

CITY OF PLACERVILLE
Community Development Department
STAFF REPORT

DATE: 2/19/2010

PROJECT: Site Plan Review 08-09

REQUEST: Historic District Review - Building Demolition

APPLICANT: The Saunders Company

APPLICANT'S REPRESENTATIVE: Frank H. Saunders, President

LOCATION: 301 and 305 Main Street

ASSESSOR'S PARCEL NOS.: 001:212:131 & 141

CURRENT USE: Vacant commercial buildings

GENERAL PLAN DESIGNATION: Central Business District

ZONING: CBD, Central Business District

SURROUNDING ZONING: CBD, Central Business District

ENVIRONMENTAL DOCUMENT: This request is categorically exempt from environmental review pursuant to Section 15064.5(b)(2)(B) of the California Environmental Quality Act Guidelines, in that there is a preponderance of evidence that suggests that the buildings are not historically, culturally or architecturally significant.

RECOMMENDATION

Deny the appeal and uphold the Planning Commission's approval of Site Plan Review 08-09, authorizing the demolition of two buildings located at 301 and 305 Main Street, with the Findings and Conditions of Approval stated herein.

BACKGROUND

301 Main Street contains a 2-story building constructed in approximately 1855, and is referred to as the *Herrick Building* (also referred as *Zoe's Restaurant*) in the City's Historic Resources Inventory. The Hangman's Tree site at 305 Main Street is a California registered Point of Historic Interest and is said to be the site where local justice was served via several hangings through the use of a mature oak tree that may have once occupied the site. The City of Placerville Historic Resources Inventory describes the two properties as follows:

"Zoe's Restaurant and the Hangman's Tree Bar share a common wall on the ground floor; the buildings are connected on the top floor. This is a rectangular, stretcher bond brick building situated on the north side of Main Street in the City of Placerville; it is the first of a series of buildings in a row known as the "Plaza Strip." The west portion (Lot 14) is a wooden frame building sharing a common wall with the building on Lot 15. The building is two stories with a medium gable, metal roof (shared with Lot 15). The front has a stucco upper story with two matching wooden windows. The lower story has tile sheathing, plate glass windows and wood and glass French double-hung doors. The rear is wood with two windows on the upper story and one door below on the ground floor and one metal chimney. The building situated on Lot 15 is a two-story brick building with a shallow gable, metal roof. The Main Street side has a painted brick upper story with five matching equally spaced windows. The lower floor is tile over brick with plate glass windows and wood and glass French doors under the cloth awning. The Center Street side is painted brick with seven windows on the upper floor and two windows and one door on the ground floor. The rear of the building is painted brick with four windows on the upper story and two windows and a door on the ground floor."

On January 19, 2010, the Planning Commission conducted a public hearing to consider a recommendation to authorize the demolition of the buildings at 301 and 305 Main Street. At the conclusion of the public hearing, the commission voted 5-0 in favor of demolition. Only the Applicant, property owner Mr. Saunders, was present to comment on the matter.

DESCRIPTION OF REQUEST

This matter is before the City Council as the result of an appeal filed by the Heritage Association of El Dorado County to overturn the Planning Commission's authorization of the demolition of 301 and 305 Main Street. Section 10-4-9 of Placerville City Code grants the Planning Commission such authorization unless an appeal is filed; in such case, authorization then rests with the City Council.

AGENDA

February 23, 2010

The original request was made to the Planning Commission for its authorization of the demolition of the Herrick and Hangman's Tree buildings, 301 and 305, respectively. Planning Commission authorization is required before a demolition permit can be issued as set forth in Section 10-4-9 of the City Code, which implies the necessity of Commission authorization to demolish buildings that are historic or that are listed in the City's Historic Resources Inventory.

Both structures are in a state of disrepair as a result of their age, construction technique, foundation design, or lack thereof, and many years of neglect. The buildings show signs of structural fatigue and membrane deflection, settling and compromising the surrounding sidewalk to the extent that a thrust fault recently caused damage to the Main Street sidewalk, requiring significant repair. Recently, the awning on the front of Hangman's Tree failed under snow-loading conditions and collapsed on the sidewalk. The awning failure pulled the unreinforced lathe and plaster wall with it, exposing a deflecting floor/roof membrane. The Building Official has declared the building unsafe to occupy based on engineering reports, Fire District observations, professional observation and tours of both structures. Photographic evidence of the exterior decline of the structures is attached hereto as **Attachment D**.

