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**Sec. 55-36. Title.**

This article shall be known as the "Historic Preservation Ordinance of the City of Azusa."

(Ord. No. 00-012, § 2, 10-16-00)

**Sec. 55-37. Intent and purpose.**

The city council has determined the following to be the intent of historic preservation in the city:

- (1) That the character, history and neighborhood identity of the city are reflected in and are reflections of its culture, physical, and architectural heritage.
- (2) That these historical and cultural foundations should be preserved as living parts of community life and development to build an understanding of the city's past so that future generations may have a genuine opportunity to appreciate, enjoy, and understanding the rich heritage of the city.
- (3) That city landmarks, neighborhoods, and other areas of historical and cultural interests are increasingly facing threats from modernization and urbanization.

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- (4) That pursuant to the provisions of the National Historic Preservation Act of 1966, as amended, the city joins with private concerns, the State of California, and the United States Congress to develop preservation programs and activities to give maximum encouragement to agencies and individuals undertaking preservation of the city's unique architectural, historical, aesthetic, and cultural heritage.
- (5) The recognition, preservation, protection and use of all historical resources in the city are required in the interests of and to promote the public health, prosperity, safety, enrichment and general welfare and:
  - a. To safeguard the city's unique cultural heritage as embodied and reflected in the city's architectural history and patterns of cultural development;
  - b. To encourage and facilitate public knowledge, understanding, and appreciation of the city's historic past and unique sense of place;
  - c. To foster civic and neighborhood pride and sense of identity based on the recognition, public participation and use of cultural resources;
  - d. To promote the enjoyment, celebration, and use of cultural resources appropriate for the education and recreation of the people of the city;
  - e. To preserve diverse architectural styles, patterns of development, and design preferences reflecting phases of the city's history and to encourage complementary design and construction and inspire a more livable urban environment.
  - f. To enhance property values and to increase economic and financial benefits to the city and its inhabitants through the exploration of creative financial incentives for preservation;
  - g. To protect and enhance the city's attraction to tourists, residents, and visitors thereby stimulating business and industry;
  - h. To identify as early as possible and resolve conflicts between the preservation of cultural resources and alternative land uses;
  - i. To integrate the preservation of cultural resources into public and private land use management and development processes;
  - j. To conserve valuable material and energy resources by ongoing use and maintenance of the existing built environment;
  - k. To enhance neighborhoods through the preservation of cultural resources and establishment of historic districts;
  - l. To encourage public participation in identifying and preserving historical and architectural resources thereby increasing community pride in the city's cultural heritage.

(Ord. No. 00-012, § 2, 10-16-00)

**Sec. 55-38. Applicability.**

This article shall apply to all cultural and historical resources within the corporate boundaries of the city.

(Ord. No. 00-012, § 2, 10-16-00)

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**Sec. 55-39. Definitions.**

As used in this article, these words have the following meanings:

*Alteration* shall mean any change or modification, through public or private action to the character-defining or significant physical features of properties affected by this article. Such changes may include, but are not limited to, changes to or modification of structure, architectural details, or visual characteristics, grading, the addition of new structures, cutting or removal of trees, other alteration of natural features, disturbance of archeological sites or area, and the placement or removal of any significant objects affecting the significant visual and/or historical qualities of the property.

*Certificate of appropriateness* shall mean a certificate issued by the cultural and historic preservation commission approving plans, specifications, statements of work, and any other approvals which are reasonably required by the commission to make a decision on any proposed alteration, restoration, rehabilitation, construction, removal, relocation, or demolition, in whole or in part, of or to a historic landmark, or to a contributor within a historic district.

*Certificate of economic hardship* shall mean a certificate authorizing work described in the accompanying certificate of appropriateness granted by the commission because of extreme financial privation or adversity and in accordance with the procedures and findings of this article.

*Commission* shall mean the cultural and historic preservation commission of the city as established in article I of this chapter.

*Construction* shall mean the act of expanding an existing building or structure or the erection of a new principal or accessory structure or building on a lot or property.

