

ORDINANCE NO. 132

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HIGHLAND
REPEALING ORDINANCE 110 AND ESTABLISHING THE HISTORIC AND CULTURAL
PRESERVATION ORDINANCE.

THE CITY COUNCIL OF THE CITY OF HIGHLAND, STATE OF CALIFORNIA,
DOES ORDAIN AS FOLLOWS:

1. TITLE

This chapter shall be known as the Historic and Cultural
Preservation Ordinance of the City of Highland.

2. PURPOSE, FINDINGS AND INTENT

WHEREAS, THE CITY COUNCIL OF THE CITY OF HIGHLAND HAS FOUND
AND DETERMINED:

- A. That the character and history of the City are reflected
in its cultural, historical, and architectural heritage,
- B. 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 understand the rich heritage of
the City,
- C. That in the face of ever increasing pressures of
modernization and urbanization, City landmarks,
neighborhoods, and other areas of historical and cultural
interest are threatened with demolition,
- D. That pursuant to the provisions of the National Historic
Preservation Act of 1966, as amended, the City of
Highland 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.
- E. Therefore, the purpose of this chapter is to promote the
public health, safety, and general welfare and:
 1. To safeguard the City's unique cultural heritage as
embodied and reflected in the City's architectural
history and patterns of cultural development;

2. To encourage and facilitate public knowledge, understanding, and appreciation of the City's historic past and unique sense of place;
3. To preserve diverse architectural styles, patterns of development, and design preferences reflecting phases of the City's history and to encourage complementary contemporary design and construction and inspire a more livable urban environment;
4. 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;
5. To protect and enhance the City's attraction to tourists and visitors thereby stimulating business and industry;
6. To identify as early as possible and resolve conflicts between the preservation of cultural resources and alternative land uses;
7. To integrate the preservation of cultural resources into public and private land use management and development processes;
8. To stabilize neighborhoods through the preservation of cultural resources and establishment of historic districts and conservation zones;
9. To encourage public participation in identifying and preserving historical and architectural resources thereby increasing community pride in the City's cultural heritage.

3. AREA OF APPLICATION

This chapter shall apply to all cultural resources within the City.

4. DEFINITIONS

- A. "Alteration" means any change or modification, through public or private action, to the character-defining or significant physical features of properties affected by this chapter. Such changes may be changes to or modification of structure, architectural details, or visual characteristics, grading, surface paving, the addition of new structures, cutting or removal of trees, landscaping, and other natural features, disturbance of

archeological sites or areas, and the placement or removal of any significant objects such as signs, plaques, light fixtures, street furniture, walls, fences, steps, plantings, and landscape accessories affecting the significant visual and/or historical qualities of the property.

- B. "Certificate of Appropriateness" is a certificate issued by the Historic and Cultural Preservation Board approving such plans, specifications, statements of work, and any other information which are reasonably required by the Board to make a decision on any proposed alteration, restoration, rehabilitation, construction, removal, relocation, or demolition, in whole or in part, of or to a designated resource, resource site, or to a building or structure within an historic district.
- C. "Certificate of Economic Hardship" is a certificate authorizing work described in the accompanying Certificate of Appropriateness granted by the Board because of extreme financial privation or adversity and in accordance with procedures and findings of this ordinance.
- D. "Conservation Zone" means an area of the City, whether commercial or residential, a majority of whose buildings are 50 years old or older, which the City wishes to maintain and revitalize so as to emphasize their importance to the past, present, and future of the City.
- E. "Cultural Resource" means improvements, buildings, structures, signs, features, sites, scenic areas, views and vistas, places, areas, landscapes, trees, or other objects of scientific, aesthetic, educational, cultural, architectural, or historical significance to the citizens of the City and the State of California, the Southern California region, or the nation which may be eligible for designation or designated and determined to be appropriate for historic preservation by the Historic and Cultural Preservation Board, or by the City Council on appeal, pursuant to the provisions of this chapter.
- F. "Demolition" means any act or process that destroys in part or in whole an individual cultural resource or a cultural resource or other structure within an historic district.
- G. "Design Guidelines" means the principles contained in a document which illustrate appropriate and inappropriate methods of rehabilitation and construction. The purpose of using design guidelines is to aid design and decision-making with regard to retaining the integrity of scale,

design intent, materials, feeling, patterns of development, and historical character of a cultural resource or historic district.

