

City of Colton

Chapter 15.40 HISTORIC PRESERVATION

15.40.010 Title.

The ordinance codified in this chapter shall be known as the "Historic Preservation Ordinance of the City of Colton." (Ord. 0-26-04 § 1 (part), 2004)

15.40.020 Purpose and intent.

The city finds, determines and declares: A. That the State Legislature of California, pursuant to Government Code Sections 37361 and 25373, has recognized the value of identifying, protecting, and preserving places, buildings, structures, and other objects of historical, aesthetic, and cultural importance and has empowered cities to adopt regulations and incentives for the protection, enhancement, perpetuation, and use of such places, buildings, structures, and other objects; B. That the city possesses many distinctive places, buildings, structures, and neighborhoods, beautiful trees, gardens and streetscapes, public parks, scenic areas, and urban design features (all referred to in this chapter as "resources") that enhance its value as an attractive and delightful community in which to live and work; C. That certain of these resources are of cultural, aesthetic or historical significance and value because of age, architectural style, aesthetic appeal, or association with local history; D. That encouraging the preservation of these resources contributes to the livability and beauty of the community, stimulates economic revitalization, improves property values in the city, fosters architectural creativity, increases neighborhood stability and conservation, fosters public appreciation of and civic pride in the beauty of the city and the accomplishments of its past, reinforces the distinctive character of the community, adds to the community's understanding of its history and connection with the life and values of the past, and ensures that Colton's cultural, historical, and architectural heritage will be imparted to future generations; E. That shifts in population and in the economy, changes in the way people live, and changes in land use patterns that threaten to destroy these irreplaceable and desirable resources. Construction and alterations of inferior quality and appearance are also a threat to these resources; F. That the adoption of reasonable and fair regulations is necessary as a means of recognition, documentation, preservation, and maintenance of resources of cultural, aesthetic, or historical significance. Such regulations serve to integrate the preservation of resources and the extraction of relevant data from such resources into public and private land management and development processes, and to identify as early as possible and resolve conflicts between the preservation of cultural resources and alternative land uses. Finally, this chapter is intended to carry out the goals and policies of the Colton general plan. (Ord. 0-26-04 § 1 (part), 2004)

15.40.030 Definitions.

For the purpose of this chapter, words, phrases and terms shall have the meaning ascribed to them in this section:

“Adaptive reuse” means converting a building, structure or site to a use other than that for which it was designed. “Alteration” means any exterior change or modification, through public or private action, of any historic district or resource, or property located within a historic district including, but not limited to, exterior changes to or modification of structural and/or architectural details or visual characteristics such as paint color and surface texture, grading, surface paving, construction of new structures, cutting or removal of trees and other natural features, disturbance of archaeological sites or areas, and the placement or removal of any exterior objects such as signs, plaques, light fixtures, street furniture, walls, fences, steps, plantings, and landscape accessories affecting the exterior visual qualities of the property. “Archaeology” means the study of ancient peoples and customs as shown by monuments, sites, implements, inscriptions, and relics. “Certificate of appropriateness” is the permit granted after review by the historic preservation commission, approving plans to alter, demolish, move, or subdivide a designated historic resource or district, or for new construction on the site of a designated historic resource or district. All alterations and enhancements to historic resources or districts shall be consistent with the preservation policies and provisions contained in this chapter, as deemed appropriate by the commission and shall be verified through the certificate of appropriateness by the historic preservation commission and the city liaison officer to the commission. “Certificate of economic hardship” is a permit granted by the historic preservation commission to permit an applicant to alter, move, demolish or subdivide a designated historic resource or district due to extreme financial privation or adversity in accordance with the procedure and findings in this chapter. “Commission” refers to the historic preservation commission of the city of Colton. “Cultural resource” means improvements, buildings, structures, signs, features, sites, places, areas, or other objects of scientific, aesthetic, educational, cultural, architectural, or historical significance to the citizens of the city, state or nation which may be eligible for designation, or designated and determined to be appropriate for preservation pursuant to this chapter. “Day” means calendar day, including all weekend days and holidays. “Demolition” means any act or process that destroys or damages in part or in whole a designated historic resource or district or a property identified as a potential historic resource or as part of a historic district. “Design guidelines” are principles contained in a document which illustrate appropriate and inappropriate methods of rehabilitation, alteration and construction. The purpose of the design guidelines is to help decision makers evaluate changes to historic resources and districts with regard to retaining the scale, pattern and historical character of a historic resource or district. The design guidelines shall be titled the “City of Colton Historic Preservation Design Manual.” “Designation” or “Designated” means the act of selecting, in accordance with the criteria in this chapter, a historic resource or district for official city status by the historic preservation commission and the city council. Potential historic resources and districts shall not be deemed to have been designated. “Historic district” is any area containing a concentration of improvements, buildings or