*Contributor* shall mean any property which contains an improvement or natural feature included in the designation statement for a historic district or potential historic district which provides substance to the district's character; a contributor shall be considered a historic landmark, or potential historic landmark in all respects.

*Cultural resource* means improvements, buildings, structures, signs, features, sites, scenic areas, views and vistas, places, areas, landscapes, trees, or other objects of cultural or historical significance to the city, State of California, or the nation, which may be eligible for designation, or designated and determined to be appropriate for historic preservation by the council pursuant to this article.

*Demolition* shall mean any act or process that destroys or damages in part or in whole, a historic landmark, a contributor within a historic district, or property identified as a potential historic landmark or potential historic district.

*Department* shall mean the community development department of the city.

*Designated historic landmark* shall mean any improvement, natural feature or property that has special historical, cultural, aesthetic, or architectural character, interest, or value as part of the development, heritage, or history of the city, the State of California, or the nation, and which has been nominated and designated by the commission and approved by the property owner pursuant to this article.

*Designation statement* shall mean a document prepared by the commission which contains a specific description of a designated historic landmark or historic district, its assessor's parcel number, its site address, and the prescriptive standards or design guidelines, (the minimum being the secretary of the interior's standards) adopted for that resource.

*Economic hardship* shall mean a substantial burden placed by this chapter on an owner of a property containing a historic landmark or improvement/natural feature contained within a historic district.

*Historic district* shall mean any area containing a concentration of improvements which have a special character, historical interest, or aesthetic value, which possess integrity of location, design,

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setting, materials, workmanship, feeling, and association, or which represent one or more architectural periods or styles typical to the history of the city, and that has been designated a historic district pursuant to this article.

*Historic landmark* shall mean any improvement, natural feature or property that has special historical, cultural, aesthetic, or architectural character, interest, or value as part of the development, heritage, or history of the city, the State of California, or the nation and that has been nominated and designated pursuant to this article. "Historic landmark" shall include historic resources listed in the California Register of Historic Resources.

*Historic review site* shall mean those properties and/or improvements that have attained 50 years of age.

*Improvement* shall mean any building, structure, place, fence, gate, wall, parking facility, work of art, or other object constituting a physical feature of real property, or any part of such feature.

*Natural feature* shall mean any tree, landscaping, plant life, habitat, geographical or geological site, or feature to the provisions of this article.

*Nomination statement* shall mean a document prepared by the commission specifying the property recommended for historic landmark, historic district, potential historic landmark or potential historic district designation, its assessor's parcel number, its site address, and any prescriptive standards or design guidelines prepared for it. It shall include the findings supporting the nomination.

*Non-contributor* shall mean a property within the geographical confines of a historic district or potential historic district which is not a contributor.

*Ordinary maintenance and repair* shall mean any work for which a building permit is not required by law where the purpose and effect of such work are to correct any deterioration of or damage to an improvement or natural feature of any part thereof and to restore the same to its condition prior to the occurrence of such deterioration or damage.

*Owner* shall mean: In the case of nomination and designation, the majority representative owner or owners, as established by deed or contract, of the subject property or properties; the commission may rely on notarized affidavits to establish ownership; in the case of hearing notification, the person, persons or entity appearing as owners on the last equalized assessment roll of the county.

*Potential historic landmark or district* shall refer to those properties identified as qualifying for designation as a historic landmark and/or historic district but which do not have the agreement of the property owner for the application of such designation.

*Preservation* shall mean the identification, study, protection, restoration or rehabilitation of historic landmarks, historic districts, potential historic landmarks and potential historic districts and other cultural resources.

*Register of historic landmarks* shall mean the lists of properties and/or districts located within the city that are designated by the commission as historic landmarks or historic districts.

*Rehabilitation* shall mean the act or process of returning an improvement or site to a condition of utilization, through repair, remodeling or alteration, that makes possible an efficient contemporary use while preserving those portions or features of the improvement or site that are significant to its historical, architectural and cultural values.

*Relocation* shall mean any change of the location of an improvement in its present setting or to another setting.

*Removal* shall mean any act whose consequence is the loss of an improvement or natural feature from its present site to another site.

