



**CITY OF ELK GROVE
CITY COUNCIL STAFF REPORT**

AGENDA TITLE: A public hearing to consider introduction of an ordinance repealing and replacing Elk Grove Municipal Code Chapter 7.00 Historic Preservation (CEQA Exempt)

MEETING DATE: June 28, 2017

PREPARED BY: Kristi Grabow, Senior Planner

DEPARTMENT HEAD: Darren Wilson, PE, Development Services Director

RECOMMENDED ACTION:

Staff recommends that the City Council introduce and waive the full reading, by substitution of title only, an ordinance:

1. Finding the Project exempt from the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Section 15308 (Class 8: Actions by Regulatory Agencies for Protection of the Environment); and,
2. Repealing and replacing Elk Grove Municipal Code Chapter 7.00 Historic Preservation.

PROJECT DESCRIPTION:

The Project consists of a City-initiated repeal and replacement of Elk Grove Municipal Code (EGMC) Chapter 7.00-Historic Preservation, in order to ensure compliance with federal and state laws and incorporate the following provisions:

- Create Minor and Major Certificates of Appropriateness for qualifying historical resources;
- Establish a list of exempt activities;
- Reduce the number of Historic Preservation Committee members and clarify member qualifications;

- Simplify and streamline procedures and regulations; and
- Ensure consistency with other sections and terminology of EGMC relative to historic resources.

PLANNING COMMISSION REVIEW:

At the May 18, 2017 Planning Commission meeting, staff provided a presentation describing the differences between the current and proposed text of EGMC Chapter 7.00 Historic Preservation. There were no public comments. Following deliberations, the Planning Commission recommended approval of the ordinance, as proposed, by a 5-0 vote. A copy of the Planning Commission staff report with attachments is included as Attachment 2.

Provided with this report is a red-lined version of EGMC Chapter 7.00 showing edits made (Attachment 3) and a clean version for readability (Exhibit A to the proposed Ordinance).

BACKGROUND:

In 2007, the City Council adopted an ordinance that added Chapter 7.00 Historic Preservation to the EGMC. Since its adoption, the provisions of the Chapter have been updated to include legislative amendments and allowing City staff to be appointed to the Historic Preservation Committee (HPC), provided that the individual's job duties do not conflict with the goals and responsibilities of the HPC.

In recent years, staff has received comments from the public that the current regulations are complicated, restrictive, and limit the ability to maintain a historic resource. Therefore, this is a City-initiated repeal and replacement of Chapter 7.00, recommending amendments to the regulations to be more effective, user/reader-friendly, and consistent with other provisions of the EGMC.

On November 14, 2016, staff presented the proposed changes to the HPC for review and comment. By a vote of 4-0 (three member vacancies existed at the time of review), the HPC recommended to move the repeal and replacement of Chapter 7.00 forward to the Planning Commission for review and recommendation. A summary of the HPC comments and suggestions is included in the attached Planning Commission staff report. A majority of the items were supported by staff and the Planning Commission and have been incorporated into the proposed revisions.

The Old Town Foundation (OTF) Board also reviewed the draft revisions at its meeting on November 14, 2016, and supported the reduction in committee membership from seven to five, along with the creation of a two-tiered system of entitlements for historic resources that include exemptions. The OTF Board also recommended that the City consider a two-tiered system of fees, and requested that the City consider the potential to reduce fees associated with Certificates of Appropriateness so that improvements to historic resources are not cost prohibitive.

Staff took this recommendation into consideration; however, at this time, fees are not being evaluated. There are currently two fees for entitlements for modifications made to historical resources: Minor Alteration Permit (\$1,000 deposit) and Certificate of Appropriateness (\$2,500 flat fee). If applicable, an applicant can file for a fee waiver or deferral pursuant to EGMC Chapter 16.100.

The draft document, along with a summary of input from the HPC, was also sent to the California Office of Historic Preservation (OHP) on November 15, 2016, for review and input. Staff received OHP's comments on December 13, 2016. The proposed revisions reflect OHP's comments.

At the December 14, 2016 City Council meeting, Council directed staff to outline the purpose, makeup and duties of the HPC to consider whether the committee should be disbanded. A report was brought forward to Council at the March 22, 2017 meeting and it was decided to retain the committee with suggestions by Council to reduce the number of members from seven to five, with up to two alternate members. The City shall attempt to recruit members and, if a position(s) is vacated, the Mayor may appoint a person(s) to fill the vacated position(s), subject to confirmation by the full Council.

ANALYSIS:

The proposed Chapter 7 is intended to ensure consistency with other sections and terminology of EGMC relative to historic resources; incorporate changes to state and federal law; and streamline procedures and regulations for historic resources. The items listed below summarize significant changes:

7.00.010 Purpose

1. Reduced and simplified this section to be more reader-friendly and reduce redundancy.

7.00.040 Historic Preservation Committee

2. Amended “Membership of the Historic Preservation Committee” to reflect the request of the City Council to only require five regular members with up to two alternates and defined professional qualifications. When a vacancy in membership occurs, the City should make reasonable attempts at outreach to recruit individuals with the defined professional qualifications. If the City is unsuccessful in its attempt, the Mayor, in an effort to fill the vacancy, may appoint individual(s) who have an interest in historic preservation but who do not necessarily have any of the defined professional qualifications. According to OHP guidelines, this is an acceptable process in maintaining the City’s CLG status. Such appointment shall be subject to confirmation by the full City Council.

7.00.070 Approval Requirements for Alterations (Certificate of Appropriateness)

3. Amended this section to include a new listing of exempt activities, as well as activities subject to either Minor or Major Certificate of Appropriateness (CofA). Minor CofA may be approved by the Development Services Director; while the HPC will make a recommendation to the Development Services Director for approval of Major CofA projects. The revisions made to this section include: Purpose, Exemptions, Applicability, Process, and Appeal.

4. Replaced Minor and Major Improvement permit process with the Minor and Major Certificate of Appropriateness for alterations to historic resources.

ENVIRONMENTAL ANALYSIS:

The California Environmental Quality Act (Section 21000, et. seq. of the California Public Resources Code, hereafter CEQA) requires analysis of agency approvals of discretionary “projects.” A “project,” under CEQA, is defined as “the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment” (CEQA Guidelines Section 15378). The proposed code repeal and replacement is a project under CEQA.

The proposed project is categorically exempt from CEQA under CEQA Guidelines Section 15308 (Actions by Regulatory Agencies for Protection of the Environment). This exemption applies to actions taken by regulatory agencies to assure the protection of the environment and does not include construction activities or relaxation of standards allowing environmental degradation.

The proposed Project consists of a repeal and replacement of the City's existing Historic Preservation Chapter 7. The proposed updates would expand the Chapter to be more inclusive of all cultural resources by making it applicable to tribal cultural resources. The proposed updates would also add provisions to ensure compliance with the requirements of Assembly Bill (AB) 52 and make the Chapter more consistent with the requirements of CEQA as it relates to cultural resources. These updates would allow the City to better protect and manage historical and cultural resources in the City and would not result in any construction activities or relaxation of standards that could result in environmental degradation. Therefore, pursuant to State CEQA Guidelines Section 15308, the Project is exempt from CEQA and no further environmental review is required.

FISCAL IMPACT:

Approval of this repeal and replacement will not impact the City's General Fund.

ATTACHMENTS:

1. Ordinance
 - a. Exhibit A – Proposed EGMC Chapter 7.00
2. May 18, 2017 Planning Commission Staff Report
3. Current EGMC Chapter 7.00 showing additions and deletions

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELK GROVE
FINDING THE REPEAL AND REPLACEMENT OF ELK GROVE MUNICIPAL CODE
CHAPTER 7.00 HISTORIC PRESERVATION EXEMPT FROM CEQA UNDER
SECTION 15308 AND REPEALING AND REPLACING ELK GROVE MUNICIPAL
CODE CHAPTER 7.00 HISTORIC PRESERVATION**

WHEREAS, Chapter 7.00 Historic Preservation of the Elk Grove Municipal Code (EGMC) was initially adopted by the City Council on January 24, 2007, with the purpose of providing for the identification, designation, protection, enhancement, perpetuation and use of historic resources ; and

WHEREAS, the proposed replaced document will ensure compliance with federal and state laws regarding historical resources; create Minor and Major Certificates of Appropriateness for qualifying historical resources; establish a list of exempt activities; reduce the number of Historic Preservation Committee (HPC) members and clarify membership provisions; simplify and streamline procedures and regulations; and ensure consistency with other sections of the EGMC and legal terminology relative to historic resources; and

WHEREAS, EGMC Chapter 7 applies to designated historical resources, tribal cultural resources, and resources potentially eligible for historic designation and shall include those resources affected by any project proposed by the City of Elk Grove; and

WHEREAS, the City determined that the repeal and replacement of EGMC Chapter 7 is subject to the California Environmental Quality Act; and

WHEREAS, the repeal and replacement of EGMC Chapter 7 is categorically exempt under Section 15308 (Class 8: Actions by Regulatory Agencies for Protection of the Environment); and

WHEREAS, the Planning Commission held a duly-noticed public hearing on May 18, 2017, as required by law to consider all of the information presented by staff and at the meeting recommended 5-0 that the City Council approve the repeal and replacement of EGMC Chapter 7; and

WHEREAS, the City Council held a duly noticed public hearing on June 28, 2017 as required by law to consider all of the information presented by staff and public testimony presented in writing and at the meeting.