structures that are fifty years or older which have special character, special scenic and/or urban importance, historical interest, or aesthetic value, which possess integrity of location, design, setting, materials, workmanship, feeling, and/or association, and/or which represent one or more architectural periods of styles typical to the history of the city, and which have been designated a historic district pursuant to this chapter. "Historic resource" is any improvement, natural feature, structure, place, site, fence, gate, wall, work of art or other object constituting a physical feature of real property that is fifty years old or older that has significant historic, architectural, or cultural value and which have been designated a historic resource pursuant to this chapter. "Intrusion" is a building or structure that does not fit into and detracts from a historic resource or district because of inappropriate scale, materials, landscaping, or other such characteristics. "Owner" means an owner of property either alone or in combination with others. "Potential historic district" is any area containing a concentration of improvements, buildings or structures that are fifty years or older which may have special character, special scenic and/or urban importance, historical interest, or aesthetic value, which possess integrity of location, design, setting, materials, workmanship, feeling, and/or association, and/or which may represent one or more architectural periods of styles typical to the history of the city, and which have not been designated a historic district pursuant to this chapter either because it is in the process of being designated or it otherwise qualifies for designation except that the property owner(s) do not consent to its formal designation. "Potential historic resource" is any improvement, natural feature, structure, place, site, fence, gate, wall, work of art or other object constituting a physical feature of real property that is fifty years old or older that may have significant historic, architectural, or cultural value, but which has not been designated a historic resource pursuant to this chapter either because it is in the process of being designated or it otherwise qualifies for designation except that the property owner(s) do not consent to its formal designation. "Preliminary survey" is an informal determination by the commission that a historic resource or district is of potential historical or cultural significance. Such resources are to be kept on a list by the historic preservation commission, but shall not be deemed to be designated historic resources or districts. "Preservation officer" is the city manager who will appoint a staff liaison to the historic preservation commission. The staff liaison may, from time to time, delegate duties as authorized by the city manager. "Register of historic resources and districts" is the official city list of all designated historic resources and districts. "Survey" is the accepted method of systematically studying potential historic resources and districts. It includes a physical description and a photograph of each potential historic resource and/or district, legal information from title or assessment records, statements of significance according to the criteria in this chapter, and a statement of any threat to the integrity or continued existence of the potential resource or district. The information for each potential resource or district shall be recorded on a survey sheet. (Ord. 0-28-04 § 1, 2004; Ord. 0-26-04 § 1 (part), 2004)

15.40.040 Historic preservation commission authorized.

A historic preservation commission is authorized to make recommendations, decisions, and determinations concerning the designation, preservation, protection, enhancement, and perpetuation of historic resources and districts which contribute to the historical, cultural and aesthetic values of the city. (Ord. 0-26-04 § 1 (part), 2004)

15.40.050 Commission--Members.

The following regulations shall apply to the membership and organization of the historic preservation commission: A. The historic preservation commission shall consist of seven members appointed in accordance with the provisions of Chapter 2.30 of this code. B. Members of the commission shall be appointed by the city council of city residents from among professionals knowledgeable in the disciplines of history, architecture, architectural history, planning, prehistoric and historic archaeology, folklore, cultural anthropology, curation, conservation, and landscape architecture or related disciplines, such as urban planning, american studies, american civilization, or cultural geography, to the extent that such professionals are available in the community. Commission membership may also include lay members who have demonstrated special interests, competence, experience, or knowledge in historic preservation. (Ord. 0-26-04 § 1 (part), 2004)

