation as a Structure of Merit.** The Board may designate any structure not designated as a landmark as a structure of merit if it determines that it is deserving of official recognition as having historic, architectural, archaeological, ecological, cultural, or aesthetic significance based on the following criteria.

1. **Archaeological Interest.** Its potential of yielding significant information of archaeological interest;
2. **Heritage.** Its character, interest, or value as a significant part of the heritage of the City, the State, or the Nation;
3. **Visual Feature of the City.** Its unique location or singular physical characteristic representing an established and familiar visual feature of the City;
4. **Way of Life.** Its exemplification of a particular way of life important to the City, the State, or the Nation;
5. **Historic Event.** Its location as a site of a significant historic event regardless of its current configuration, development, or use;
6. **Significant Person.** Its identification with a person(s) who significantly contributed to the culture and development of the City, the State, or the Nation; or
7. **Significant Person of a Specific National Origin.** Its identification with a person(s) representative of a specific national origin who have contributed to the culture and development of the City, the State, or the Nation.

B. **Procedure for Designation as a Structure of Merit.**

1. **Initiation.** Proceedings to designate a structure of merit may be initiated by the Board or by the filing of an application with the Department by any person

or entity.

2. **Notice and Hearing—~~Not~~ Required.** A Public notice and hearing shall be required for a designation as a structure of merit. Notice of the time, place, and purpose of the hearing shall be given not less than 10 days before the date of the hearing by publication in a newspaper of general circulation in the City and by mailing to the owner(s) of the subject property by certified mail, consistent with the procedures of Chapter 16.88 (Review Procedures).

3. **Board's Action.** The Board ~~may~~ shall designate by resolution any structure deserving recognition that has not been designated as a Landmark as a structure of merit by a vote of the majority of the Board in compliance with the criteria identified in subsection A of this section (Criteria for designation as a structure of merit). The Board's decision is final.

4. **Appeal.** The decision of the Board may be appealed to the Planning Commission, consistent with the procedures of Chapter 16.100 (Appeals).

45. **CEQA Compliance—Not Required.** The designation as a structure of merit is not subject to the requirements of CEQA or the City's CEQA Guidelines. (~~Ord. 015-09 C.S., eff. 12-3-09; prior code § 16-730.100~~)

SECTION IV. SEVERABILITY

If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, that invalidity shall not affect other provisions, or applications of the fact which can be given without the invalid provision or application, and to this end the provisions of this act are severable.

SECTION V. EFFECTIVE DATE.

This ordinance shall take effect and be in full force thirty (30) days after its passage.

ADOPTED: _____

EFFECTIVE: _____

MICHAEL TUBBS
Mayor of the City of Stockton

ATTEST:

Christian Clegg, Deputy City Manager/
Interim City Clerk of the City of Stockton