NOW, THEREFORE, the City Council of the City of Elk Grove does hereby ordain as follows:

Section 1: Purpose

The purpose of this Ordinance is to repeal and replace Elk Grove Municipal Code Chapter 7.00 Historic Preservation, in order to ensure consistency with other sections and terminology of the Elk Grove Municipal Code relative to historic resources; to incorporate changes to state and federal law; and to streamline procedures and regulations for historic resources in the City of Elk Grove.

Section 2: Findings

This Ordinance is adopted based upon the following findings:

California Environmental Quality Act (CEQA)

Finding: The Project is exempt from CEQA and no further environmental review is required under the California Environmental Quality Act pursuant to CEQA Guidelines Section 15308 (Actions by Regulatory Agencies for Protection of the Environment).

Evidence: The California Environmental Quality Act (Section 21000, et. seq. of the California Public Resources Code, hereafter CEQA) requires analysis of agency approvals of discretionary “projects.” A “project,” under CEQA, is defined as “the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment” (CEQA Guidelines Section 15378). The proposed code repeal and replacement is a project under CEQA.

The proposed project is categorically exempt from CEQA under CEQA Guidelines Section 15308 (Actions by Regulatory Agencies for Protection of the Environment). This exemption applies to actions taken by regulatory agencies to assure the protection of the environment and does not include construction activities or relaxation of standards allowing environmental degradation.

The proposed Project consists of a repeal and replacement of the City’s existing Historic Preservation Chapter 7. The proposed document would expand the Chapter to be more inclusive of all cultural resources by making it applicable to tribal cultural resources. The proposed updates would also add provisions to ensure compliance with the requirements of Assembly Bill (AB) 52 and make the Chapter more consistent with the requirements of CEQA as it relates to cultural resources. These updates would allow the City to better protect and manage historical and cultural resources in the City and would not result in any construction activities or relaxation of standards that could result in environmental degradation. Therefore, pursuant to State CEQA Guidelines Section 15308, the Project is exempt from CEQA and no further environmental review is required.

Section 3: Action

The City Council hereby approves the repeal of Elk Grove Municipal Code Chapter 7.00 Historic Preservation in its current form, and authorizes replacement of the Chapter as shown in Exhibit A attached hereto.

Section 4: No Mandatory Duty of Care.

This ordinance is not intended to and shall not be construed or given effect in a manner that imposes upon the City or any officer or employee thereof a mandatory duty of care towards persons and property within or without the City, so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

Section 5: Severability

If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable. This City Council hereby declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion thereof and intends that the invalid portions should be severed and the balance of the ordinance be enforced.

Section 6: Savings Clause

The provisions of this ordinance shall not affect or impair an act done or right vested or approved or any proceeding, suit or prosecution had or commenced in any cause before such repeal shall take effect; but every such act done, or right vested or accrued, or proceeding, suit or prosecution shall remain in full force and effect to all intents and purposes as if such ordinance or part thereof so repealed had remained in force. No offense committed and no liability, penalty or forfeiture, either civilly or criminally incurred prior to the time when any such ordinance or part thereof shall be repealed or altered by said Code shall be discharged or affected by such repeal or alteration; but prosecutions and suits for such offenses, liabilities, penalties or forfeitures shall be instituted and proceeded with in all respects as if such prior ordinance or part thereof had not been repealed or altered.

Section 7: Effective Date and Publication

This ordinance shall take effect thirty (30) days after its adoption. In lieu of publication of the full text of the ordinance within fifteen (15) days after its passage, a summary of the ordinance may be published at least five (5) days prior to and fifteen (15) days after adoption by the City Council and a certified copy shall be posted in the office of the City Clerk, pursuant to GC 36933(c)(1).

INTRODUCED:
ADOPTED:
EFFECTIVE:

STEVE LY, MAYOR of the
CITY OF ELK GROVE

ATTEST:

APPROVED AS TO FORM:

JASON LINDGREN, CITY CLERK

JONATHAN P. HOBBS,
CITY ATTORNEY

Date signed: _____

EXHIBIT A

Note to Reader: EGMC Chapter 7.00 is repealed and replaced in full with the following:

Chapter 7.00

HISTORIC PRESERVATION

Sections:

- 7.00.010 Purpose.
- 7.00.020 Applicability.
- 7.00.030 Definitions.
- 7.00.040 Historic Preservation Committee.
- 7.00.050 Designations.
- 7.00.060 Rescissions.
- 7.00.070 Approval Requirements for Alterations (Certificate of Appropriateness).
- 7.00.080 Demolitions/Relocations.
- 7.00.090 Historic Preservation Incentives.
- 7.00.100 Unsafe or Dangerous Conditions.
- 7.00.110 Duty to Keep in Good Repair.
- 7.00.120 Showing of Extreme Hardship.

7.00.010 Purpose.

The purpose of this chapter is to provide for the identification, designation, protection, enhancement, perpetuation and use of historical resources including buildings, structures, objects, sites, districts, cultural landscapes, tribal cultural resources, and the historical personal histories and family stories of individuals, businesses, and associations in the City that reflect special elements of the City's heritage and cultural diversity.

7.00.020 Applicability.

The Historic Preservation chapter shall be applied to designated historical resources, tribal cultural resources, and resources potentially eligible for historic designation, and shall include those resources affected by any project proposed by the City of Elk Grove or subject to review by the City of Elk Grove. A property that has been listed in the Elk Grove Register of Historic Resources , or possessing any other State or Federal historical designation shall continue to be subject to all applicable zoning requirements in Title 23 that would apply to such property if it were not so designated or located. By designating historical resources the City Council shall not be construed to be repealing or waiving any other portion of zoning Title 23 of the City as it applies to the designated property.

7.00.030 Definitions.

For the purpose of this chapter the following words shall have the meanings respectively ascribed to them by this section.

A. "Alteration" means any exterior change or modification, through public or private action, of any historical resource, to include any action that might impact the integrity of that resource. Alterations include but are not limited to the disturbance of archaeological resources, tribal cultural resources; construction of new buildings, structures, or objects; additions or modifications to existing buildings, structures, or objects; and site work.

B. "Archaeological resources" means any material remains of human life or activities which are at least 100 years of age, and which are capable of providing scientific or humanistic understandings of past human behavior, cultural adaptation, and related topics through the application of scientific or scholarly techniques such as controlled observation, contextual measurement, controlled collection, analysis, interpretation and explanation sites.

C. "California Environmental Quality Act (CEQA)" means Section 21000, et seq., of the California Public Resources Code and its related guidelines as it may be amended.

D. "Complete application" means enough documentation for the approving authority to make an informed decision concerning the application. All applications should include the most recent version of the appropriate California Department of Parks and Recreation (DPR) 523 series survey form completed according to the State Office of Historic Preservation's Instructions for Recording Historical Resources but in certain circumstances the Approving Authority may instead permit the use of a National Register of Historic Places nomination form.

E. "Certificate of Appropriateness" means an entitlement that is required to be reviewed and approved by the Director and in some instances shall require a recommendation by the Historic Preservation Committee to the Director depending on the level of potential impact to a designated historical resource. Refer to Section 7.00.070.

F. "Certified local government (CLG)" means a local government that has been certified by the National Park Service to carry out the purposes of the National Historic Preservation Act of 1966 (Title 16, Section 470, et seq., of the United States Code) as amended, pursuant to Section 101(c) of that act and the regulations adopted under the act, which are set forth in 36 Code of Federal Regulations (CFR) 61 entitled, "Procedures for State, Tribal, and Local Government Historic Preservation Programs."

G. "Character-defining feature" means the distinguishing features of a building, structure, object, site or district, which help convey the significance of the historical resource and which were present during the period of significance.

H. "Contributing resource" means a building, site, structure, tribal cultural resource or object that adds to the significance of a historic district.

I. "Cultural landscape" means a geographic area that includes both cultural and natural resources, is associated with a historical event, activity, or person, or exhibits other cultural or aesthetic values. There are five (5) general types of cultural landscapes, not

mutually exclusive: historic sites, historic designed landscapes, historic vernacular landscapes, tribal cultural resource and ethnographic landscapes.

J. "Demolition" means any action or set of actions that result in a historical resource being completely torn down.

K. "Demolition/relocation certificate" means a certificate whose issuance is recommended by the Historic Preservation Committee and which authorizes its recipient to demolish, remove, or relocate a historical resource.

L. "Designation" means the act of formally listing a historical resource in a register of historical resources such as the Elk Grove Register of Historic Resources, the California Register of Historical Resources, or the National Register of Historic Places.

M. "Director" means Development Services Director.

N. "District" means a significant concentration, linkage, or continuity of sites, buildings, structures, or objects united historically or aesthetically by plan or physical development. Examples include college campuses; business districts; residential neighborhoods; industrial complexes; water conveyance systems; collections of habitation and limited activity sites; agricultural properties; and transportation networks.

O. "Elk Grove Register of Historic Resources" means the list of historical resources of value to the citizens of the City of Elk Grove and designated as such by the City Council pursuant to the provisions of this Chapter. Listed resources meet the definition of a historical resource under the California Environmental Quality Act (CEQA).