15.40.060 Commission--Procedure.

The following regulations shall govern the procedural matters of the historic preservation commission: A. Officers. The commission shall, at its first regular meeting in January, elect a chairperson and such other officers as the commission may deem advisable. B. Internal Rules and Regulations. The historic preservation commission shall adopt such rules and regulations for its own organization as are necessary to carry out the purpose and intent of this section, and shall designate the time and place for the meetings of the commission. C. Regular Meetings--Minutes. The historic preservation commission shall keep records of all its actions and proceedings and shall have regular meeting dates. Meetings shall be tape recorded; tapes shall be kept in accordance with city policies for the retention of records of this type. D. No Compensation. The members of the historic preservation commission of the city shall serve without monetary compensation. (Ord. 0-26-04 § 1 (part), 2004)

15.40.070 Commission--Powers and duties.

The powers and duties of the historic preservation commission are as follows: A. Cause to be created a document called City of Colton Historic Preservation Design Manual which will serve as design guidelines for any improvement of a designated historical resource or district; B. Conduct or cause to be conducted surveys of structures, buildings, places, scenic areas, urban design features, and objects (resources) for the purpose of identifying those of cultural, aesthetic or historical significance. This survey is to be publicized and

periodically updated; C. Recommend, in accordance with the criteria set forth in Section 15.40.080, the designation of historic resources and districts and recommend the approval of Mills Act contracts to the city council; D. Compile and maintain a list of potential resources and districts and a current local register of all properties designated as historic resources and historic districts; E. Approve, approve conditionally, or deny applications for certificates of appropriateness and certificates of hardship for designated resources or districts pursuant to Section 15.40.100; F. Review and send comments to the appropriate commission about proposed general plan and zoning text and map changes, municipal improvements, and housing and redevelopment plans that have bearing on the protection, maintenance and enhancement of designated resources or districts; G. Endeavor to promote public interest in and understanding of historic resources and districts and their preservation; H. Consult with and advise public officials and agencies; civic, educational, professional and other agencies; and with citizens generally in relation to the preservation of historic resources and districts and to serve as liaison between the city and historical organizations; I. Undertake educational programs and activities in order to teach community members methods to maintain and rehabilitate Colton's historic resources and districts; J. Advise the city council regarding conservation easements, other less-than-fee interest in property, and the purchase of fee interests in property for purposes of historic preservation, and development agreements for the purposes of preservation of resources and districts; K. Seek out information and advise the city council regarding the availability and utilization of gifts or special funds from federal, state, and private sources; L. Make recommendations to the city council in order to provide technical expertise necessary to carry on the functions of the commission; M. From time to time, to issue commendations to owners of historic resources who have rehabilitated their property in an exemplary manner; N. Ensure that historic preservation is coordinated with other city activities; O. Recommend conservation easements for acquisition by the city and monitor those acquired; P. Preserve, restore, maintain and operate historic properties under the ownership or control of the city per city council approval; Q. Contract, with prior approval of the city council, with county, state, or federal government, or any agency or subdivision of the governments, or with any other organization; R. Perform any other functions that may be designated by resolution or motion by city

council; S. Notwithstanding duties delegated to the commission to designate historical resources, districts, places, etc., the preservation officer is authorized, on an emergency basis, to designate same as having a historic value to be preserved. This action by the preservation officer shall be of no further effect unless sustained by a majority vote by the commission within sixty days or by the city council in the commission's absence. (Ord. 0-26-04 § 1 (part), 2004)

15.40.080 Nomination and designation of historic resources and historic districts.

A. The commission shall undertake to establish and maintain a list of historic resources and/or historic districts that have been nominated for designation or identified in a preliminary survey. An individual who presents documentation equal to that collected in the preliminary survey may request that a resource be placed on the list. This list may include single structures or sites, portions of structures, urban design features, man-made or natural landscape elements, or works of art that are fifty years old or older. B. In determining the category for designation of a resource, the commission shall refer to the definitions contained in Section 15.40.030. C. Criteria for Designation. The criteria, any one of which may be used to determine designation, are as follows: 1. It has significant character, interest, or value as part of the development, heritage, or cultural characteristics of the city, state of California, or the United States; 2. It is the site of a significant historic event; 3. It is strongly identified with a person or persons who significantly contributed to the culture, history, or development of the city; 4. It is one of the few remaining examples in the city possessing distinguishing characteristics of an architectural type or specimen; 5. It is a notable work of an architect or master builder whose individual work has significantly influenced the development of the city; 6. It embodies elements of architectural design, detail, materials, or craftsmanship that represent a significant architectural innovation; 7. It has a unique location or singular physical characteristics representing an established and familiar visual feature of a neighborhood, community, or the city; 8. It has unique design or detailing; 9. It is a particularly good example of a period or style; 10. It contributes to the historical or scenic heritage or historical or scenic properties of the city (to include, but not limited to, landscaping, light standards, trees, curbing, and signs); 11. It is located within a historic district, being a geographically definable area possessing a concentration of historic or scenic properties which contribute to each other and are unified aesthetically by plan or physical development.