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*Restoration* shall mean the act or process of accurately recovering the form and details of an improvement or natural feature and its setting as it appeared at a particular period of time by means of the removal of later additions to, or by the replacement of missing earlier portions of the feature.

*Secretary of the interior standards for rehabilitation* shall mean the Secretary of the Interior's Standards for Rehabilitation codified in 36 C.F.R., part 67, as the minimum standards or guidelines for that resource.

*Survey* shall mean the systematic analysis and data collection conducted in a manner prescribed by the commission to determine the historic and/or cultural significance; and the resulting list of determinations as certified by the commission.

(Ord. No. 00-012, § 2, 10-16-00)

**Sec. 55-40. Administration.**

The provisions of this article shall be overseen by the cultural and historic preservation commission with support from the community development department as provided in [section 55-8](#).

(Ord. No. 00-012, § 2, 10-16-00)

**Sec. 55-41. Designating historic landmarks, historic districts, potential historic landmarks and potential historic districts.**

- (a) *Designation*. The commission shall have the responsibility to recommend to the city council the adoption of ordinances and resolutions designating improvements, sites or natural features as historic landmarks, historic districts, potential historic landmarks, and potential historic districts thereby necessitating their preservation, protection, enhancement, rehabilitation or perpetuation. The commission shall prepare and transmit a report in the form of a nomination statement of its recommendation to the council on the historical and architectural significance of the improvement, site or natural feature to be designated.
- (b) *Designation criteria for historic landmarks, historic districts, potential historic landmarks and potential historic districts*. Criteria and standards for the designation of historic landmarks, historic districts, potential historic landmarks and potential historic districts shall include one or more of the following, as applicable:
- (1) It is identified with persons or events significant in local, regional, state or national history.
  - (2) It is representative of the work of a notable builder, designer, architect or artist.
  - (3) It is at least 50 years old.
  - (4) It is less than 50 years old, however it is of exceptional importance in one or more of the criteria set forth in this section.
  - (5) It contributes to the significance of a historic area, being a geographically definable area possessing a concentration of not less than 50 percent of historic or architecturally related grouping of properties that contribute to each other and are unified aesthetically by physical layout or development.
  - (6) It embodies one or more distinctive characteristics of style, type, period design, materials, detail, or craftsmanship.
  - (7) It has a unique location or physical characteristics or represents an established and familiar visual feature of neighborhood, community, or the city.

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(8) It incorporates elements that help to preserve and protect a historic place or area of historic interest in the city.

(9) It has yielded, or may be likely to yield information important in prehistory or history.

(Ord. No. 00-012, § 2, 10-16-00)

**Sec. 55-42. Designation procedure.**

Historic landmarks, historic districts, potential historic landmarks and potential historic districts shall be established by the city council in the following manner:

- (1) Any owner may apply for designation as a historic landmark or historic district, any improvement, site, natural feature or grouping thereof which meets one or more of the designation criteria and which is located on said owner's property.
- (2) With respect to nominations for historic districts, no application shall be accepted without at least 50 percent plus one of all affected properties proposed for inclusion in the historic district consenting to such designation. Each ownership entity or distinguishable property (being the least of addresses, parcels, lots, or main structures as determined by the commission) shall be entitled to one vote.
- (3) The commission on its own motion may initiate the identification and consideration of the nomination for designation of potential historic landmarks and potential historic districts that meet the criteria set forth in this article but which do not have the written consent of the property owner.
- (4) Applications for nomination for historic landmarks, historic districts, potential historic landmarks and potential historic districts shall be made to the commission on a form provided by the planning division. The nomination shall provide sufficient documentation and information indicating how the proposed historic landmark, historic district, potential historic landmark or potential historic district meets the designation criteria. All nominations shall be considered in a noticed public hearing as set forth herein. With respect to nominations for historic landmarks or historic districts, no application shall be accepted without the written consent of the owner of the property to which the nomination pertains. The owner may withdraw the consent prior to the city council's final determination. Such withdrawal shall terminate the nomination proceedings for the subject property.
- (5) Any alteration included in a pending nomination shall be subject to review by the commission and city council.
- (6) Method of noticing. All actions requiring public hearings before the cultural and historic preservation commission and city council, shall require the following noticing requirements:
  - a. The notice shall be mailed first-class and postage prepaid to the applicant; to the property owner or the owner's agent; to all persons whose names and addresses appear on the latest available assessment roll of the County of Los Angeles as owners of property within a distance of 300 feet from the exterior boundaries of the property for which the application is filed; to anyone filing a written request for notification; and to such other persons whose property might, in the director's judgement, be affected by the commission's action.
  - b. The notice shall be published at least ten calendar days prior to the date of the hearing in a newspaper having general circulation in the city.
- (7) Content of notice. The notice shall include the time, place, identity of the hearing body, nature of the application, and the general location of the property under consideration.