- H. "Designated Cultural Resource" means any improvement or natural feature 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 Ordinance or nominated to the National Register of Historic Places. The designation shall specify the significant exterior and interior architectural elements and natural features which are expressly found by the Board to meet one or more of the criteria in Section 7.
- I. "Designated Site" means a parcel or part thereof on which a cultural resource is or has been situated, and any abutting parcel or part thereof constituting part of the premises on which the cultural resource is situated, and which has been designated a cultural resource pursuant to this Ordinance.
- J. "Historic District" means any area containing a concentration of improvements which have a special character, historical interest, or aesthetic value, which possess integrity of location, design, 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 an historic district pursuant to this Ordinance or nominated to the National Register of Historic Places.
- K. "Improvement" means any building, structure, place, fence, gate, landscaping, tree, wall, parking facility, work of art, or other object constituting a physical feature of real property, or any part of such feature.
- L. "Natural Feature" means any tree, plant life, geographical or geological site or feature subject to the provisions of this chapter.
- M. "Object" means a material thing of functional, aesthetic, cultural, symbolic, or scientific value.
- N. "Ordinary Maintenance and Repair" means any work, for which a building permit is not required by law, where the purpose and effect of such work is to correct any deterioration of or damage to a structure or any part thereof and to restore the same, to its condition prior

to the occurrence of such deterioration or damage.

- O. "Potential Cultural Resource" means an improvement or natural feature which may be nominated for consideration by the Board, and may be designated under the condition that either: 1) more research becomes available regarding its eligibility, or 2) the resource is restored to its original condition, or 3) the resource is one of the few remaining examples in the City of its type.
- P. "Preservation" means the identification, study, protection, restoration, rehabilitation, or acquisition of cultural resources.
- Q. "Secretary of the Interior Standards for Rehabilitation" means the guidelines prepared by the National Park Service for Rehabilitating Historic Buildings and the Standards for Historic Preservation Projects prepared by the National Park Service with Guidelines for Applying the Standards.
- R. "Significant Feature" means the natural or man-made elements embodying style or type of cultural resource, design, or general arrangement and components of an improvement, including but not limited to, the kind, color, and texture of the building materials, and the type and style of all windows, doors, lights, signs, and other fixtures appurtenant to such improvement.

5. HISTORIC AND CULTURAL PRESERVATION BOARD

- A. There is hereby established in the City a Historic and Cultural Preservation Board, hereinafter referred to as the "Board", consisting of five uncompensated voting members appointed by the City Council. All members of the Board shall be residents of the City and shall have a demonstrated interest in or knowledge of historic preservation and the cultural resources of the City.
- B. Up to three members may be appointed from among professionals in the disciplines of architecture, history, architectural history, planning, or other historic preservation-related disciplines, such as urban planning, American studies, American civilization, cultural geography, or cultural anthropology, to the extent that such professionals are available in the community and wish to serve on the Board. At least two members shall be lay members who have demonstrated special interest, competence, experience, or knowledge in historic preservation, American studies, cultural anthropology, cultural geography, or other historic preservation-related disciplines.

- C. A quorum of the Board shall be defined as three voting members.
- D. The Board shall develop and adopt its own operating rules and bylaws, thereafter having the power and authority to perform all of the duties hereinafter enumerated and provided which may be ratified by the City Council.
- E. The initial appointment of the members of the Board shall be as follows: three members for two years, and two members for four year terms initially and each term thereafter to be for four years.
- F. Any vacancy in the office of any member of the Board, shall be filled in like manner for the unexpired term of such office. As the term of any member of the Board expires, his successor shall be appointed in like manner as such member.