D. Designation of Historic Resources and Historic Districts. Designation of resources and designation of districts shall take place in accordance with the following procedures: 1. Any person or group owning a historic resource may request the designation of a historic resource, or ten percent of the property owners in a potential historic district may request the designation of a historic district by submitting an application for such designation to the commission on forms prescribed by the commission. The commission or city council may also initiate such proceedings on their own motion after written consent has been obtained from the owner of a historic resource or ten percent of the property owners in a historic district. Historic resources and historic districts that do not have the property owner's permission for submittal of an application shall remain known as potential historic resources and potential historic districts. 2. The commission may use the survey process to prepare a written report regarding the proposed designation, including a description of the proposed designated resource or district, reasons for its significance, criteria used to determine eligibility, and other appropriate data. 3. The commission shall schedule a public hearing as soon as feasible but not less than twenty-one days after the filing of the application. Notice shall be published in a newspaper of general circulation in Colton not less than ten days before the date set for the commission hearing. The notice shall be filed with the city clerk and mailed to the applicant and owner. 4. In the case of a historic resource, notice of the date, place, time, and purpose of the hearing shall be given by first class mail to the applicants, owners, and occupants of the historic resource at least ten days prior to the date of the public hearing, using the name and address of such owner(s) as shown on the latest equalized assessment rolls, and shall be advertised once in a newspaper of general circulation in Colton at least ten days prior to the hearing. 5. In the case of a historic district, notice of the date, place, time and purpose of the hearing shall be given by first class mail to the applicant and owners of all properties within the proposed historic district at least ten days prior to the date of the public hearing, using the name and address of such owners as shown on the latest equalized assessment rolls, and shall be advertised once in a newspaper of general circulation in Colton at least ten days prior to the hearing. 6. At the conclusion of the public hearing for the designation of a historic resource or district, the commission shall recommend, in no event more than thirty days from the date set for the initial public hearing, to the city council in writing approval, in whole or in part, or disapproval in whole or in part, of the proposed designation, stating the findings of fact and the reasons for its recommendation based on the report and information brought out at the public hearing. 7. Following receipt of such report, the city council shall, within forty-five days, consider at a noticed public hearing, the designation by resolution of each resource or district recommended for designation by the commission. 8. Following such designation by the city council, the city clerk shall, within thirty days, cause to be recorded in the office of the county recorder notice that such property has been designated and placed on the city's register of historic resources and districts. Following the recordation of such notice, such property shall be subject to all the provisions of the Colton historic preservation ordinance.

9. If the city council decides not to designate a resource or district, it may review the proposed designation again after one year, sooner if there are substantial changes in the application. 10. Failure to send any notice by mail to any property 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. E. Design Guidelines. Following designation, the provisions of Colton's design guidelines shall also apply to historic resources and historic districts. Thereafter, any alteration, improvement, subdivision, lot split, demolition, or moving of any designated historic resource or designated historic district shall be subject to the review of the city in accordance with Section 15.40.100 of this chapter. The purpose of this review is to retain buildings and their features as well as features of the site, and streetscape and landscape features which are important in defining the historic character of the resource, district and/or its components. The design guidelines shall contain recommendations for making exterior changes to designated and potential historic resources and districts. (Ord. 0-26-04 § 1 (part), 2004)