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- (8) Evidence of notice. When notice of hearing is given pursuant to this division, the following documentation shall be deemed sufficient to serve as proof that such notice was given:
- a. Publication. When notice is given by publication, an affidavit of publication by the newspaper in which the publication was made.
  - b. Mailing. When notice is given by mail or other delivery, an affidavit or proof of mailing/delivery must be made, showing, at a minimum, the date or dates of mailing/delivery and the list of persons and groups to which the mailing/delivery was made.
  - c. Failure to send any notice by mail to any affected owner where the address of such owner is not a matter of public record shall not invalidate any proceedings in connection with the proposed designation. The commission and city council may also give such additional notice as they may deem desirable and practicable.
- (9) Hearing procedures.
- a. *Scheduling of hearings.*
    1. For applications requiring public hearing before the cultural and historic preservation commission, the director of community development shall set the date and time of the hearing which shall be within 30 days following the receipt of a completed application.
    2. For applications requiring public hearing before the city council, the city clerk shall set the date and time of the hearing which shall be within 30 days following the receipt of the commission's resolution recommending nomination, or the filing of an appeal from the commission's resolution denying nomination.
  - b. *Right of persons to comment.*
    1. During any public hearing, the applicant for the subject application shall have the following rights:
      - (a) To be represented;
      - (b) To provide testimony;
      - (c) To present evidence; and
      - (d) To ask questions of opposing witnesses.
    2. All other persons shall have the right to comment on any relevant aspect of the application under consideration.
  - c. *Action of hearing body and continuance of hearings.*
    1. Following the completion of testimony at a public hearing, action shall be taken to approve, conditionally approve, deny, continue or take under advisement the subject of the public hearing.
    2. If the action is to continue or take the matter under advisement, before adjournment or recess the person presiding at such public hearing shall publically announce the time and place to which the hearing will be continued. No further notice shall be required.
  - d. *Conditions may be imposed.* The cultural and historic preservation commission and city council shall have the authority to impose reasonable and necessary conditions on an application to ensure that the contemplated action complies with the provisions of this article, the Municipal Code, the policies of the general plan and the policies adopted by the city council.
  - e. *Notice of decision.*

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1. Following the rendering of a decision on an application, a copy of the decision and the findings associated with that decision shall be mailed to the applicant at the address shown on the application.
  2. Each decision by the cultural and historic preservation commission authorizing or denying an application shall be recorded as a formal and numbered resolution.
  3. Recommendations to the city council, from the commission for designation of historic landmarks, historic districts, potential historic landmarks or potential historic districts shall be in the form of a nomination statement and adopted by resolution of the commission.
  4. Each decision by the city council authorizing or denying an application shall be recorded as a formal and numbered resolution.
  5. Each decision by the city council approving the designation of a historic landmark, historic district, potential historic landmark or potential historic district shall be in the form of a designation statement and adopted by resolution of the city council.
- (10) Upon designation by the city council, the city clerk shall record the city council's declaration in the office of the county recorder of the County of Los Angeles in the form or a designation statement, in fact or by reference.

(Ord. No. 00-012, § 2, 10-16-00)

**Sec. 55-43. Effective date of commission's action.**

- (a) Decisions of the commission are considered final on the date the commission adopts a resolution setting forth its decision.
- (b) The decision shall become effective 20 calendar days after the adoption of the resolution unless an appeal is filed.