P. "Exceptional importance" means historical significance due to an association with an extraordinarily important aspect of the past or existence in a category of resources so fragile that survivors of any age are unusual. Exceptionally important resources may be significant at the local, state, or national level

Q. "Guidelines for Local Surveys: A Basis for Preservation Planning" means the standards set forward by the National Park Service and the Secretary of the Interior that guide comprehensive planning, surveys of historical resources, and registration in the National Register of Historic Places.

R. "Guidelines for Evaluating and Documenting Traditional Cultural Properties" means the standards set forward by the National Park Service and the Secretary of the Interior that guide the identification of traditional cultural properties.

S. "Historic context" means an organizing structure for interpreting history which groups information about historical resources that share a common theme, common geographical location, and common time period. The development of historic contexts is a foundation for decisions about the planning, identification, evaluation, registration, and treatment of historical resources, based upon comparative significance.

T. "Historic district" means a district listed in or eligible for listing in the Elk Grove Register of Historic Resources, the California Register of Historical Resources, or the National Register of Historic Places. Historic districts can include historical resources individually listed in or eligible for listing in the Elk Grove Register of Historic Resources, the California Register of Historical Resources, or the National Register of Historic Places. Historic districts meet the definition of a historical resource under the California Environmental Quality Act (CEQA).

U. "Historic district plan" means the documentation, planning, and guiding document for a historic district. The Old Town Elk Grove Special Planning Area (Ordinance No.29-2005) is the only historic district plan.

V. "Historic preservation" means the management, the process of applying procedures necessary to sustain the existing form, integrity and materials of a historical resource.

W. "Historical resource" means buildings, structures, objects, sites, districts, cultural landscapes, or tribal cultural resources listed in or eligible for listing in the Elk Grove Register of Historic Resources, the California Register of Historical Resources, or the National Register of Historic Places.

X. "Historical resources survey" means the systematic studying of an area by a trained professional to identify historical resources eligible for listing in the Elk Grove Register of Historic Resources, the California Register of Historical Resources, and/or the National Register of Historic Places. The survey is conducted according to published Federal and State standards in affect at the time.

Y. "Integrity" means the authenticity of a property's historic identity, evidenced by the survival of physical characteristics that existed during the property's period of significance. Historical resources must possess integrity to convey their significance. The seven (7) aspects of integrity are location, design, setting, materials, workmanship, feeling and association. To retain integrity a property will always possess several, and usually most, of the aspects.

Z. "Mills Act Contract." means a property contract entered into between the City of Elk Grove and a property owner that provides for lower property taxes in return for the rehabilitation, restoration, and preservation of a qualified historical property pursuant to California Government Code Section§ 50280 et seq.

AA. "Noncontributing resource" means a building, site, structure, or object that does not add to the significance of a historic district as determined by the City of Elk Grove historical resource survey, but is nevertheless a component of that historic district.

BB. "Object" means those constructions that are distinguished from buildings and structures that are primarily artistic in nature or are relatively small in scale and simply constructed. Although they may be, by nature or design, movable, objects are

associated with a specific setting or environment. Examples include but are not limited to sculptures, monuments, boundary markers, statuary, and fountains.

CC. "Old Town Special Planning Area" means the planning document that applies to the designated area that includes the Elk Grove Boulevard corridor from Elk Grove-Florin Road and Waterman Road. The purpose of the Old Town Elk Grove Special Planning Area Design Standards and Guidelines is to provide development regulations that are tailored to preserve the historical character of this designated area.

DD. "Period of significance" means the span of time in which a property attained the significance for which qualifies it for listing in the Elk Grove Register of Historic Resources, California Register of Historical Resources, or National Register of Historic Places.

EE. "Professional Qualification" means an individual with a degree in history, architecture, or archaeology. It shall also mean an individual who maintains a job/position paid or unpaid in history (including but not limited to history teacher, museum worker, curator, librarian or library worker, documentarian, or board member of a nonprofit that has a historical mission), architecture (including but not limited to architect, designer, surveyor, building inspector, planner, or engineer) or archeology (including but not limited to archaeologist, anthropologist, conservatist, cultural resource manager, national parks curator, geographer or GIS specialist).

FF. "Relocation" means the movement of a historical resource from its original site to a new site, beyond minor movement of the resource on its original lot.

GG. "Replacement project" means any proposal for the use of land following the demolition of a historical resource or element of a historical resource. Vacancy is not considered a replacement project.

HH. "Resources potentially eligible for historic designation" means resources at least fifty (50) years old whose eligibility for listing in the Elk Grove Register of Historic Resources, the California Register of Historical Resources, or the National Register of Historic Places has not been formally determined.

II. "Significance" means the importance of a historical resource as defined by the Elk Grove Register of Historic Resources criteria adopted by this chapter, the California Register of Historical Resources, or the National Register of Historic Places.

JJ. "Tribal Cultural Resource" as defined in California Public Resource Code (PRC) Section 21074 (a)(1-2) can be 1) sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are either on or eligible for inclusion in the California Register of Historical Resources or a local historic register as defined in Public Resource Code Section 5020.1 and as amended, or 2) when a lead agency, at its discretion and supported by substantial

evidence pursuant to State listed criteria under PRC 5024.1 and as amended, chooses to treat a resource as a tribal cultural resource.

KK. "Site" means the location of a significant event, a historic occupation or activity, or a building or structure, whether standing, ruined, or vanished, where the location itself possesses historic or archaeological value regardless of the value of any existing structure. Examples include habitation sites, funerary sites, rock shelters, village sites, hunting and fishing sites, ceremonial sites, petroglyphs, rock carvings, gardens, grounds, battlefields, ruins of historic buildings and structures, campsites, sites of treaty signings, trails, areas of land, shipwrecks, cemeteries, designed landscapes, and natural features, such as springs and rock formations, and land areas having historic significance.

LL. "State of California Department of Parks and Recreation (DPR) survey forms" means the official State of California forms, completed by qualified individuals that contain information about a historical resource.

MM. "State Historical Building Code (SHBC)" means the standards adopted by the State of California to provide regulations and standards for the rehabilitation, preservation, restoration (including related reconstruction) or relocation as applicable to all historical buildings, structures and properties deemed of importance to the history, architecture, or culture of an area by an appropriate local or State governmental jurisdiction.

NN. "Substantial adverse change" means any demolition, relocation, or alteration such that the significance of a historical resource would be impaired.

OO. "Survey" means systematically studying historical resources in accordance with published Federal and State standards. Minimally, it includes a physical description and a photograph of a historical resource, legal information from title or assessor's office records, statements of significance according to criteria in this chapter, and a statement identifying any potential threat to the integrity or existence of the historical resource.

PP. "The Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings" means the standards set forward by the National Park Service and the Secretary of the Interior that guide treatment of historical resources (36 Code of Federal Regulations 68).

QQ. "The Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for the Treatment of Cultural Landscapes" means the standards set forward by the National Park Service and the Secretary of the Interior that guide treatment of cultural landscapes.

7.00.040 Historic Preservation Committee.

A Historic Preservation Committee of the City is hereby established.

- A. Membership of the Historic Preservation Committee. The Historic Preservation Committee (HPC) shall consist of five (5) members and up to two (2) alternates. Each member of the HPC must be at least eighteen (18) years of age, reside in the City of Elk Grove, and be registered to vote. The members of the Historic Preservation Committee shall include persons who have demonstrated special interest, competence, experience, or knowledge in historic preservation. In order to meet the professional qualification standards of a Certified Local Government (CLG), membership of the HPC should include at least two (2) individuals who possess a Professional Qualification, as defined in Section 7.00.030 Definitions, in any of the following areas: history, architectural history, archaeology, and/or architecture, to the extent that such professionals are available in the community. Membership of the Historic Preservation Committee shall not preclude the appointment of a City staff person, provided that the job duties do not conflict with the goals and responsibilities of the Committee.
- B. Appointments of Members. Members of the Historic Preservation Committee shall be appointed by the Mayor, with the approval of the City Council, pursuant to Elk Grove Municipal Code Chapter 1.03.
- C. Term of Office of Members. Members shall serve at the pleasure of the City Council with no maximum term that may be served by any individual member.
- D. Automatic Termination of Appointment. The appointment of any member of the Historic Preservation Committee who has been absent from three (3) consecutive regular or special meetings, without the prior approval of the Historic Preservation Committee chairperson, shall automatically terminate.
- E. Chairperson of the Historic Preservation Committee. The Historic Preservation Committee shall elect a chairperson from its members, who shall hold office for one (1) year or until a successor is elected; the chairperson shall be elected at the first (1st) meeting of the Historic Preservation Committee after January 1 of each year.
- F. Meetings of the Historic Preservation Committee. The Historic Preservation Committee shall establish a regular time and place of meeting. In order to maintain the City's Certified Local Government designation, the Historic Preservation Committee must meet a minimum of four (4) times in a calendar year. The Historic Preservation Committee shall hold public meetings as required to hear applications in a timely manner. Special meetings of the Historic Preservation Committee may be called at any time by the chairperson of the Historic Preservation Committee, upon personal notice being given to all members of the Historic Preservation Committee.
- G. Organization and Procedure. A quorum shall consist of any three (3) members of the HPC, whether standing members or alternates. The affirmative vote of a majority of the members present and voting is required to take any action. The Historic Preservation Committee shall keep an accurate record of its proceedings and transactions and shall submit an annual report to the City Council.