15.40.090 Amendment or rescission of designation of historic resources and historic districts.

A. The amendment or rescission of any designated historic resource or historic district shall be in the following manner: 1. The applicant must submit to the commission a request in writing for the amendment or rescission of the designation of a historic resource. For the amendment or rescission of the designation of a historic district, ten percent of the property owners in that district must submit to the commission a request in writing for such amendment or rescission. The commission or city council may also initiate such proceedings on their own motion. 2. Requests for amendment or rescission of a designated historic resource or historic district must present facts which clearly demonstrate to the satisfaction of the commission any of the following: a. The designated historic resource or district has lost all historical and/or cultural significance due to catastrophe or extensive lawful alterations performed after the resource or district was initially surveyed; b. The information relied on by the commission and the city council in making the original designation was erroneous or false, or that circumstances wholly beyond the owner's control have rendered the resource or district ineligible for historic designation based on the criteria listed in subsection "C" ("Criteria for Designation") of Section 15.40.080 of this chapter and it would be infeasible to restore the resource or district; c. Failure to approve the requested amendment or rescission would cause immediate and substantial hardship to the property owner(s) which was not reasonably foreseeable at the time the resource or district was designated. 3. The commission shall schedule a public hearing as soon as feasible, but not less than twenty-one days after the receipt of the request for amendment or rescission. All notice requirements for the public hearing shall follow the same manner and procedures that were followed in the original designation of the resource or district. 4. At the conclusion of the public hearing for the requested amendment or rescission, the

commission shall recommend to the city council in writing, in no event more than thirty days from the close of the public hearing, approval, in whole or in part, or disapproval, in whole or in part, of the requested amendment or rescission, stating the findings of fact and the reasons for its recommendation based on the written request for amendment or rescission, the environmental review and the information obtained at the public hearing. 5. Following the receipt of the commission's recommendation, the city council shall, within forty-five days, consider at a noticed public hearing the requested amendment or rescission, along with the commission's recommendation. 6. If the city council approves the requested amendment or rescission, the city clerk shall, within thirty days, cause to be recorded in the office of the county recorder notice that the historic designation for such resource or district has been amended or deleted from the city's register of historic resources and districts. If the city council denies the requested amendment or rescission, it may review the request again after one year, or sooner if there are substantial changes made to the original request. (Ord. 0-26-04 § 1 (part), 2004)

15.40.100 Application to historic preservation commission for certificate of appropriateness and certificate of hardship.

A. Certificate of Appropriateness for Alterations, New Construction, Moving, Subdivisions, Lot Splits, and Signs. 1. A certificate of appropriateness issued by the commission or the preservation officer is required for any exterior alteration to any designated historic resource, for new construction on the site of a designated historic resource, for the moving of a historic resource, and for a lot split or subdivision of a historic resource. A certificate of appropriateness shall be required to erect or relocate any sign which is in a designated historic district or associated with a structure in a historic district. New construction on any property located in a historic district shall also require a certificate of appropriateness. The community development department shall direct applicants for building permits and sign permits for designated historic resources and districts to apply for a certificate of appropriateness from the commission through the preservation officer. No building, alteration, subdivision, demolition, or removal permits for any exterior improvement, sign, building, or structure within a historic resource or district shall be issued while the public hearing for designation or any appeal related thereto is pending except where a certificate of appropriateness has been secured. 2. Applicants are encouraged first to consult with community development department staff about using the design guidelines before submitting a formal application. Any application for a certificate of appropriateness shall be made on a form prescribed by the preservation officer and shall be accompanied by a fee set by resolution of the city council. The application shall include the information required by the preservation officer, including, but not limited to, elevation drawings of the proposed alterations, samples of proposed colors and materials, plan view for new construction, and color photographs of all sides of any existing structures on the site. 3. The preservation officer shall use a "preservation check list" to determine if the proposal is "minor" or "major," and shall use the design guidelines to determine if the proposal is compatible with the existing resource and surrounding designated resources, if any. All requests for new construction, subdivision, lot splits, demolitions, or moving of a historic resource shall be considered a major alteration. Applications for a certificate of appropriateness for major alterations shall be reviewed and approved by the commission. 4. A certificate of appropriateness for minor improvements where proposed work does not