6. POWERS AND DUTIES

The Board shall have the following powers and duties:

- A. Adopt procedural rules for the conduct of its business in accordance with the provisions of this chapter.
- B. Establish criteria and conduct survey of cultural heritage resources within the City and its sphere of influence. Periodically update and publish results.
- C. Maintain a local register of designated cultural resources consistent with the National Register of Historic Places criteria.
- D. Recommend the designation of cultural resources, including properties, landmark sites, landmarks and historic districts to the City Council.
- E. Adopt prescriptive standards to be used by the Board in reviewing applications for permits to construct, change, alter, modify, remodel, remove, or significantly affect any designated cultural resource.
- F. Recommend to the Community Development Director, Planning Commission and City Council criteria and guidelines for historic preservation.
- G. When requested by the City Council, review and comment upon the impact of land use, housing, redevelopment, municipal improvement programs, and other types of planning and programs undertaken by any agency of the

City, the County, or State, as they relate to the survey results and cultural resources of the community.

- H. Investigate and make recommendations to the City Council on the use of various federal, state, local, or private funding sources and mechanisms available to promote cultural and historical preservation in the City.
- I. Approve or disapprove, in whole or in part, or approve with conditions, applications for Certificate of Appropriateness or Certificate of Economic Hardship.
- J. Provide the opportunity for direct public participation in all Board responsibilities including the survey and review process. Board meetings shall be open to the public with published agenda and minutes in accordance with state laws.
- K. Participate in, promote, and conduct public information, educational, and interpretive programs pertaining to cultural resources preservation.
- L. Perform such other functions as may be delegated from time to time to the Historic and Cultural Preservation Board by the City Council.

7. CULTURAL RESOURCE DESIGNATION CRITERIA

For the purposes of this chapter, an improvement, natural feature, or site may be nominated as a cultural resource by the Historic and Cultural Preservation Board pursuant to Section 8 if it meets the criteria for listing on the National Register of Historic Places or the following:

- A. It exemplifies or reflects special elements of the City's cultural, social, economic, political, aesthetic, engineering, architectural, or natural history;
- B. It is identified with persons or events significant in local, state, or national history;
- C. It embodies distinctive characteristics of a style, type, period, or method of construction, or is a valuable example of the use of indigenous materials or craftsmanship;
- D. It is representative of the work of a notable builder, designer, or architect;
- E. It contributes to the significance of an historic area, being a geographically definable area possessing a

concentration of historic or scenic properties or thematically related grouping of properties which contribute to each other and are unified aesthetically by plan or physical development;

- F. It has a unique location or singular physical characteristics or is a view or vista representing an established and familiar visual feature of a neighborhood, community, or the City of Highland;
- G. It embodies elements of architectural design, detail, materials, or craftsmanship that represent a significant structural or architectural achievement or innovation;
- H. It is similar to other distinctive properties, sites, areas, or objects based on a historic, cultural, or architectural motif.
- I. It reflects significant geographical patterns, including those associated with different eras of settlement and growth, particular transportation modes, or distinctive examples of park or community planning.
- J. It is one of the few remaining examples in the City, region, state, or nation possessing distinguishing characteristics of an architectural or historical type or specimen.

8. CULTURAL RESOURCE DESIGNATION PROCEDURES

Cultural Resources and Historic Districts shall be established by the City Council in the following manner:

- A. Any person or group may request the designation of an improvement as a cultural resource or the designation of an historic district by submitting an application for such designation to the Board. The nomination application shall contain sufficient documentation and information indicating how the nominated resource meets the criteria for designation as indicated in this ordinance. The Board or City Council may also initiate such proceedings on their own motion. Notification of the nomination shall be sent to the property owner(s) and occupant(s) of the property within thirty (30) days of the receipt of the nomination.

The Board shall make a preliminary determination based on the documentation required as to whether the nomination application is appropriate for consideration based on the criteria listed in Section 7. If the Board determines that the application merits consideration, but only if it so determines, it shall schedule a public hearing with due speed.