H. Powers and Duties. The Historic Preservation Committee shall have the following powers and duties under this chapter:

1. Recommend the designation and rescission of historical resources to the Elk Grove Register of Historic Resources to the City Council;
2. Recommend the approval or disapproval, with or without conditions, of applications for Major Certificates of Appropriateness (COA):
3. Recommend the approval or disapproval, with or without conditions, of applications for demolition/relocation certificates;
4. Perform advisory review of new buildings, structures, objects, and demolitions on lots within a historic area and immediately adjacent to designated historical resources in cases where the City has discretionary review over these projects (as defined by the California Environmental Quality Act) such as Old Town SPA or any future districts;
5. Review historic district plans;
6. Review any comprehensive local historic preservation plan presented;
7. Review and comment on decisions and documents developed using the California Environmental Quality Act, the National Historic Preservation Act of 1966 (Title 16, Section 470, et seq., of the United States Code), and other laws that require consideration of the effects of projects on historical resources when such decisions or documents may affect historical resources or resources potentially eligible for historic designation in the City;
8. Cooperate with local, County, State, and Federal governments in the pursuit of the objectives of historic preservation;
9. Participate in, promote, and conduct public information, educational and interpretive programs, newsletters, and appropriate literature pertaining to all types of historical resources to owners of historical resources, building contractors, the Chamber of Commerce, area real estate agents, and any member of the public requesting such information;
10. Render advice and guidance, upon the request of the property owner or occupant, on the restoration, alteration, decoration, landscaping, or maintenance of any historical resource;
11. Provide for adequate public participation in local historic preservation programs, including the process of recommending properties for nomination to the Elk Grove

Register of Historic Resources, the California Register of Historical Resources, and the National Register of Historic Places;

12. In the case of historical resources that may be demolished or relocated, take steps to aid in the preservation of historical resources, to include consultation with civic groups, public agencies, and interested citizens; recommendations for acquisition of the property by public or private bodies or agencies; and exploration of the possibility of moving such resources; and
13. Perform any other functions designated by the City Council or required by the State of California Certified Local Government Program.

7.00.050 Designations.

Historical resources in the City may be listed in the Elk Grove Register of Historic Resources (as defined in this chapter) based upon the criteria in this Section. Unless otherwise specified, the designation of a historical resource to the Elk Grove Register of Historic Resources shall be made by the City Council after a recommendation by the Historic Preservation Committee.

- A. Elk Grove Register of Historic Resources Designation by Federal and/or State Designation. Historical resources that are listed in the National Register of Historic Places and/or the California Register of Historical Resources shall automatically be included in the Elk Grove Register of Historic Resources. No specific City Council action shall be required.
- B. Elk Grove Register of Historic Resources Significance Criteria. A historical resource may be listed in the Elk Grove Register of Historic Resources if it retains four (4) or more aspects of integrity as defined in this chapter and if the resource meets any of the following four (4) levels of significance within a given historic context:
 1. Associated with events that have made a significant contribution to the broad patterns of Elk Grove's history;
 2. Associated with the lives of persons significant in Elk Grove's past;
 3. Embodies the distinctive characteristics of a type, period, or method of construction; or that represents the work of a master; or that possesses high artistic values; or that represents a significant and distinguishable entity whose components may lack individual distinction; and/or
 4. Has yielded, or may be likely to yield, information noteworthy in prehistory or history.
- C. Integrity. To be listed in the Elk Grove Register of Historic Resources, resources must maintain four (4) or more aspects of integrity outlined below:
 1. Location - the place where a resource was constructed or the place where the historic event occurred.
 2. Design - the combination of elements that create the form, plan, space, structure, and style of a resource.

3. Setting - the physical environment of a resource.
 4. Materials - the physical elements that were combined or deposited during a particular period of time and in a particular pattern or configuration to form a resource.
 5. Workmanship - the physical evidence of the crafts of a particular culture or people during any given period in history or prehistory.
 6. Feeling - is a property's expression of the aesthetic or historic sense of a particular period of time.
 7. Association - the direct link between an important historic event or person and a historic property
- D. Criteria Considerations. Ordinarily birthplaces, graves of historical figures, properties owned by religious institutions or used for religious purposes, structures that have been moved from their original locations, reconstructed historic buildings, properties primarily commemorative in nature, and properties that have achieved significance within the past fifty (50) years shall not be considered eligible for listing in the Elk Register of Historic Resources. However, such properties will qualify if they are integral parts of districts that do meet the criteria or if they fall within any of the following categories:
1. A religious property deriving primary significance from architectural or artistic distinction or historical importance;
 2. A building or structure removed from its original location but which is primarily significant for architectural value or which is the surviving structure most importantly associated with a historic person or event;
 3. A birthplace or grave of a historical figure of outstanding importance if there is no appropriate site or building associated with his or her productive life;
 4. A reconstructed building when accurately executed in a suitable environment and presented in a dignified manner as part of a restoration master plan, and when no other building or structure with the same association has survived;
 5. A property primarily commemorative in intent if design, age, tradition, or symbolic value has invested it with its own exceptional significance; and/or
 6. A property achieving significance within the past fifty (50) years if it is of exceptional importance.
- E. Historic District Plan. Upon the recommendation of the Historic Preservation Committee and approval of the City Council, a historic district plan shall be adopted simultaneously with designation. The historic district plan shall provide standards for review within that particular district to ensure that new development, renovation, and rehabilitation are compatible and complementary to the prevalent character-defining

features, architectural styles, historic context, and design elements within the historic district.

F. Designation Process. Historical resources shall be designated by the City Council upon the recommendation of the Historic Preservation Committee.

1. Initiation of Designation. Designation of historical resources to the Elk Grove Register of Historic Resources may be initiated by the Historic Preservation Committee, by any resident of Elk Grove, or by the owner of the property that is proposed for designation.
2. Public Hearing. The Historic Preservation Committee shall hold a public hearing to review and act upon by providing a recommendation to the designation application.
3. Stay of Work. While the Historic Preservation Committee's public hearing on a recommendation or the City Council's decision on a designation is pending, no work that would require a Minor or Major Certificate of Appropriateness or a demolition/relocation certificate shall be granted.
4. Notice of Public Hearing. Notice of date, place, time, and purpose of the hearing shall be given by first-class mail to the applicants, owners, and occupants of the property, and to property owners within five hundred (500' 0") feet of the property, at least ten (10) 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 or in other ownership records, and shall be advertised once (1) in a daily newspaper of general circulation at least ten (10) days in advance of the public hearing. Failure to receive notice of such hearing shall in no way affect the validity of any action taken.
5. Owner Objection. The owner of a historical resource can object to designation of his or her resource to the Elk Grove Register of Historic Resources by formally expressing this objection to the Historic Preservation Committee prior to or during the designation hearing for the resource in question. Such objection shall be noted.
6. Owner Objection –Historic Districts. Owner objections to the designation of a proposed historic district must be expressed in writing prior to or may be done during that proposed historic district's designation recommendation hearing. If a majority of owners in a proposed historic district object to the designation of that proposed historic district, then the Historic Preservation Commission will note such in their recommendation to City Council. Regardless of how much property each owner or partial owner owns in a proposed historic district, each owner or partial owner of property within a proposed historic district may make only one (1) objection regarding designation.
7. Historic Preservation Committee Recommendations. The Historic Preservation Committee shall recommend approval in whole or in part or disapproval of the

application for designation in writing to the City Council, setting forth the reasons for the decision.

8. Approval of Historic Preservation Committee Recommendations. After receiving the Historic Preservation Committee's recommendations, the City Council may pass a resolution to approve the recommendations in whole or in part, or may by motion disapprove them in their entirety. If the City Council approves a proposed designation, notice of the City Council's decision shall be sent to the applicant, owners of the property, Code Enforcement Division, and the Building Department.

7.00.060 Rescissions.

A. Grounds for Rescission. Upon the recommendation of the Historic Preservation Committee and approval of the City Council, historical resources may be removed from the Elk Grove Register of Historic Resources if any of the following criteria are met:

1. The property has ceased to meet the criteria for listing in the Elk Grove Register of Historic Resources because the qualities for which it was originally listed have been lost or destroyed, or such qualities were lost subsequent to nomination and prior to listing;
2. Additional information shows that the property does not meet the Elk Grove Register of Historic Resources criteria for evaluation; and/or
3. Prevailing current historical professional judgment no longer concurs that the property meets the criteria for evaluation.

B. Rescission Process. Historical resources shall be considered for removal from the Elk Grove Register of Historic Resources by the City Council upon the recommendation of the Historic Preservation Committee and in accordance with the below process.