adversely affect the exterior architectural features of the designated historic resource nor adversely affect the character or historical, architectural, or aesthetic interest or value of the designated historic resource and its site, may be approved by the preservation officer. Alterations in designated historic districts may be approved by the preservation officer except that major alterations to designated historic districts, as defined in subsection (A)(3) of this section, shall be reviewed by the commission. 5. The preservation officer shall inform the commission in writing of all decisions made regarding minor alterations within ten calendar days after such determination. All such decisions go into effect eleven days after a decision unless appealed in accordance with Section 15.40.120 of this chapter. 6. Using the Colton design guidelines, the survey, the designation report, and the preservation officer's report, the commission shall review any major alterations, appeals of staff determinations, and subdivisions, lot splits, and new construction within designated historic resources and historic districts and make a determination to approve, approve conditionally, or deny the certificate of appropriateness. An approval shall require the commission to find that the action proposed is consistent with this chapter and will not be detrimental to a historic resource or district, or that the action is necessary to correct an unsafe or dangerous condition pursuant to Section 15.40.160(A). In case of hardship, the applicant may apply for a certificate of hardship pursuant to subsection D of this section. 7. The commission's decision shall be in writing and shall state the findings of fact and reasons relied upon in reaching its decision. 8. After commission approval, the building official shall issue the permit applied for provided that all requirements of city and state codes, including the Historic Building Code, are met and provided the commission's decision has not been appealed within ten days of its decision in accordance with Section 15.40.120. 9. After a permit has been issued, the preservation officer shall, from time to time, inspect the work approved by the commission in order to assure compliance. If the work is not being performed in accordance with the certificate of appropriateness, a stop work order shall be issued and all work shall cease. 10. A certificate of appropriateness shall become void unless construction is commenced within eighteen months of the date of issuance. Certificates of appropriateness may be renewed for a thirty-six-month period by applying to the preservation officer. If the project is not completed within thirty-six months after the expiration of the last building permit, a new certificate of appropriateness shall be required to complete work. 11. Any change in the scope of the work which is determined to be a major alteration which occurs subsequent to the issuance of a certificate of appropriateness shall require issuance of a new certificate of appropriateness. Certificates of appropriateness for minor alterations shall be issued at the discretion of the preservation officer upon the written request of the applicant. B. Moving. A certificate of appropriateness for moving of a designated historic resource or structure in a designated historic district shall be granted if the applicant produces evidence to the satisfaction of the commission that the following findings may be made: 1. The moving will not have significant effect on the applicable goals and objectives of Colton's general plan and on the implementation of this chapter. 2. The structure in its original setting is not of such interest or quality that it would reasonably meet federal or state criteria for designation as a historic resource and thus

should be retained in that setting. 3. Permit procedures and appeals are the same as those in subsection A of this section and Section 15.40.120 of this chapter. Structures identified as intrusions into historic districts shall not require a certificate for moving. C. Demolition. A certificate of appropriateness for demolition of a designated historic resource or structure in a designated historic district shall be granted if the applicant produces evidence to the satisfaction of the commission that the following findings may be made: 1. The demolition will not have a significant effect on the applicable goals and objectives of Colton's general plan and on the implementation of this chapter. 2. The structure is not of such unusual design, texture or materials that it could not be reproduced or could be reproduced only with great difficulty and expense. 3. The structure is not of such interest or quality that it would reasonably meet federal or state criteria for designation as a historic resource. 4. Conversion to a new use (adaptive reuse) permitted by right under current zoning or with a conditional use permit, rehabilitation, or some other alternatives for preserving the structure is not feasible. A delay of up to one hundred eighty days may be permitted to determine the feasibility of alternatives. During this time the commission may consult with civic groups, public agencies, and interested citizens. 5. A certificate of appropriateness shall take effect upon approval of a new structure either by the planning commission or the building department. 6. Permit procedures and appeals are the same as those in subsection A of this section and Section 15.40.120 of this chapter. Structures identified as intrusions into historic districts shall not require a certificate for demolition. D. Certificate of Hardship. A certificate of hardship permitting demolition, moving, subdivision, or a lot split, new construction, or alteration which has been denied a certificate of appropriateness may be granted under the conditions described in this chapter. Application shall be made in a form prepared by the preservation officer, and the same procedure for public notice, public hearing, and appeal as for a certificate of appropriateness shall apply. A certificate of a hardship shall be granted only if the owner(s) of the designated property in question can produce evidence to show that: 1. Reasonable use or return on the property is not possible under the conditions of the certificate of appropriateness; and 2. Alternative plans which would be in keeping with the interest of this chapter are not feasible. The commission may delay the decision on the application for a period not to exceed ninety days to investigate plans to allow for a reasonable use of or return from the property or other measures to preserve the property, including selling the property to an individual or group that would preserve it. The commission shall review the evidence and make a written finding, stating the facts and reasons behind the decision. It shall notify the applicant by mail of the acceptance or

denial of the certificate of hardship. Permit procedures and appeals of certificates of hardship are the same as those in subsection A of this section and Section 15.40.120 of this chapter. (Ord. 0-26-04 § 1 (part), 2004)