- C. The Board's decision to schedule or not to schedule a public hearing shall be in writing and shall be filed with the Community Development Director and the City Clerk. Notice of a decision not to schedule a public hearing shall be given by mail to the applicant.
- D. No building, alteration, demolition, or removal permits for any improvement, building, or structure within the proposed Historic District or relative to a nominated cultural resource shall be issued while the public hearing or any appeal related thereto is pending.
- E. In the case of a proposed cultural resource and cultural resource site, 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 improvement, and of contiguous properties at least thirty (30) 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 at least once in a newspaper of local circulation.
- F. In the case of a proposed Historic District, notice of the date, place, time, and purpose of the hearing shall be given by first class mail to the applicant, owner, and occupant(s) of all properties within the proposed district and of all properties within three hundred (300) feet from boundary of the proposed district at least thirty (30) 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 at least once in a daily newspaper of general circulation.
- G. At the conclusion of the public hearing, but in no event more than thirty (30) days from the date set for the initial public hearing or continuation thereof, for the designation of a proposed Cultural Resource or Historic District, the Board shall recommend approval in whole or in part, with conditions, or disapproval in whole or in part, of the application in writing. The Board's recommendation shall include findings of fact relating to the criteria for designation in Section 7 that constitute the basis for its decision and shall transmit its recommendation to the City Council, the property owner, and the applicant.
- H. The City Council, within forty-five (45) days of receipt of the recommendations from the Board, shall by resolution approve the application in whole or in part, or shall by motion disapprove it in its entirety.

- J. The Board shall not recommend that a resource be removed from the City's list of designated cultural resources unless it is discovered that the information relied on by the Board 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 ineligible for designation based on the criteria listed in Section 7 and it would be infeasible to restore the resource.

9. CERTIFICATE OF APPROPRIATENESS (PERMITS)

- A. All permits for alteration, restoration, rehabilitation, remodeling, addition, change of use, demolition or relocation for designated cultural resources and properties located in historic districts shall require a Certificate of Appropriateness from the Board.
- B. All permits for work on a designated cultural resource shall follow the procedures listed below in processing applications for obtaining Certificates of Appropriateness and approval of work covered by this chapter.
- C. No permits for work on a nominated cultural resource shall be awarded until eligibility for designation has been determined or the designation process has been initiated in accordance with this section and a Certificate of Appropriateness, if applicable, has been secured.
- D. Any work or project by the City of Highland or its agents that can result in changes to the character or use of designated cultural resources, historic districts, or neighboring property within public view shall follow procedures outlined below for obtaining a Certificate of Appropriateness. The proposed work or project shall follow the Secretary of the Interior's Standards for Rehabilitating Historic Buildings and the Standards for Historic Preservation Projects.
- E. All applications for Certificates of Appropriateness shall be submitted to the Board for approval. The Community Development Department shall report any application for a permit to work on a designated cultural resource to the Board. The applicant is encouraged to confer with the Board prior to submitting an application.
- F. The Board shall promulgate and publish such standards as are a necessary supplement to the provisions of this article to inform property owners and the general public of those standards of review by which applications for

Certificates of Appropriateness are to be judged.

- G. In evaluating applications for Certificates of Appropriateness, the Board or the City Council upon appeal shall consider the existing and proposed architectural style, design, arrangement, texture, materials, and any other factors with regard to the original distinguishing architectural characteristics of the designated resource. Using the Secretary of the Interior's Standards for Historic Preservation Projects as a guide, the Board or City Council upon appeal shall approve the issuance of a Certificate of Appropriateness for any proposed work if and only if it makes the following findings:
1. With regard to a designated resource, the proposed work will neither adversely affect the significant architectural features of the designated resource nor adversely affect the character of historical, architectural, or aesthetic interest or value of the designated resource and its site.
 2. With regard to any property located within an historic district, the proposed work conforms to the prescriptive standards and design guidelines for the district adopted by the Board, and does not adversely affect the character of the district.
 3. In the case of construction of a new improvement, addition, building, or structure upon a designated cultural resource site, the use and exterior of such improvements will not adversely affect and will be compatible with the use and exterior of existing designated cultural resources, improvements, buildings, natural features, and structures on said site.
- H. Applications for Certificates of Appropriateness shall be filed with the Community Development Department for processing. Applications shall include plans and specifications showing the proposed exterior appearance and texture of materials and the proposed architectural design of the exterior of the structure. Where required by the Board, applications shall also show the relationship of the proposed work to the surrounding environs. Applications for new construction in Historic Districts shall also include information pertaining to scale, massing, relationship to site and streetscape, landscaping, and signage. The application shall be accompanied by any other information that the Board determines is required for them to make an informed

judgment of the proposed work according to the Standards of Review in Section 9.