1. Initiation of Rescission. Rescission of resources listed in the Elk Grove Register of Historic Resources may be initiated by the Historic Preservation Committee, by any resident of Elk Grove, or by the owner of the historical resource that is proposed for rescission. The applicant must communicate in writing the reasons the property should be removed.
2. Public Hearing. The Historic Preservation Committee shall hold a public hearing to review and provide a recommendation on the rescission application.
3. Notice of Public Hearing. Notice of date, place, time, and purpose of the hearing shall be given by first-class mail to the applicant(s), owners, and occupants of the property, and to property owners within five hundred (500' 0") feet of the property, at least ten (10) 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 or in other ownership records, and shall be advertised once (1) in a daily newspaper of general circulation at least ten (10) days in advance of the public hearing. Failure

to receive notice of such hearing shall in no way affect the validity of any action taken.

4. Historic Preservation Committee Recommendations. The Historic Preservation Committee shall recommend approval in whole or in part or disapproval of the application for rescission in writing to the City Council, setting forth the reasons for the decision.
5. Approval of Historic Preservation Committee Recommendations. After receiving the Historic Preservation Committee's recommendations, the City Council may pass a resolution to approve the recommendations in whole or in part, or may by motion disapprove them in their entirety. If the City Council approves a proposed rescission, notice of the City Council's decision shall be sent to the applicant, owners of the property, Code Enforcement Division, and the Building Official.

7.00.070 Approval Requirements for Alterations (Certificate of Appropriateness),

A. Alterations to Historical Resources

Except as otherwise exempt in this section, no Alterations shall be made to any designated historical resource without prior approval of a Minor or Major Certificate of Appropriateness.

B. Exemptions.

The following list of items have been determined to be exempt from the requirement for a Certificate of Appropriateness, as such activities are not expected to adversely impact designated historical resource. Said items may require other permits and approvals, such as building permits.

1. Repainting of surfaces that were originally painted and the color scheme is not a significant character-defining feature of the historical resource as determined by the Director. Repainting is exempt only if:
 - i. It complies with relevant design guidelines relative to color; and
 - ii. Is substantially similar to the existing color scheme.
2. Routine nonabrasive cleaning and maintenance;
3. Landscape and Surface Improvements (such as, but not limited to pools, concrete slabs or site work that is not taller than twelve (12) inches in height) that are not significant character-defining features of the historical resource;
4. Interior alterations that have no impact to any historical elements of the structure;
5. Alteration, demolition and relocation of non-contributing resources of historic districts listed in or eligible for listing in the Elk Grove Register of Historic

Resources, California Register of Historical Resources, or National Register of Historic Places;

6. Other items not listed that would not have impact on a designated historical resource, as determined by the Director.

C. Applicability.

1. Minor Certificate of Appropriateness. Applies to any minor alteration(s) that has the potential for minimal impact to a designated historical resource. Minor alterations include, but are not limited to the following:
 - i. Installation of wall signs, and/or
 - ii. Installation of for-like elements (for example: windows, doors, exterior cladding); and/or
 - iii. Re-roofing that is similar material and style
2. Major Certificate of Appropriateness. Applies to major alteration(s) that has the potential for significant impact to a designated historical resource. Major alterations include, but not limited to the following:
 - i. Additions, and/or
 - ii. New construction of a primary structure; and/or
 - iii. Demolition of contributing resources of historic districts listed in or eligible for listing in the Elk Grove Register of Historic Resources, California Register of Historical Resources, or National Register of Historic Places.

D. Process.

1. Application.

All applications for Certificate of Appropriateness permits and actions pertaining to this title shall be submitted to the Development Services Department on a City application form, together with all fees, plans, maps, and any other information required by the Development Services Department.

2. Review.

Within thirty (30) days of application submittal, the Director shall determine whether or not the application is complete. The applicant shall be notified in writing of the determination either that:

- i. All the submittal requirements have been satisfied and that the application has been accepted as complete; or

- ii. Specific information is still necessary to complete the application. The letter may also identify preliminary information regarding the areas in which the submitted plans are not in compliance with City standards and requirements.

3. Determination/Decision.

- i. Minor Alterations (Certificate of Appropriateness).

- 1. Approving Authority. The Director shall be the approving authority for all Minor Certificates of Appropriateness.
- 2. Action by Approving Authority. The Director shall approve, conditionally approve, or deny the application with specific findings. The Director may request review by the Historic Preservation Committee for a recommendation but as a general rule such recommendation is not necessary. Notice of the decision shall be sent to the Historic Preservation Committee as an informational item and specifically listed on the public meeting agenda.
- 3. Findings. Minor Alterations (Certificate of Appropriateness) applications shall be approved if all of the findings are made:
 - a. The proposed project complies with “The Secretary of the Interior’s Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings” or “The Secretary of the Interior’s Standards for the Treatment of Historic Properties with Guidelines for the Treatment of Cultural Landscapes”; and
 - b. The proposed work does not result in substantial adverse change to the historical resource; and
 - c. The proposed project is consistent with and supportive of the goals and policies of the historic district plan (if the resource is located within a historic district).

- ii. Major Certificate of Appropriateness.

- 1. Approving Authority. The Historic Preservation Committee shall be the recommending authority for Major Certificates of Appropriateness; the Director shall be the approving authority upon receipt of a recommendation by the Historic Preservation Committee. When a proposed project requires more than one (1) land use or development entitlement from more than one (1) approving authority, all project entitlements shall be processed concurrently and final action shall be taken on any application for a certificate of appropriateness by the highest level designated approving authority for all such requested entitlements.

2. Action by Approving Authority. The Approving Authority shall approve, conditionally approve, or deny an application with specific findings which may include consideration of a recommendation by the Historic Preservation Committee. Notice of the decision shall be sent to the applicant, owners of the property, and the Building Department.
 3. Public Hearing. The Historic Preservation Committee shall hold a public hearing to review and provide recommendation to the Director for the Major Certificate of Appropriateness application.
 4. Notice of Public Hearing. Notice of date, place, time, and purpose of the Historic Preservation Committee hearing shall be given by first-class mail to the applicants, owners, and occupants of the property, and to property owners within five hundred (500' 0") feet of the property, at least ten (10) 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 or in other ownership records, and shall be advertised once (1) in a daily newspaper of general circulation at least ten (10) days in advance of the public hearing. Failure to receive notice of such hearing shall in no way affect the validity of any action taken.
 5. Findings. Major Certificate of Appropriateness applications shall be approved if all of the following findings are met:
 - a. The proposed work does not result in substantial adverse change to the historical resource;
 - b. The proposed work is consistent with and supportive of the goals and policies of the historic district plan (if the resource is located within a historic district);
 - c. The proposed work complies with "The Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings" or "The Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for the Treatment of Cultural Landscapes";
 - d. If located within a historic district, the proposed work does not result in a substantial adverse change to the historic district as a whole; and
 - e. If located within a historic district, the proposed project is consistent with and supportive of the goals and policies of the historic district plan.
4. Appeals
- i. Minor Certificate of Appropriateness. Any decision of the Director on a Minor Certificate of Appropriateness may be appealed to the Planning Commission. Any decision on appeal by the Planning Commission on a minor certificate of

appropriateness may be appealed to the City Council. Any action or decision of the City Council shall be final and there shall be no further administrative appeal from the City Council decision. All appeals shall be in writing, shall state the basis of the appeal, shall be accompanied by any applicable filing fee, and shall be filed with the City Clerk within ten (10) days of the determination or action for which an appeal is made. Failure to file an appeal within the time frame and in the manner provided herein shall constitute a failure of a party to exhaust administrative remedies, and shall render the decision of the approving authority final and immune from further challenge.

- ii. Major Certificate of Appropriateness. Any decision of the Director with recommendation of the Historic Preservation Committee on a Major Certificate of Appropriateness may be appealed to the Planning Commission. Any decision of the Planning Commission on a major certificate of appropriateness may be appealed to the City Council. Any other decision by an approving authority not otherwise addressed herein may be appealed to the City Council. Any action or decision of the City Council shall be final and there shall be no further administrative appeal from the City Council decision. All appeals shall be in writing, shall state the basis of the appeal, shall be accompanied by any applicable filing fee, and shall be filed with the City Clerk within ten (10) days of the determination or action for which an appeal is made. Failure to file an appeal within the time frame and in the manner provided herein shall constitute a failure of a party to exhaust administrative remedies, and shall render the decision of the Approving Authority final and immune from further challenge.

7.00.080 Demolitions/Relocations.

- A. Demolition or Relocation of Resources Potentially Eligible for Historic Designation. The demolition or relocation of resources potentially eligible for historic designation shall not occur without review to determine the resource's eligibility for listing in the Elk Grove Register of Historic Resources.
 1. Before demolitions or relocations of resources potentially eligible for historic designation are approved, the Director shall determine if the resource is eligible for listing in the Elk Grove Register Historical Resources, as well as, provide the opportunity to exempt resources from evaluation. Exempt resources can be the resource types outlined in 7.00.050.D.
 2. Approving Authority. The Director with assistance from a professional fitting the Secretary of Interior's Professional Qualification Standards for historian, architectural historian, archaeologist, or historic architect shall evaluate the resource for listing in the Elk Grove Register of Historic Resources.
 3. Action by Approving Authority. If the Director determines that the City can rule out the possibility of the resource being listed in the Elk Grove Register of Historic Resources, he or she shall recommend approval of the demolition or relocation of the resource in question to the Building Official. If the Director determines the City

cannot rule out the possibility of the resource being designated in the Elk Grove Register of Historic Resources, the City staff shall initiate an application for designation of the resource in question. Notice of the determination shall be sent to the applicant, owners of the property, and the Building Official.