(Ord. No. 00-012, § 2, 10-16-00)

**Sec. 55-44. Appeals.**

- (a) Any person not satisfied with a decision or determination by the commission shall have the right to appeal to the city council if a written request is submitted to the city clerk accompanied by the required appeal fee within 20 days after the commission's decision. In the event such an appeal is filed.
- (b) An appeal from a decision of the commission must be presented in writing and shall contain the reasons for such appeal. The city clerk, upon receipt of the appeal shall set the matter for public hearing before the city council to be held within 30 days of a determination by staff that the appeal application is complete. Following the hearing, the council shall affirm, reverse or modify the decision of the commission. All decisions of the city council shall be final.
- (c) A fee set by council resolution shall be paid to the city upon the filing of each appeal.
- (d) The council or any member thereon, may appeal any decision of the commission without payment of the appeal fee.

(Ord. No. 00-012, § 2, 10-16-00)

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**Sec. 55-45. Designation statement.**

- (a) The designation statement shall, at a minimum, include the secretary of the interior's standards for rehabilitation codified in 36 C.F.R., part 67, as the minimum standards or guidelines for that resource.
- (b) The designation statement shall specify the significant exterior and interior elements and natural features which are expressly found by the commission to contribute to the historic landmark's significance. Unless otherwise stated, the designation statement, the protection afforded a historic landmark shall encompass the entire parcel and any adjoining parcels under the same ownership at the time said designation statement is adopted.

(Ord. No. 00-012, § 2, 10-16-00)

**Sec. 55-46. Change in designation.**

- (a) A property designated as a historic landmark, or located within a historic district, may only have such designation removed by following the same procedure that is used to approve such designation as set forth in this article.
- (b) Upon a finding by the city council that a historic landmark, or property located within a historic district, should be removed, the city clerk shall record the city council's declaration in the office of the county recorder of the County of Los Angeles in the form of a removal of designation statement, in fact or by reference. Such property shall continue to be considered a potential historic landmark.

(Ord. No. 00-012, § 2, 10-16-00)

**Sec. 55-47. Certificate of appropriateness for historic landmarks and/or historic districts.**

- (a) *Certificate required.* No alteration, demolition, reconstruction, or replacement of structures may be permitted to historic landmarks and properties within historic districts, without first obtaining a certificate of appropriateness from the commission. Procedures are set forth in [section 55-48](#) for the granting of a certificate of appropriateness in cases of substantiated economic hardship.
- (b) *Application.* Application for a certificate of appropriateness shall be filed with the planning division for processing. Applications for all alterations shall be accompanied by applicable fees and plans and specifications, including drawings that show the relationship of the alterations to surrounding historic features or properties. Applications for demolitions shall also be accompanied by such plans and specifications for the proposed new construction including drawings that show the relationship of the proposed work to surrounding historic features and properties and other necessary documents to support the request.
- (c) *Procedure.* The commission shall conduct a public hearing to consider each application for a certificate of appropriateness. The commission shall determine whether to approve or deny issuance of the certificate based upon all of the information submitted, as well as the original designation statement issued for the historic landmark or property located within a historic district. The commission's determination shall include findings supporting its decision.
- (d) *Findings.* The commission shall issue a certificate of appropriateness if it is determined that the following findings can be made with regards to the proposed alteration:
  - (1) It will not adversely affect any significant historical, cultural, architectural or aesthetic feature of the concerned property or of the historic district in which it is located;

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- (2) The proposed change is consistent with or not incompatible with the architectural period of the building;
  - (3) The proposed change is compatible in architectural style with existing adjacent contributing structures in a historic district;
  - (4) The scale, massing, proportions, materials, colors, textures, fenestration, decorative features and details proposed are consistent with the period and/or compatible with adjacent structures;
  - (5) It will remedy any condition determined to be imminently dangerous or unsafe by the fire department or building division;
- (e) *Exceptions.* The department shall review the following exceptions to the certificate of appropriateness requirement for noncontributors in historic districts, and review by the commission is not required:
- (1) The remodeling of and the single story additions to existing structures;
  - (2) Garages;
  - (3) Guest houses.
- (f) *Review and protection.* The review and protection measures outlined in this article are intended to preserve historic landmarks and historic districts as well as those cultural and historical resources located in the city that are deemed to have real or potential significance. The certificate of appropriateness shall be approved or disapproved by the city within the time limits set forth in Government Code Section 65950, as amended from time to time.