- I. The Board shall establish guidelines for determining which types of applications for Certificates of Appropriateness should be set for public hearing. The Community Development Department or the Board may set a public hearing if of the opinion that a hearing is in the public interest.

If a public hearing is held, it shall be scheduled not more than sixty (60) days from the date of application. Notice of the hearing shall be given by sending written notice to all property owners and residents within 300 feet of the property for which application has been made. Notices shall be mailed no less than ten (10) days prior to the hearing. Failure to send any notice by mail to any property owner or resident where the address of such owner is not a matter of public record shall not invalidate any proceedings in connection with an application for a Certificate of Appropriateness.

- J. Public testimony shall be taken on any application for a Certificate of Appropriateness for due Board consideration.
- K. If the Board fails to consider an application for a Certificate of Appropriateness within ninety (90) days of the date of submission of the application, the Community Development Department shall make the determination of whether to issue the Certificate of Appropriateness. If an appeal to the City Council is filed within ten (10) days from the date of a Board decision on an application, no Certificate of Appropriateness shall be issued until the outcome of the appeal is determined by the City Council.
- L. After the permit has been issued, the Community Development Department shall, from time to time, inspect the work approved by the Board 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.
- M. A Certificate of Appropriateness shall become void unless construction is commenced within 12 months of the date of issuance. Certificates of Appropriateness may be renewed for a 12 month period by applying to the Board. If the project is not completed within 36 months after the expiration of the last building permit, a new Certificate of Appropriateness shall be required to complete work.

- N. If no building or other permit is required to pursue work on a designated resource, whoever is responsible for the work, whether it is the tenant, resident, or property owner, shall apply for a Certificate of Appropriateness to the Board directly.
- O. Such applications for a Certificate of Appropriateness shall be accompanied by such materials as are required by the Board and are reasonably necessary for the proper review of the proposed project.

11. PRESERVATION EASEMENTS

Preservation easements on the facades of buildings designated as a cultural resource may be acquired by the City or nonprofit group through purchase, donation, or condemnation pursuant to California Civil Code Section 815.

12. CERTIFICATE OF ECONOMIC HARDSHIP

- A. Application for a Certificate of Economic Hardship shall be made on a form prepared by the Community Development Department. The Board shall schedule a public hearing concerning the application and provide notice in the same manner as in Section 8 of this Ordinance, and any person may testify at the hearing concerning economic hardship in the same manner as provided in Section 8 of this Ordinance.
- B. The Board shall review all the evidence and information required of an applicant for a Certificate of Economic Hardship and make a determination within forty-five (45) days of receipt of the application whether the denial of a Certificate of Appropriateness has deprived, or will deprive, the owner of the property of all reasonable use of, or economic return on, the property. Written notice of the determination shall be provided in the same manner as required by Section 8.
- C. If the applicant presents facts and clear evidence demonstrating to the Board that failure to approve the application for a Certificate of Appropriateness will cause an immediate extreme hardship because of conditions peculiar to the particular structure or other feature involved, and the damage to the owner of the property is unreasonable in comparison to the benefit conferred to the community, the Board may approve or conditionally approve such certificate even though it does not meet the standards set forth herein. The Board shall hold a public hearing in order to determine whether a Certificate of Appropriateness will be approved or denied. A Certificate of Economic Hardship shall be

accompanied by a written determination, based on the following findings:

1. Denial of the application will diminish the value of the subject property so as to leave substantially no value,
 2. Sale or rental of the property is impractical, when compared to the cost of holding such property for uses permitted in this zone,
 3. An adaptive reuse study has been conducted and found that utilization of the property for lawful purposes is prohibited or impractical,
 4. Rental at a reasonable rate of return is not feasible,
 5. Denial of the Certificate of Appropriateness would damage the owner of the property unreasonably in comparison to the benefit conferred on the community, and
 6. All means involving City sponsored incentives, such as transfer of development rights, tax abatements, financial assistance, building code modification, changes in the zoning ordinance, loans, grants, and reimbursements, have been explored to relieve possible economic dis-incentives.
- D. The Board shall be authorized to request the applicant to furnish material evidence, entirely at his own expense, supporting his request for a Certificate of Economic Hardship or shall furnish evidence or testimony to complete the application for Certificate of Economic Hardship including any or all of the following:
1. Cost estimates of the proposed construction, alteration, demolition, or removal, and an estimate of the additional cost(s) that would be incurred to comply with the recommendations of the Board for issuance of a Certificate of Appropriateness.
 2. 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.
 3. Estimated market value of the property in its

current condition; estimated market value after completion of the proposed construction, alteration, demolition, or removal; after any changes recommended by the Board; and, in the case of a proposed demolition, after renovation of the existing property for continued use.

4. In the case of a proposed demolition, an estimate from an architect, developer, real estate consultant, appraiser, or other real estate professional experienced in rehabilitation as to the economic feasibility of rehabilitation or reuse of the existing structure on the property and its market value for continued use after rehabilitation.
5. For income-producing properties, information on annual gross income, operating and maintenance expenses, depreciation deductions and annual cash flow after debt service, current property value appraisals, assessed property valuations, real estate taxes, and any other information considered necessary by the Board to determine whether substantial evidence of economic hardship exists.
6. Remaining balance on any mortgage or other financing secured by the property and annual debt service, if any, for the previous two years.
7. All appraisals obtained within the previous two years by the owner or applicant in connection with the purchase, financing, or ownership of the property.
8. Amount paid for the property, the date of purchase, and the party from whom purchased, including a description of the relationship, if any, between the owner of record or applicant and the person from whom the property is purchased, and any terms of financing between the seller and buyer; any listing of the property for sale or rent, price asked, and offers received, if any, within the previous two years.
9. Assessed value of the property according to the two most recent assessments.
10. Real estate taxes for the previous two years.

11. Form of ownership or operation of the property, whether sole proprietorship, for profit or nonprofit corporation, limited partnership, joint venture, or other.
 12. Any other information, including the income tax bracket of the owner, applicant, or principal investors in the property considered necessary by the Board to a determination as to whether the property does yield or may yield a reasonable return to the owners.
- E. In considering an application for a Certificate of Economic Hardship, the Board must make a finding that without approval of the proposed demolition, alteration, remodeling, removal, or construction, all reasonable use of or return from a designated landmark or property within a historic district will be denied a property owner. In this context, personal, family, or financial difficulties, loss of prospective profits, and neighboring violations are not justifiable hardships. In the case of a proposed demolition, the Board must make a finding that the designated landmark cannot be remodeled or rehabilitated in a manner which would allow a reasonable use of or return from the property to the property owners.
- F. In the case of a finding of economic hardship, this finding shall be accompanied by a plan developed by the City and/or applicant to relieve economic hardship. This plan may include, but is not limited to, property tax relief, loans or grants from the City or other private sources, acquisition by fee purchase or eminent domain, use of the State Historic Building Code, redevelopment funds, development fees for historic preservation, changes in applicable zoning regulation, transfer of unused development rights, or relaxation of the provisions of this ordinance sufficient to allow reasonable beneficial use or return from the property. The Board and the City shall have a period not to exceed one hundred twenty (120) days to make recommendations and develop and adopt a plan in order to relieve economic hardship and to allow the applicant a reasonable use of, and economic return from, the property or otherwise preserve the subject property.
- G. If, by the end of this one hundred twenty (120) day period, the Board has found that without approval of the proposed work, the property cannot be put to a reasonable economic return therefrom, then the Board shall issue a

Certificate of Economic Hardship approving the proposed work. If the Board finds otherwise, it shall deny the application for a Certificate of Economic Hardship and notify the applicant by mail of the final denial.