15.40.110 Special review of potential historic resources, districts and nominated resources.

A. Review by Historic Preservation Officer. Any alteration or demolition to be conducted at a potential historic resource, potential historic district or nominated resource that had not been officially designated shall be reviewed by the historic preservation officer prior to commencing any such work to assist the owner in maintaining the significance of the resource and address issues of appropriateness and designation. B. Upon receipt of a request for alteration or demolition, the historic preservation officer shall convene an informal meeting of the preservation officer, building official and city engineer, or their designated representatives (the "Recommendation Committee"), to review the application determine whether it would qualify as a designated historic resource or part of designated historic district and make recommendations concerning appropriate measures to retain the resource or district's historic, architectural, cultural and aesthetic qualities if so qualified. In determining whether a resource or district qualifies for designation, the recommendation committee shall be guided by the requirements of this chapter and Title 14, Chapter 3, Section 15064.5 of the California Code of Regulations. The informal meeting shall be convened and the committee shall provide its recommendations within fourteen days of the receipt of a request or the request shall be deemed approved. If the recommendation committee determines that the resource or district does not qualify for designation as a historic resource and district, no further action may be taken and the applicant may proceed with their project. C. If the recommendation committee determines that the resource or district qualifies for designation and imposes conditions on the permit, the property owner will be requested to concur and agree in the recommendations. If the property owner agrees to the recommendations of the recommendation committee, they shall be made a condition of the request for alteration or demolition. The owner of the potential historic resource or potential historic district shall sign an affidavit agreeing to the conditions or refusing them. The affidavit and conditions of approval shall be posted outside city hall and the appeal period shall run from the date of posting. D. If the owner does not agree with the recommendations of the recommendation committee, the request shall be submitted to the historic preservation commission. The matter shall be submitted to the commission within thirty days from the date the owner signs the affidavit refusing the conditions of the recommendation committee. E. The commission shall consider the matter and the reasons why the owner refused the conditions at a hearing. The commission shall have the authority to extend the review to explore alternative solutions for making appropriate improvements for no longer than sixty days and to explore demolition alternatives for no longer than one hundred eighty days, unless the owner agrees to a longer period of time. F. After at least one hearing before the commission and in the event the proceedings before the commission have not progressed in a manner that is satisfactory to the owner, the owner may request a hearing before the city council for final resolution. The city council shall consider the matter within forty-five days of the request by the owner. The final determination by the city council shall be advisory and the owner may proceed with the alteration or demolition. (Ord. 0-26-04 § 1 (part), 2004)

15.40.120 Appeals.

A. The procedure for the commission to appeal decisions of the historic preservation officer and/or the recommendation committee is as follows: 1. Any two members of the historic preservation commission may, within five calendar days after the mailing of any notice of decision, appeal such decision. The appeal must be in writing and shall be delivered to the office of the historic preservation officer and/or city clerk. 2. Upon receipt of an appeal, the action of the preservation officer and/or recommendation committee shall forthwith be void and of no force or effect. Thereafter, the powers and duties of the preservation officer and/or recommendation committee shall be exercised by the historic preservation commission. B. In addition to an appeal from the commission, any person not satisfied with a determination by the historic preservation officer and/or recommendation committee may appeal to the commission. Such appeal shall be made in writing and delivered to the office of the city clerk within ten days of the decision of the preservation officer and/or the posting of the decision of the recommendation commission pursuant to Section 15.40.110. No permit shall be issued until the outcome of the appeal is determined by the commission. C. The commission shall hold a public hearing on all matters appealed after notice is given in the same manner as Section 15.40.080(D). At the conclusion of the public hearing on the appeal, the commission shall render a decision in writing, in no event more than thirty days from the close of the public hearing. The commission shall consider the appeal and render an approval, in whole or in part, or disapproval, in whole or in part, of the requested appeal, stating the findings of fact and the reasons for its recommendation based on the written request, the environmental review and the information obtained at the public hearing. The decision of the commission shall be final unless appealed to the city council within ten days of the decision. D. Any person not satisfied with a determination by the historic preservation commission may appeal to the commission. Such appeal shall be made in writing and delivered to the office of the city clerk within ten days of the decision of the commission. No permit shall be issued until the outcome of the appeal is determined by the city council. The city council shall hold a public hearing on all matters appealed after notice is given in the same manner as Section 15.40.080(D). At the conclusion of the public hearing on the appeal, the city council shall render a decision in writing, in no event more than thirty days from the close of the public hearing. The city council shall consider the appeal and render an approval, in whole or in part, or disapproval, in whole or in part, of the requested appeal, stating the findings of fact and the reasons for its recommendation based on the written request, the environmental review and the information obtained at the public hearing. The city council's decision on the appeal shall be the city's final action on the matter. (Ord. 0-26-04 § 1 (part), 2004)