- B. Demolition/Relocation Certificates. No demolition or relocation of a historical resource shall be made by any person without a demolition/relocation certificate.
1. Demolition or relocation of historical resources shall be tied to a replacement project under concurrent review by the City of Elk Grove unless projects meet the provisions of EGMC Section 7.00.100 or 7.00.110.
 2. Public Hearing. The Historic Preservation Committee shall hold a public hearing to review and consider the demolition/relocation certificate application.
 3. Notice of Public Hearing. Notice of date, place, time, and purpose of the hearing shall be given by first-class mail to the applicants, owners, and occupants of the property, and to property owners within five hundred (500' 0") feet of the property, at least ten (10) 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 or in other ownership records, and shall be advertised once (1) in a daily newspaper of general circulation at least ten (10) days in advance of the public hearing. Failure to receive notice of such hearing shall in no way affect the validity of any action taken.
 4. Approving Authority. The Historic Preservation Committee shall recommend approval or denial, with or without conditions, of all applications for certificates of demolition/relocation. If an entitlement other than or in addition to a certificate of demolition/relocation is necessary or sought for a proposed project, the approving authority shall be that body with jurisdiction over the other entitlement as set forth in the Elk Grove Municipal Code, including, but not limited to, the Zoning Code, as it now exists or is hereafter amended. When a proposed project requires more than one (1) land use or development entitlement from more than one (1) approving authority, all project entitlements shall be processed concurrently and final action shall be taken on any application for a certificate of demolition/relocation by the highest level designated approving authority for all such requested entitlements. The Director shall be the approving authority of all applications for certificates of demolition/relocation for which there is no other approving authority with jurisdiction over the project. Any decision of the Director on a certificate of demolition/relocation may be appealed to the Planning Commission. Any decision of the Planning Commission on a certificate of demolition/relocation may be appealed to the City Council, including matters heard on appeal from a decision by the Director. Any other decision by an approving authority not otherwise addressed herein may be appealed to the City Council. Any action or decision of the City Council shall be final and there shall be no further administrative appeal from the City Council decision. All appeals shall be in writing, shall state the basis of the appeal, shall be accompanied by any

applicable filing fee, and shall be filed with the City Clerk within ten (10) days of the determination or action for which an appeal is made. Failure to file an appeal within the time frame and in the manner provided herein shall constitute a failure of a party to exhaust administrative remedies, and shall render the decision of the approving authority final and immune from further challenge.

5. Action by Approving Authority. The approving authority shall approve an application, disapprove it, or approve it subject to conditions. Wherever applicable, the approving authority can require the documentation of the historical resource proposed for demolition or relocation with such measures as archival-quality photographs and/or measured drawings prior to these actions. Notice of the decision shall be sent to the applicant, owners of the property, Code Enforcement, and the Building Department.
6. Findings.
 - a. Demolition/relocation certificate applications for historical resources shall be approved if the project meets any of the following:
 - i. The provisions of EGMC Section 7.00.100 or 7.00.110 apply; or
 - ii. The replacement project is consistent with and supportive of identified goals and policies of the General Plan or applicable specific area plans including the adopted historic district plan (if the historical resource is located within a historic district); or
 - iii. The proposed action will not have a significant effect on the goals and purposes of this chapter or the potential effect is outweighed by significant benefits of the replacement project; or
 - iv. In the case of relocating a contributing resource to a historic district, the integrity and significance of both the contributing resource and the entire historic district will not be significantly impaired.

7.00.090 Duty to keep in good repair.

The owner and any other person in actual charge or possession of a historical resource shall take steps necessary to prevent:

- A. The substantial deterioration or decay of any exterior portion of such a resource or improvement; and
- B. The substantial deterioration or decay of any interior portions thereof whose maintenance is necessary to preserve any exterior portion.

7.00.100 Unsafe or Dangerous Conditions.

None of the provisions of this chapter shall prevent any measures of construction, alteration, or demolition necessary to correct the unsafe or dangerous conditions of any historical resource where such condition has been declared unsafe or dangerous by the

Building Official, the Fire Chief or other appropriate public official or body, and where the proposed measures have been declared necessary by such official or body to correct the condition; provided, however, that only such work as is necessary to correct the unsafe or dangerous condition and as is done with due regard for preservation of the appearance of the structure involved may be performed pursuant to this Section. In the event any structure or other feature is damaged by fire, earthquake, or other natural disaster, to such an extent that in the opinion of the aforesaid officials or body it cannot be reasonably repaired and restored, it may be removed in conformity with normal permit procedures and applicable laws.

7.00.110 Showing of Extreme Hardship.

If the applicant presents evidence clearly demonstrating to the satisfaction of the approving authority that failure to approve the application for a Minor or Major Certificate of Appropriateness, or a demolition/relocation certificate will cause an extreme hardship because of conditions peculiar to the particular structure or other feature involved, the approving authority may approve or conditionally approve such application even though it does not meet the stipulated standards of review for the particular application type. The applicant shall bear the burden of proving the extreme hardship and shall provide substantiation of the claim as the approving authority may require. The Historic Preservation Committee and/or approving authority is authorized to request that the applicant furnish additional information, documentation and expert testimony, the cost of which shall be paid by the applicant, to be considered by the approving authority in its related findings. All additional required information shall be provided by a qualified individual or firm selected by the City. In determining whether extreme hardship exists, the approving authority shall consider evidence that demonstrates one (1) of the following:

- A. Denial of the application will deprive the applicant of all reasonable economic value in his or her property; or
- B. Utilization of the property for lawful purposes is prohibited or impractical.

7.00.120 Historic Preservation Incentives.

A. Designated Historical Resources. In addition to numerous historic preservation incentives offered by the State and Federal governments and private organizations, the following preservation incentives will be made available by or in partnership with the City of Elk Grove to local historical resources listed in the National Register of Historic Places, California Register of Historical Resources, or Elk Grove Register of Historic Resources.

1. Mills Act Contracts (California Government Code Section 50280, et seq.)). A formal agreement, generally known as a Mills Act or Historical Property Contract, is executed between the local government and the property owner to implement property tax reductions in exchange for preservation and/or improvements to qualified historical resources for a minimum ten (10) year term. Contracts are automatically renewed each year and are transferred to new owners when the

property is sold. Property owners agree to restore, maintain, and protect the property in accordance with specific historic preservation standards and conditions identified in the contract. Periodic inspections by City or County officials may occur to ensure proper maintenance of the property. Local authorities may impose penalties for breach of contract or failure to protect the historical resource. The contract is binding on all owners during the contract period

- a. The City shall process Mills Act contract applications pursuant to the Mills Act.
 - b. The Historic Preservation Committee shall be the recommending body for all Mills Act contract applications and final approval by the City Council.
2. Preservation Easements. Preservation easements on the facades of qualifying properties may be acquired by the City or nonprofit group through purchase, donation, or documentation pursuant to California Civil Code Section 815 et seq.
 3. Alteration Fees. Waiver of fees for minor or major alterations as approved by the City Council.
 4. Parking Reduction. A fifty (50) percent reduction in parking requirements for commercial uses in historical resources with limited off-street parking as approved by Council and consistent with EGMC Section 23.58.060.
 5. Additional Incentives. The Historic Preservation Committee may recommend additional historic preservation incentives to the City Council, to be adopted and incorporated into this chapter by the City Council.



Planning Commission Staff Report

May 18, 2017

PROJECT: Repeal and Replace Chapter 7 (Historic Preservation) of the Elk Grove Municipal Code
REQUEST: Repeal and Replace Chapter 7 (Historic Preservation)
LOCATION: City Wide
STAFF: Kristi Grabow, Senior Planner

Staff Recommendation

Staff recommends that the Planning Commission adopt a Resolution making a recommendation that the City Council:

1. Find the Project exempt from the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Section 15308 (Class 8: Actions by Regulatory Agencies for Protection of the Environment); and,
2. Adopt an Ordinance approving the repeal and replacement of Chapter 7 (Historic Preservation) of the Elk Grove Municipal Code.

Project Description

The Project consists of a City-initiated repeal and replacement of Municipal Code Chapter 7 Historic Preservation in order to ensure compliance with federal and state laws and the following:

- Create Minor and Major Certificate of Appropriateness for qualifying historical resources;
- Establish a list of exempt activities;
- Reduce the number of Historic Preservation Committee members and clarify membership provisions;
- Simplify and streamline procedures and regulations; and
- Ensure consistency with other sections of the Municipal Code and terminology relative to historic resources.

Background

In 2007, the City Council adopted an ordinance that added Chapter 7 (Historic Preservation) to the Elk Grove Municipal Code (EGMC). Since this adoption, the provisions of the Chapter have been updated to include any legislative amendments and to allow City staff to be a member of the Historic Preservation Committee (HPC), provided that the job duties do not conflict with the goals and responsibilities of the HPC.

In the recent years, staff has received comments from the public that the current regulations are complicated, restrictive, and limit the ability to maintain a historic resource. Therefore, this is a City-initiated repeal and replacement of Chapter 7 to recommend improvements to the regulations to be more effective, user/reader friendly, and consistent with other provisions of the EGMC. The current Chapter 7 is attached to this report for reference (Attachment 2).