(Ord. No. 00-012, § 2, 10-16-00)

**Sec. 55-48. Procedure for finding of economic hardship.**

In considering a request for a finding of economic hardship, the commission shall comply with the certificate of appropriateness procedures and required findings as outlined in this section:

- (1) The owner of a historic landmark or contributor in a historic district applying for a certificate of appropriateness may request that an alteration or demolition be permitted, even though it cannot meet the findings described in this section, if the owner can substantiate that denial of permitting such demolition or alteration constitutes an economic hardship for a certificate of appropriateness.
- (2) In support of a request for a finding of an economic hardship, the commission may request, and the owner may submit documentation such as the following:
  - a. Cost estimates of the proposed alteration and an estimate of the additional cost(s) that would be incurred to comply with the recommendations of the commission.
  - b. A report from a licensed engineer or architect with experience in rehabilitation as to the structural soundness of any structures on the property and their suitability for rehabilitation.
  - c. Fair market value of the property in its current condition as determined by a qualified appraiser; estimated market value after completion of the proposed construction, alteration, demolition, or removal; after any changes recommended by the commission; and, in the case of a proposed demolition, the estimated market value after renovation of the existing property for continued use.
  - d. In the case of a proposed demolition, an estimate from an architect, appraiser, or other professional experienced in rehabilitation as to the economic feasibility of rehabilitation or reuse of the existing structure on the property.

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- e. For income-producing properties, information on annual gross income, operating and maintenance expenses, depreciation deductions and annual cash flow after debt service, and current estate taxes.
  - f. Remaining balance on any mortgage or other financing secured by the property and annual debt service, if any, for the previous two years and any appraisals of the property obtained within the previous two years by the owner or applicant.
  - g. Amount paid for the property, the date of purchase, and the party from whom purchased, including a description of the relationship between the owner of record or applicant and the person from whom the property is purchased; any listing of the property for sale or rent, price asked, and offers received, if any, within the previous two years.
  - h. Assessed value of the property according to the two most recent assessments and property taxes for the two previous years.
  - i. Form of ownership or operation of the property, whether sole proprietorship, limited partnership, joint ventures, or other.
  - j. Any other information, including documentation establishing the income tax bracket of the owner, applicant, or principal investors in the property, considered necessary by the commission to make determination as to whether the property does yield or may yield a reasonable return to the owners.
- (3) Staff shall prepare a report analyzing the evidence provided in support of the request and shall include a hardship relief plan to relieve, where possible, economic hardship. This plan may include recommendations such as property tax relief, loans or grants, acquisition of property, use of the state historic building code, changes in applicable zoning regulations, and redevelopment funds.
- (4) The commission, in considering a request for a finding of economic hardship, may solicit expert testimony, at the owner's expense.
- (5) The commission shall review all the evidence and information required of an applicant and the staff hardship relief plan and make a determination within 90 days of receipt of the application as to whether the denial of the certificate of appropriateness has deprived, or will deprive, the owner of the property of all reasonable use of, or economic return on, the property.
- (6) If the applicant presents facts and clear evidence demonstrating to the commission that failure to approve the application for a certificate of appropriateness will cause an immediate hardship because of conditions peculiar to the particular structure or other feature involved, and that no plan that may be implemented by the city can relieve the hardship to a sufficient extent, and the damage to the owner of the property is unreasonable in comparison to the benefit conferred to the community, the commission may recommend to the city council to approve or conditionally approve an economic hardship. The final decision shall be made by the city council within 45 days of the filing of the commission's recommendation with the city clerk.
- (7) Issuance of a certificate of appropriateness and economic hardship dispensation by the city council shall be accompanied by a written determination, based on the following findings:
- a. Denial of the application would diminish the value of the subject property so as to leave substantially no value;
  - b. Sale or rental of the property is impractical, when compared to the cost of holding such property for uses permitted in this zone;
  - c. An adaptive reuse study and hardship relief plan have been conducted and found that utilization of the property and any economic return therefrom is not reasonable or feasible;