Attached is a 2008 report prepared by ANOVA Architects (**Attachment A**) which provides some historical data with respect to the two properties, an engineering report, seismic retrofit information and cost estimates to for both the structural rehabilitation of both buildings and the construction of a new building on the site post-demolition of the two buildings.

While the buildings may be "historic" with respect to their age and storybook, their architecture does not appear to be historically significant. In this regard, the ANOVA report states the following:

"Architecturally, the structures' intrinsic value is their age with little if any ornamentation and or other detailing that would make them unique. They are simple two story boxes with poorly proportioned window fenestration which have been covered by cement plaster to keep the existing unreinforced masonry from decaying faster. They do not represent a particular style or unique building methodology. The only possible exception is the tin ceiling found on the main floor of the 301 Main Street building. This application is unique and represents a practice dating back to the 1800's and beyond."

The ANOVA report also includes four previously-prepared engineering reports with respect to the properties.

The first report by Carlton Engineering (2000) focuses on floor settling of the Hangman's Tree Bar. The report identifies cracks in the exterior of the unreinforced masonry walls and concludes they are "inherently weak and brittle and laden with cracks." Carlton's report calls for a more thorough investigation.

The second report by Carlton Engineering (2001) is a supplement to their first report. The 2001 report recommends repairs for the floor and cracked wall. It also states that the building is old and at the end of its useful life, and that once the suggested repairs occur, the stability of the wall's safety could not be confirmed.

The third report by Neil Moore (2002) identifies a number of safety concerns/structural flaws in both buildings and outlines a number of options for the then-owners of the property, including the preparation of seismic retrofitting which included the construction of a third floor on the Herrick Building.

The fourth report by Streeter Group (2007) concluded with the recommendation that the buildings be immediately shored to prevent collapse or, preferably, demolished. The conclusion indicated that the buildings present a significant risk of injury or loss of life to the occupants of the buildings or anyone in the immediate vicinity of the Herrick Building.

In light of the historical context of properties and the ANOVA report, Staff contacted representatives of the Heritage Association and also provided the group a copy of the ANOVA report. Shortly thereafter, Staff conducted a meeting with members of the Heritage Association (although it was unclear whether those members present at the meeting formally represented or spoke for the Association), who requested the following items prior to the demolition of the buildings:

- A small committee to tour both buildings for the purpose of recording their history, including a photo archival of both structures and the murals located within the Hangman's Tree Bar. The Association desired that, if possible, the murals be removed and preserved prior to building demolition.
- Re-establish the Point of Historic Interest landmark/placard in an appropriate location adjacent to the Hangman's Tree site.
- Reuse and/or recycle any building materials, if possible.
- Remove and preserve or reuse the tin ceiling located in the Herrick Building.

Subsequent to the meeting with the Heritage Association, a request was made to the property owners to grant the Association access to the buildings prior to the public hearing on the matter. This request was granted. The Association submitted the attached report, prepared as a result of their entry into the two buildings. The

Association report (**Attachment B**) provided a historical review of the buildings and a “current-condition” photographic record. In general, the Association report concludes that the buildings exhibit unique architecture and represent a historic resource and therefore should be preserved.

The appeal filed by the Heritage Association (**Attachment C**) cites a number of reasons why the buildings should not be demolished. Paraphrased, the appeal cites: an improper CEQA determination, that the buildings’ condition is based on neglect and their condition does not justify an emergency, that the City has failed to follow code, that the City has failed to have an assessment conducted by a structural engineer who is an expert in historical preservation, and that the City has failed to respond to the concerns of the State Office of Historic Preservation and the Heritage Association itself.

In regard to California Environmental Quality Act (CEQA) compliance, Staff offers the following. The subject properties are not listed in the California Register of Historic Resources. If they were so listed, an Environmental Impact Report (EIR) would likely be required. Further, the buildings have not been officially designated as historical resources by local ordinance or resolution. While the sites/buildings are listed in the City’s Historic Resources Inventory, the record as a whole demonstrates by a preponderance of evidence that the buildings do not possess historical significance and therefore an EIR is not required.