- H. If approval of a Certificate of Economic Hardship 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 Board.

13. APPEALS

Any action by the Board may be appealed by any interested party to the City Council including, but not limited to, the following:

- A. The Board's decision not to hold a public hearing on an application for designation of a cultural resource or historic district;
- B. A determination made after a public hearing not to designate a proposed cultural resource or historic district;
- C. The Board's decision to grant or to not grant a Certificate of Appropriateness or Certificate of Economic Hardship.

Any interested party may appeal by filing a notice of appeal with the City Clerk not later than ten (10) days after the Board's written decision has been filed with the City Clerk. Said notice shall be accompanied by a set fee in an amount to be determined by the City Council. The City Council shall schedule a public hearing to be held no later than thirty (30) days after the notice of appeal is filed, and shall render its decision within thirty (30) days of said hearing date.

14. DUTY TO KEEP IN GOOD REPAIR

The owner, occupant, or other person in actual charge of a cultural resource or an improvement, building, or structure in a 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 designating ordinance or permit, and all interior portions thereof whose maintenance is necessary to prevent deterioration and decay of any exterior architectural

feature.

It shall be the duty of the Community Development Department to enforce this section.

15. ORDINARY MAINTENANCE AND REPAIR

Nothing in this chapter shall be construed to prevent the ordinary maintenance or repair of any exterior architectural feature in or on any property covered by this chapter that does not involve a change in design, material, or external appearance thereof, nor does this ordinance prevent the construction, reconstruction, alteration, restoration, demolition, or removal of any such architectural feature when the Community Development Department certifies to the Board 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 and when such architectural feature can be replaced according to the Secretary of the Interior's Standards.

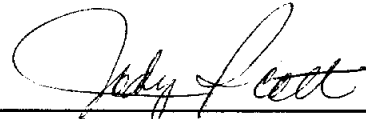
16. ENFORCEMENT AND PENALTIES

- A. Any person who violates a requirement of this Ordinance or who fails to obey an order issued by the Board or comply with a condition of approval of any certificate or permit issued under this chapter shall be guilty of an infraction and subject to penalties as set forth in the Municipal Code.
- B. Any person who constructs, alters, removes, or demolishes a cultural resource in violation of this chapter shall be required to restore the building, object, site, or structure to its appearance or setting prior to the violation. Any action to enforce this provision may be brought by the City of Highland or any other interested party. This civil remedy shall be in addition to, and not in lieu of, any criminal prosecution and penalty and other remedy provided by law.

17. SEVERABILITY

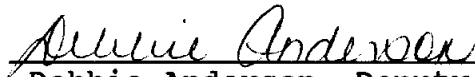
If any section, sentence, clause, or phrase of this chapter is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this chapter. The City Council hereby declares that it would have passed this Ordinance and adopted this chapter, and each section, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid or unconstitutional.

PASSED, APPROVED, AND ADOPTED this 25th day of June, 19 91.



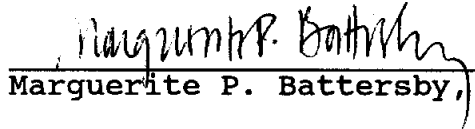
Jody Scott, Mayor

ATTEST:



Debbie Anderson, Deputy City Clerk

APPROVED AS TO FORM:



Marguerite P. Battersby, City Attorney

STATE OF CALIFORNIA)
COUNTY OF SAN BERNARDINO)
CITY OF HIGHLAND)

I, DEBBIE ANDERSON, Deputy City Clerk of the City of Highland, California, do hereby certify that Ordinance No. 132 had its first reading on June 11, 1991, and had its second reading on June 25, 1991, and was duly and regularly adopted by the City Council of the City of Highland, at a regular meeting of said Council, thereof held on the 25th day of June, 1991, by the following vote:

AYES: Johnson, Rissmiller, Tully-Payne, Wheeler, Mayor
 Scott
NOES: None
ABSENT: None
ABSTAIN: None



DEBBIE ANDERSON
DEPUTY CITY CLERK

(SEAL)