15.40.130 Compliance with California Environmental Quality Act.

In conjunction with any public hearing or discretionary action required pursuant to this chapter, the preservation officer, commission and/or city council shall cause to be conducted an environmental review of the requested action in accordance with the California Environmental Quality Act ("CEQA"). Depending on the nature and scope of the requested action, a negative declaration, mitigated negative declaration, or environmental impact report may need to be prepared. Such environmental documents shall be prepared

based on CEQA, the state CEQA guidelines, and the city of Colton local CEQA guidelines. (Ord. 0-26-04 § 1 (part), 2004)

15.40.140 Historic Building Code.

Alternative building regulations may be used for the rehabilitation, preservation, restoration, or relocation of structures designated as historic resource buildings. The State Historic Building Code (Part 8 of Title 24 of the California Administrative Code) shall be used for any historic resource through the city's building permit procedure. (Ord. 0-26-04 § 1 (part), 2004)

15.40.150 Conservation easements.

Conservation easements on the facades of buildings designated as historic resource may be acquired by the city or nonprofit group through purchase, donation, or condemnation pursuant to California Civil Code 815. (Ord. 0-26-04 § 1 (part), 2004)

15.40.160 Maintenance and repair.

A. This chapter shall not be construed to prevent the ordinary maintenance or repair of exterior architectural features, walls, landscapes, etc., in or on any designated property that does not involve a change in design, materials, or external appearance thereof, nor does this chapter prevent the construction, reconstruction, alteration, restoration, demolition, or removal of any such feature when the community development department certifies to the council that such action is required for the public safety due to unsafe or dangerous conditions which cannot be rectified through the use of the State Historic Building Code. B. It shall be the responsibility of the owner of a designated resource to maintain in good repair the building, walls and landscaping in order to prevent deterioration of exterior architectural and scenic features. In order to prevent demolition by neglect, the city may repair a historic resource and treat the cost of repairs as a lien against the property. C. All such unsafe buildings, structures, or appendages are declared to be public nuisances and shall be abated by repair, rehabilitation, demolition, or removal in accordance with the procedures set forth in the Dangerous Buildings Code or such alternate procedures, as may have been or as may be adopted by this jurisdiction. As an alternative, the building official or other employee, or official of this jurisdiction as designated by the governing body, may institute any other appropriate action to prevent, restrain, correct, or abate the violation. (Ord. 0-26-04 § 1 (part), 2004)

15.40.170 Violation--Penalties.

Every person violating any provision of this chapter shall be guilty of a misdemeanor. In addition, the following penalties may be enforced: A. 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 chapter. B. The intentional and complete demolition of a potential or designated historic resource or district or any feature within a potential historic resource or district in violation of this chapter may result in the denial of building and construction-related permits for a future

use of the site or property for a period of not to exceed twenty-four months from the date the city becomes aware of the alteration or demolition in violation of this chapter. The purpose of this delay is to provide the city with an opportunity to study and determine appropriate mitigation measures for alteration, removal and to ensure that mitigation measure for the alteration or removal are incorporated into any future development plans or approvals for the subject site or property. Mitigation measure imposed by the historic preservation officer, commission or city council shall be imposed as conditions of approval of any subsequent permit for development of the subject property or site. (Ord. 0-26-04 § 1 (part), 2004)