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- d. Rental at a reasonable rate of return is not feasible;
- e. Denial of the certificate of appropriateness would damage the owner of the property unreasonably in comparison to the benefit conferred on the community;
- f. All means involving city sponsored incentives, have been explored to relieve possible economic disincentives;
- g. The economic hardship under review is strictly related to any such hardship created or related directly to the property itself and that in considering the certificate of appropriateness with the request under economic hardship, personal, family, or business difficulties, loss of prospective profits, poor quality maintenance and neighboring violations were not considered justifiable hardships.
- h. In the case of a proposed demolition, the designated landmark cannot be remodeled or rehabilitated in a manner which would allow a reasonable rate of return on the property owner's investment.

If the commission finds otherwise, it shall issue a recommendation to the city council for denial of the request. If the city council concurs, it shall deny the application for a certificate of appropriateness and economic hardship dispensation and notify the applicant by mail of the final denial.

- (8) If approval of a certificate of appropriateness and economic hardship dispensation will result in the demolition of a nominated or designated cultural resource, the applicant shall be required to provide documentation of the resource proposed for demolition to the standards of the Historic American Building Survey. Such documentation may include photographs, floor plans, measured drawings, archeological survey, or other documentation stipulated by the commission.

(Ord. No. 00-012, § 2, 10-16-00)

**Sec. 55-49. Special review for potential historic landmarks and potential historic districts.**

- (a) *Commission review.* Any alteration or demolition to be conducted at potential historic landmarks and/or potential historic districts shall be reviewed by the commission prior to commencing any such work to assist the property owner in maintaining the significance of the resource and to address issues of appropriateness and designation, excluding any alterations contained in the exceptions below.
- (b) *Assistance and guidance to owners.* In the course of review, the commission shall assist and guide the property owner(s) of potential historic landmarks and potential historic districts with regard to proposed alterations on an advisory basis with the intention of finding solutions and directing the owner toward designation and/or appropriate changes that safeguard the resource. The commission shall have the authority to extend the review to explore alternative solutions for making appropriate improvements for no longer than 60 days and to explore demolition alternatives for no longer than 180 days, unless the owner agrees to a longer period. In the event proceedings before the commission to explore demolition alternatives have not progressed in a manner satisfactory to the applicant after 90 days, the applicant may request a hearing before the city council for final resolution. Should the property owner proceed with demolition of a potential historic landmark, documentation concerning the historic nature of the property shall be provided to the city prior to issuance of a demolition permit in a form as may be prescribed by the commission in its rules and procedures, which may be amended from time to time.
- (c) *Exceptions.* Commission review is not required for the following exceptions to special review. Required review and approval in these instances shall be made by the department:

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- (1) Repairing or replacing deteriorated materials with applications or use of exterior materials of the same kind, type and texture already in use for the following:
  - a. Re-roof;
  - b. Windows;
  - c. Siding material;
  - d. Chimney and fireplaces.
- (2) Accessory structures.
- (3) Fencing.
- (4) Additions or deletions of awnings, shutters, canopies and similar incidental appurtenances, provided that such additions or deletions do not materially change the historical appearance and significance of the historic resource.
- (5) Noncontributors in potential historic districts.

(Ord. No. 00-012, § 2, 10-16-00)

**Sec. 55-50. Emergency demolition.**

Structures that are historic landmarks or included in historic districts that have been severely damaged as a result of an earthquake, fire or other natural disaster, and which require immediate demolition because the building presents an imminent threat to public safety, shall be exempt from the provisions of this article. A determination to demolish an existing historic resource on such grounds shall be made by the commission acting on the advice and recommendation of the building official. In the absence of a quorum of the commission such a determination may be made by the building official, or the city manager, in consultation with any available members of the commission and the planning division.