On November 14, 2016, staff presented the proposed changes to the HPC for input and recommendation. By a vote of 4-0, the HPC recommended to move the repeal and replacement of Chapter 7 forward to the Planning Commission for review and recommendation. The HPC had the following comments and recommendations for Planning Commission consideration:

1. Definitions (7.00.030): A better way to highlight the seven aspects of "Integrity" (7.00.030.Z). Landmarks require four aspects of integrity and heritage designations require three, so the HPC would like to ensure integrity is cross referenced in both of those subsequent sections.
2. Designations (7.00.050): The HPC recommended consolidation of the two local designations in Section 7.00.050.B (Local Landmark) and Section 7.00.050.C (Heritage Resource) into a single category of Elk Grove Register of Historic Resources to simplify given that the City of Elk Grove does not have many exceptional resources. For this category, the group debated whether a resource meets four, five, six or seven of the integrity aspects. The group concluded that "four or more" would be appropriate.
3. Criteria Considerations 7.00.050.D: One HPC member didn't like the fact that cemeteries are not generally considered eligible. The language comes from the federal registry, but local considerations can deviate. As such, the HPC supported a change to remove the word "cemeteries" from the first sentence and strike Item 4 from the list relative to cemeteries.
4. Alterations (7.00.070): The HPC would like to see that installation of solar panels require a Minor Certificate of Appropriateness. The HPC would like staff to consider adding language to Section 7.00.070.B.1 that addresses color scheme to only allow exemption if the proposed color is substantially similar to the existing or any relevant design guidelines relative to color. If the color scheme deviates substantially from that, then the HPO would like to require a Minor Certificate of Appropriateness.
5. Committee (7.00.040): The HPC inquired about codifying that the Director of Development Services can make a decision without the recommendation of the HPC, if there is an issue obtaining a quorum within a reasonable time.

The first four items above are supported by staff and have been incorporated into the draft revisions. In addition, staff is supportive of adding language to the exempt list, Item 1, referring to color scheme to clarify that it is only exempt if the proposed paint color scheme is substantially similar and complies with relevant design guidelines relative to color. Originally in looking at the requirements of the California Shade Control Act, it appeared that the City must allow solar panels only through a nondiscretionary permit (California Government Code Section 65850.5). While this is generally the rule, there are Federal Laws and similar California state laws regarding historic preservation that may trump the allowance of the solar panels in certain historic building instances. Therefore, staff would have to determine on a property-by-property basis if a property qualifies for an exemption under the Government Code or not. Therefore, because of the conflict of law, staff recommends following the HPC's recommendation to not include the solar exemption.

Staff is not in support of HPC recommendation to codify that the Director of Development Services can make a decision without the recommendation of the HPC when there is an issue obtaining a quorum in a timely manner. This would be difficult to interpret what might be a reasonable time and leaves the opportunity to consistently bypass the HPC. There needs to be commitment from staff and HPC to ensure there are ample meetings to provide service to the public.

The Old Town Foundation (OTF) Board reviewed the draft revisions at their meeting on November 14, 2016, and supported the reduction in HPC membership from seven to five, along with the creation of a two-tiered system of entitlements for historic resources that include exemptions. The OTF Board did recommend that the City consider a two-tiered system of fees, and requested that the City consider the potential to reduce fees associated with Certificate of Appropriateness so that improvements to historic resources are not cost prohibitive.

The draft document was sent to the California Office of Historic Preservation (OHP) on November 15, 2016, for their review and input, along with a summary of input from the HPC. Staff received their comments on December 13, 2016. In general, the comments primarily focused on: support of the consolidation of the two local designation categories in 7.00.050B and C; support of the Minor/Major Certificate of Appropriateness process; and incorporation of the Certified Local Government (CLG) within the Chapter. Other comments were desires to incorporate criteria to the Chapter to be more consistent with the State Historical Building Code to implement terms that are not commonly defined in this chapter of the Municipal Code (i.e. definitions are provided in Chapter 23.100) to be consistent with the terminology used by the National Register and California Register and removal of specific references of City documents and/or ordinances.

At the December 14, 2016 City Council meeting, Council directed staff to outline the purpose, makeup and duties of the HPC to consider whether the committee should be disbanded or not. A report was brought forward to Council at the March 22, 2017 meeting and it was decided to retain the committee with suggestions by Council to reduce the member requirement to five members with up to two alternate members. The City shall attempt to recruit and, if a position is available, the Mayor shall nominate for the Historic Preservation Committee at least two members who have a professional qualification in any of the following areas of history, architectural history, archaeology, and architecture. This will allow the City to retain the current committee members and CLG designation. In this revision the City will also define what it means to have a professional qualification instead of just listing the categories. Professional Qualification shall mean an individual with a degree in history, architecture, or archaeology. It shall also mean an individual who maintains a job/position paid or unpaid in history (including but not limited to history teacher, museum worker, curator, librarian or library worker, documentarian, or board member of a nonprofit that has a historical mission), architecture (including but not limited to architect, designer, surveyor, building inspector, planner, or engineer) or archeology (including but not limited to archaeologist, anthropologist, conservatist, cultural resource manager, national parks curator, geographer or GIS specialist).

The items listed below summarize the significant changes between the proposed (Attachment 1) and current (Attachment 2) regulations:

7.00.010 Purpose

1. Reduced and simplified this section to be more reader friendly and reduce redundancy.

7.00.020 Applicability

2. Amended this section to include tribal cultural resources and removal of repetitive language.

7.00.030 Definitions

3. Amended "Alteration" to keep definition more broad and open for interpretation.
4. Provided a clearer definition of the "Certificate of Appropriateness" and referenced the specific section.
5. Provided a definition for "Director" to be clearly defining a decision maker for historical review process and to be consistent with City policy.
6. Amended "Elk Grove Register of Historic Resources" to be consistent with CEQA definition.
7. Amended "Historic District Plan" to include the Old Town Elk Grove Special Planning Area.
8. Amended definition of "Historic Preservation" to be consistent with the Secretary of the Interior Standards and Guidelines for Archeology and Historic Preservation definition.
9. Amended the definition of "historical resource" to be consistent with the CEQA definition.
10. Created a "Professional Qualification" definition to ensure proper compliance with CLG.
11. Removed "Historic Resource Inventory", as it has the same meaning as "Historical Resource Survey".
12. Replaced "Minor Permit" with an amended "Certificate of Appropriateness" which now has two types of approval, "Major" and "Minor" Certificate of Appropriateness. The Minor Certificates may be approved by the Development Services Director. Major Certificates require a recommendation by the Historic Preservation Commission.
13. Added definition for "Mills Act Contract."
14. Amended the definition of "Noncontributing resource" to include the significance of a structure is based on the City of Elk Grove Historical Resource survey.
15. Added definition of "Tribal Cultural Resource".
16. Added "Professional Qualification" means an individual with a degree in history, architecture, or archaeology. It shall also mean an individual who maintains a job/position paid or unpaid in history (including but not limited to history teacher, museum worker, curator, librarian or library worker, documentarian, or board member of a nonprofit that has a historical mission), architecture (including but not limited to architect, designer, surveyor, building inspector, planner, or engineer) or archeology (including but not limited to archaeologist, anthropologist, conservatist, cultural resource manager, national parks curator, geographer or GIS specialist).
17. Added other various minor definitions for clarification.

7.00.040 Historic Preservation Committee

18. Amended "Membership of the Historic Preservation Committee" to reflect the request of the City Council to only require five regular members with up to two alternates and defined professional qualifications that the City would attempt to include in its outreach and who the Mayor would ultimately recommend for appointment. Should those individuals not be available, it would allow for people interested in historic preservation to take an active role on the HPC.
19. Removed "Vacancy" section, as that responsibility is handled within City Hall.
20. Revised the "Terms of Office of Members" to allow for more flexibility within the HPC.
21. Amended the "Meetings of the Historic Preservation Committee" to alleviate the time restriction of when a member cannot attend. However, there does need to be at least four meetings in a calendar year in order to maintain the Certified Local Government designation.
22. Amended the "Powers and Duties" section to reflect the appeal authority for Minor Alterations Certificate of Appropriateness.

7.00.050 Designations

23. Amended subsection A-C for better clarification and understanding of what resources can be designated as either Elk Grove Landmarks or Heritage Resources.
24. Revised Elk Grove Landmark Designation to include reference to the General Plan.
25. Removed Section 7.00.050.D.8 because a property that possesses outstanding local historical significance would likely be eligible for designation as an Elk Grove Landmark.

7.00.060 Rescissions

26. General wording updates and capitalization fixes.

7.00.070 Approval Requirements for Alterations (Certificate of Appropriateness)

27. Amended this section to include a new listing of exempt activities, as well as activities subject to either Minor or Major Certificate of Appropriateness (CofA). Minor CofA may be approved by the Development Services Director; while the HPC will make a recommendation to the Development Services Director for approval of Major CofA projects. The revisions made to this section include: Purpose, Exemptions, Applicability, Process, and Appeal.
28. Replaced Minor and Major Improvement permit process with the Minor and Major Certificate of Appropriateness for alterations to historic resources.