Lastly, the Hangman’s Tree site is a listed State Landmark (Point of Historic Interest) but *not* listed on the California Register. If it were so listed, then an EIR would likely be required. The State Landmark (POHI) designation rests with the *site*—and will remain so, should demolition of the buildings proceed. In light of the above, Staff believes that the matter of demolition rests with Section 15064(b)(2)(B) of the CEQA guidelines, in that there is a preponderance of evidence that the buildings are not historically, culturally or architecturally significant.

With regard to the neglect and emergency of the matter, Staff agrees that the buildings have suffered from lack of maintenance and neglect over many years. However, the issue at hand is broader than considerations of simple maintenance and neglect. The age of the buildings, their construction type, lack of appropriate foundations and footings, and their structural failure are key contributing factors. It is Staff’s opinion that this matter is one of urgency and the general public is at risk, which requires immediate attention—the awning and sidewalk failures, along with the buckling present at sidewalk level on the northeast corner, are recent examples of decline visible from the exterior. The ANOVA report cites many other examples as well.

With respect to Staff upholding its own City codes, the rules have been followed. First, section 10-4-10 does not apply, as it exclusively relates to buildings within a historic district. 301 and 305 Main Street are not in a historic district. Further, Section 10-4-9 (H) provides that the Building Official can cause demolition in the event a building is made

unsafe as a result of an act of God. Since age and neglect, etcetera, are the cause of their unsafe status, this Section does not apply. Instead, the Building Official, pursuant to current Building Code, is granted such authority without the benefit of public input. In light of community sensitivity and emotion regarding this matter, Staff concluded that it was best that this matter be presented to the Planning Commission for its authorization. With respect to an assessment by a structural engineer, such assessments are included in the ANOVA report (noting that ANOVA houses staff with expertise in historic preservation). Lastly, Staff believes that efforts to engage the Heritage Association on this matter and accommodate as many of its concerns as feasible have been made.

If demolition is unduly delayed then other, potentially longer-term consequences will be realized in proximity to the two buildings. The buildings will require structural stabilization not only on their interior but on the exterior as well. Exterior stabilization will likely require that the three perimeter sidewalks be closed and pedestrians rerouted to a temporary area, utilizing parking spaces and portions of streets. This is not only a very costly endeavor, but one with longer-term inconvenient consequences on the downtown area.

CONCLUSION AND RECOMMENDATION

ANOVA Architects was engaged on this matter to provide an independently prepared professional report with respect to the structures' safety, historical context, and reconstruction cost evaluation. Their recommendation is that the Saunders Company (current owner) obtain the necessary permits to demolish the structures. ANOVA suggests that the effort of retrofitting the existing structures is not worth the cost when compared to the opportunity the site possesses for new building development or, perhaps, open space. Further, that the structures have little architectural or site planning merit and would yield little leasable area despite the amount of capital necessary for their retrofitting. The public is at risk—it is fortunate no injuries were caused as a result of the recent awning failure. This is also the opinion of the Building Official and Community Development Director. While there may be the perception that the owners have not gone through any due diligence, this is clearly not the case. Staff recommends that the City Council conduct a Public Hearing and consider the information herein and attached hereto. Staff recommends that the City Council take the following action:

1. Adopt the Staff Report as part of the public record.
2. Find that this request is categorically exempt from environmental review pursuant to Section 15064.5(b)(2)(B) of the California Environmental Quality Act Guidelines.
3. Make the following findings:

- A. The record, as a whole, suggests that the structures do not contribute to the historic architecture of their era or to the downtown area.
 - B. There is a preponderance of evidence in the record that suggests that the buildings are unsafe and pose a hazard to life and property in the immediate vicinity of the project site.
4. Authorize the demolition of the Herrick Building at 301 Main Street and the Hangman's Tree Building at 305 Main Street with the following Conditions of Approval. Any proposed future change to the site or modification to the application beyond what is authorized under this permit shall be submitted to the Community Development Department for a determination of appropriate procedures.