(Ord. No. 00-012, § 2, 10-16-00)

**Sec. 55-51. Maintenance and care.**

- (a) *Duty to maintain.* The owner, occupant, or other person in actual charge of a historic landmark or potential historic landmark or an improvement, building, or structure in a historic district or potential historic district shall keep in good repair all of the exterior portions of such improvement, building, or structure, all of the interior portions thereof when subject to control as specified in the designation statement, and all interior portions thereof whose maintenance is necessary to prevent deterioration and decay of any exterior architectural features.
- (b) *Ordinary maintenance and repair.* Nothing in this article shall be construed to prevent the ordinary maintenance or repair of any exterior architectural feature in or on any historic landmark, historic district, or potential historic landmark or potential historic district that does not involve a change in design, material, or external appearance thereof, nor does this article prevent the construction, reconstruction, alteration, restoration, demolition, or removal of any such architectural feature when the community development director certifies to the commission that such action is required for the public safety due to an unsafe or dangerous condition which cannot be rectified through the use of the California State Historic Building Code.

(Ord. No. 00-012, § 2, 10-16-00)

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**Sec. 55-52. Historic preservation participation incentives.**

In order to foster preservation of the city's cultural heritage, the following incentives for participation are available only to historic landmarks and contributors located in historic districts:

- (1) *State Historical Building Code.* Any alteration made for preservation, rehabilitation, restoration or relocation of such properties shall be made according to the requirements of the State Historical Building Code pursuant to the California Health and Safety Code Section 18950 et seq.
- (2) *Mills Act contracts.* Upon the city becoming a certified local government, the city council may authorize the use of contracts pursuant to California Government Code Section 50280 et. seq., also known as the Mills Act. Such contracts may be entered into at the sole discretion of the city council based on the recommendation of the commission in a form approved by the city attorney, for the specific intent to promote the continued preservation of historic properties.
- (3) *Fee relief.* The applicable building permit fee shall be 60 percent of the actual permit fee at time of issuance.
- (4) *Setback flexibility.* One-story additions shall be allowed to maintain setbacks up to the line of existing encroachments, provided that all setbacks as required by the Uniform Building Code for new construction are maintained.
- (5) *Relief from nonconforming parking requirements.* Single-family residences, that are designated as historic landmarks or are located within a historic district, that are nonconforming due to substandard parking shall not be required to provide parking according to current standards provided that additional floor area does not exceed 50 percent of the existing floor area in any 12-month period. In multiple-family developed properties adding units in accordance with existing zoning standards shall not be required to bring existing nonconforming parking into compliance with current parking requirements.
- (6) *Recognition.* The commission shall establish a program to recognize historic properties with special plaques, signage, and other appropriate forms of recognition.
- (7) *Financial benefits.* Owners of such properties are eligible to apply for local, state and federal financial benefits as available.

(Ord. No. 00-012, § 2, 10-16-00)

**Sec. 55-53. Enforcement and penalties.**

- (a) Any person, whether owners, tenant or agent, or otherwise, who violates a requirement of this article or fails to comply with a condition of approval of any certificate of permit issued under this article shall be guilty of a misdemeanor and subject to enforcement and penalty provisions of this Code.
- (b) The city attorney may maintain an action for injunctive relief to restrain a violation or cause, where possible, the complete or partial restoration, reconstruction or replacement of any structure demolished, partially demolished, altered or partially altered in violation of this article.
- (c) The intentional and complete demolition of a potential historic landmark, historic landmark or improvement/natural feature located within a historic district in violation of this article may result in the denial of building or construction-related permits, or permits for use as a parking area, for the subject property for a period not to exceed 24 months from the date that the city becomes aware of the alteration or demolition in violation of this article. The purpose of this delay is to provide the city an opportunity to study and determine appropriate mitigation measures for the alteration or removal of the historic structure, improvement or natural feature, and to ensure mitigation measures are incorporated into any future development plans and approvals for the subject property. Mitigation

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measures as determined by the planning division, cultural and historic preservation commission or the city council shall be imposed as conditions of any subsequent permit for development of the subject property.

- (d) If any provision or clause of this article is held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such invalidity shall not affect other provisions of this article. The provisions and clauses of this article are declared to be severable.

(Ord. No. 00-012, § 2, 10-16-00)