

IMPARTIAL ANALYSIS BY CITY ATTORNEY OF NEVADA CITY

MEASURE W

NEVADA CITY HISTORIC NEIGHBORHOODS DISTRICT INITIATIVE

The Nevada City Municipal Code currently requires that an architectural review permit be obtained for the exterior alteration or erecting of most types of structures in Nevada City and for the removal, demolition or razing of most such structures. The City's Planning Commission sits as the architectural review committee and holds hearings to determine whether architectural review permits should be issued, and what requirements should be included on the permits.

The Municipal Code states that "The city's goal in requiring architectural review is to implement the goals of the city's general plan by preserving the character of Nevada City architecture in terms of historical value, site coverage and planning, volume and massing, materials, general design and details." The Municipal Code also sets forth special review standards that apply to any exterior alteration of pre-World War II buildings.

Much of the land in the City is zoned for single family residential use. A new state law, often referred to as SB 9, now requires that—in such single-family zones-- certain proposed housing developments that may allow up to four residential units must be allowed by the City without discretionary review or a hearing. The provisions of SB 9 do not apply to developments contained in local historic districts designated by ordinance. The California Attorney General has stated that this is a narrow exemption from SB 9 and it is unclear if the exemption will apply to the proposed Historic Neighborhoods District ("HND").

Measure W would adopt an ordinance that amends the City's General Plan and Municipal Code to designate a portion of the City as an HND. The boundaries of the HND are shown on a map included in the ordinance and can generally be described as the residential neighborhoods surrounding downtown. The ordinance provides that the existing provisions of the Municipal Code relating to architectural review permits and relating to the special review standards for pre-World War II buildings would continue to apply within the HND.

If the Measure is adopted, approximately 869 homes will be within the boundaries of the HND.

The Measure provides that the provisions added by the Measure to the General Plan and the Municipal Code must remain in those documents unless repealed or amended by a vote of the people. However, the City Council can add additional territory to the HND.

This measure was placed on the ballot by a petition signed by the requisite number of voters.

The above statement is an impartial analysis of Measure W. If you desire a copy of the full measure, copies may be obtained from the City Clerk at no cost to you.

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