Conditions of Approval

Heritage Association:

1. In regard to whether the interior mural work is preserved, the matter shall be left solely to the Applicant's discretion, in light of the potential difficulty and expense of such preservation. It shall also be the Applicant's discretion as to whether to allow any interested third parties to undertake the time, cost and liability needed to preserve the mural and take it into their own possession.
2. Re-establish the Point of Historic Interest landmark/placard(s) in an appropriate location adjacent to the Hangman's Tree site.
3. Remove and preserve or reuse the tin ceiling located in the Herrick building.

Public Works Department/Engineering Division:

GENERAL

4. The project shall comply with all pertinent City Ordinances. Sewer and water connection demolitions shall be performed in accordance with El Dorado Irrigation District (EID) Design and Construction Standards dated July 1999 and applicable city standards as directed by the City Engineer. Any drainage system demolition shall be in accordance with city standards. An as-built plan shall be provided to the city at the end of demolition showing the location of all sewer, water, and drainage stubs to the property and the condition they are being left in for future use.

5. Establish building square footages, numbers of connections, water meter sizes, and current occupancy types for calculation of fee credits prior to demolition. This would apply to TIM fee, sewer fees, and water fees. Provide an estimated calculation of all fee credits for review and approval by the City Engineer prior to issuance of the demolition permit and final calculation of all fee credits prior to city final sign off of construction under this demolition permit. This will establish the credits towards future fees when new construction occurs on this site.
6. An encroachment permit will be required prior to start of any work involving the public right of way. The permit charges will include any Time and Materials expended by the Public Works Department in reviewing this application.

DEMOLITION SITE ISSUES

7. Applicant shall submit a staging plan for approval which details how the work will be staged, what street closures are being requested, a detailed schedule showing planned work hours and number of days for each activity, what signage will be provided, traffic and pedestrian control proposed, etc. The city is expecting the demolition to be a very short term project and may allow adjacent sidewalks and parking spaces to be closed for short periods.
8. A fugitive dust control permit shall be obtained from El Dorado County AQMD.
9. The site shall be backfilled with compacted clean material and left relatively flat with proper drainage and permanent erosion control in place. If decorative fencing is proposed at the end of the project it must be approved by the city.

STREET REPAIRS

10. Applicant shall repair any curbs, gutters, and sidewalks, streets, and street signs damaged during the demolition process. Existing grates and utility covers in the sidewalk area shall be left in good repair to allow for safe pedestrian travel. All existing street signs shall be protected or removed and reinstalled after demolition.

GRADING

11. All grading shall conform to the City Grading Ordinance, and all other relevant laws, rules and regulations governing grading in the City of Placerville. Prior to commencing any grading, which includes 50 or more cubic yards, the applicant shall obtain a grading permit from the Public Works Department.

12. Provide a recycling plan for approval by the Public Works Director. All demolished materials are to be recycled to the greatest extent possible. The plan must allow for the city to get credit for the recycling efforts.
13. The final site plan shall include an erosion and sediment control plan, which incorporates standard erosion control practices and best management practices, subject to the approval of the City Engineer and Resource Conservation District.

Community Development Department/Planning Division:

14. The applicant and his agents shall coordinate with City Staff and adjacent business and property owners to determine the optimal demolition time frame with the effort of minimizing the impact on business, pedestrian and traffic circulation activities in the immediate vicinity.

Planning Commission

15. Applicant shall be required to make a reasonable effort to preserve what building and decorative materials may have value, per page 55, paragraph 4 of the Heritage Association report, which reads:

“There are salvageable items and artifacts, including nearly all the old growth lumber and beams, the iron doors and shutters, the tin ceiling, the doors, bead board, hardware, plumbing fixtures and bricks. In fact, the only parts of these structures that could honestly be discarded would be the lumber with dry rot and any modern additions, of which there are few.”

In the event of dispute regarding whether Applicant has made such a reasonable effort, City of Placerville Staff shall make the final determination.

Steve Calfee
Community Development Director
City of Placerville

John W. Driscoll
City Manager/City Attorney
City of Placerville

Attachments: A - F