7.00.080 Demolition/Relocation

29. Revised Section 7.00.080(A) to require evaluation of resources potentially eligible for historic designation before demolition or relocation.
30. Removed Section 7.00.080(A)(1) and amended Section 7.00.080(A)(2) as it is redundant language within the ordinance.

7.00.090 Archaeological resources and traditional cultural properties

31. Removed this section, as State law provides a specific process and this would be a repeat of such law.

7.00.120 Historic Preservation Incentives

32. Removed Sections 7.00.120.1 and 2 because the items listed were not incentives.
33. Amended Mills Act to provide more information about the agreement and the City's role in the agreement.
34. Added Section 7.00.120.4 to provide additional incentive by allowing parking reduction.
35. Removed Section 7.00.120.2.B-C because information covered with new incentives added.

7.00.140 Enforcement, 7.00.150 Fees and 7.00.160 Accessibility

36. Removed these sections as they are repetitive from the EGMC and State law.

Environmental Analysis

The California Environmental Quality Act (Section 21000, et. seq. of the California Public Resources Code, hereafter CEQA) requires analysis of agency approvals of discretionary "projects." A "project," under CEQA, is defined as "the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment" (CEQA Guidelines Section 15378). The proposed project is a project under CEQA.

The proposed project is categorically exempt from CEQA under CEQA Guidelines Section 15308 (Actions by Regulatory Agencies for Protection of the Environment). This exemption applies to actions taken by regulatory agencies to assure the protection of the environment and does not include construction activities or relaxation of standards allowing environmental degradation.

The proposed Project consists of a repeal and replacement of the City's existing Historic Preservation Chapter 7. The proposed updates would expand the Chapter to be more inclusive of all cultural resources by making it applicable to tribal cultural resources. The proposed updates would also add provisions to ensure compliance with the requirements of Assembly Bill (AB) 52 and make the Chapter more consistent with the requirements of CEQA as it relates to cultural resources. These updates would allow the City to better protect and manage historical and cultural resources in the City and would not result in any construction activities or relaxation of standards that could result in environmental degradation. Therefore, pursuant to State CEQA Guidelines Section 15308, the Project is exempt from CEQA and no further environmental review is required.

Recommended Motion

Should the Planning Commission agree with staff's recommendation, the following motion is suggested:

"I move that the Planning Commission adopt a Resolution recommending that the City Council find the Project exempt from the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Section 15308 (Actions by Regulatory Agencies for Protection of the Environment) and to approve the repeal and replacement of Chapter 7 of the Elk Grove Municipal Code (Historic Preservation)."

Attachments

1. Resolution Recommending Approval to City Council
Exhibit A - Proposed EGMC Chapter 7.00
2. Current EGMC Chapter 7.00

Chapter 7.00

HISTORIC PRESERVATION

Sections:

- 7.00.010 Purpose.
- 7.00.020 Applicability.
- 7.00.030 Definitions.
- 7.00.040 Historic Preservation Committee.
- 7.00.050 Designations.
- 7.00.060 Rescissions.
- 7.00.070 ~~Alterations.~~ **Approval Requirements for Alterations (Certificate of Appropriateness).**
- 7.00.080 Demolitions/relocations.
- 7.00.090 ~~Archaeological resources and traditional cultural properties.~~ **Historic Preservation Incentives.**
- 7.00.100 ~~Historic preservation incentives.~~ **Unsafe or Dangerous Conditions.**
- 7.00.110 ~~Unsafe or dangerous conditions.~~ **Duty to Keep in Good Repair.**
- 7.00.120 ~~Duty to keep in good repair.~~ **Showing of Extreme Hardship**
- 7.00.130 ~~Showing of extreme hardship.~~
- 7.00.140 ~~Enforcement.~~
- 7.00.150 ~~Fees.~~
- 7.00.160 ~~Accessibility.~~

7.00.010 Purpose.

The purpose of this chapter is to promote the general welfare and economic and social vitality of the people and City of Elk Grove by providing for the identification, designation, protection, enhancement, perpetuation and use of historic resources including buildings, structures, objects, sites, districts, and cultural landscapes within the City that reflect special elements of the City's heritage and cultural diversity. ~~for the following reasons:~~

- ~~A. To encourage public knowledge, understanding, appreciation, and use of the City's past;~~
- ~~B. To foster civic pride in the beauty and character of the City and in the accomplishments of its past;~~
- ~~C. To enhance the visual character of the City by encouraging reuse of old buildings and construction that complements nearby historic resources;~~
- ~~D. To increase the economic benefits of historic resource preservation to the City and its inhabitants;~~
- ~~E. To protect property values within the City;~~
- ~~F. To identify as early as possible and resolve conflicts between the preservation of historic resources and alternative land uses; and~~

~~G. To conserve valuable material and energy resources by ongoing use and maintenance of the built and natural environment. [Ord. 7-2009 §3, eff. 5-1-2009; Ord. 3-2007 §3, eff. 2-23-2007]~~

7.00.020 Applicability.

The ~~Historic Preservation ordinance~~ **chapter** shall be applied to **designated** historic resources, and **tribal cultural, and** resources potentially eligible for historic designation, and shall include those resources affected by any project proposed by the City of Elk Grove or subject to review by the City of Elk Grove. A property that has been ~~designated an Elk Grove landmark, an Elk Grove heritage resource~~ **listed in the Elk Grove Register of Historic Resources**, or possessing any other State or Federal historical designation shall continue to be subject to all zoning ~~ordinances~~ **requirements in Title 23** that would apply to such property if it were not so designated or located. By designating historic resources the City Council shall not be construed to be repealing or waiving any other portion of the zoning ~~ordinance~~ **Title 23** of the City as it applies to the designated property. ~~Resources potentially eligible for historic designation are only subject to limited portions of this chapter specifically targeted toward preventing the loss of resources not yet surveyed for their significance. [Ord. 7-2009 §3, eff. 5-1-2009; Ord. 3-2007 §3, eff. 2-23-2007]~~

7.00.030 Definitions.

For the purpose of this chapter the following words shall have the meanings respectively ascribed to them by this section:

A. "Alteration" means any exterior change or modification, through public or private action, of any historic resource, to include any action that might **impact** damage the integrity of that resource. Alterations include but are not limited to the disturbance of archaeological resources; **tribal cultural resources**, ~~the emplacement of concrete flatwork or other paving; repainting in anything other than matching colors; replacement of doors, windows, and lighting; construction of new buildings, structures, or objects; additions to existing buildings, structures, or objects; and the placement or removal of any exterior objects such as signs, plaques, light fixtures, street furniture, walls, fences, steps, plantings and landscape accessories that affect the exterior visual qualities of the property.~~ **additions or modifications to existing buildings, structures, or objects; and site work.**

B. "Archaeological resources" means ~~archaeological artifacts, objects, or sites.~~ **any material remains of human life or activities which are at least 100 years of age, and which are capable of providing scientific or humanistic understandings of past human behavior, cultural adaptation, and related topics through the application of scientific or scholarly techniques such as controlled observation, contextual measurement, controlled collection, analysis, interpretation and explanation sites.**

~~C. "Building" means a resource created principally to shelter any form of human activity, such as a house.~~

~~DC. "California Environmental Quality Act (CEQA)" means Section 21000, et seq., of the California Public Resources Code and its related guidelines as it may be amended.~~

~~ED.~~ “Complete application” means enough documentation for the approving authority to make an informed decision concerning the application. All applications should include the most recent version of the appropriate State of California Department of Parks and Recreation (DPR) 523 series survey form completed according to the State Office of Historic Preservation’s Instructions for Recording Historical Resources but in certain circumstances **the Approving Authority may instead permit the use of a National Register of Historic Places** ~~the Historic Preservation Committee may instead permit the use of a National Register of Historic Places nomination form. The Historic Preservation Committee shall determine and amend lists of materials needed for complete applications as needed by resolution.~~

~~FE.~~ “Certificate of appropriateness” means an **entitlement that is required to be reviewed and approved by the Director and in some instances shall require a recommendation by the Historic Preservation Committee to the Director depending on the level of potential impact to a designated historical resource. Refer to Section 7.00.070.** ~~certificate whose issuance is recommended by the Historic Preservation Committee and which authorizes its recipient to make specified exterior alterations to a historic resource.~~

~~GF.~~ “Certified local government (CLG)” means a local government that has been certified by the National Park Service to carry out the purposes of the National Historic Preservation Act of 1966 (Title 16, Section 470, et seq., of the United States Code) as amended, pursuant to Section 101(c) of that act **which are set forth in 36 Code of Federal Regulations (CFR) 61 entitled, “Procedures for State, Tribal, and Local Government Historic Preservation Programs.”** ~~and the regulations adopted under the Act, which are set forth in Part 61 of Title 36 Code of Federal Regulations (CFR).~~

~~HG.~~ “Character-defining feature” means the ~~architectural~~ **distinguishing** features of a building, structure, or object that help convey the significance of the historic resource and which were present during the period of significance.

~~IH.~~ “Contributing resource” means a building, site, structure, **tribal cultural resource** or object that adds to the significance of a historic resource ~~district~~.

~~JI.~~ “Cultural landscape” means a geographic area ~~which,~~ **including** both cultural and natural resources, is associated with a historic event, activity, or person, or exhibits other cultural or aesthetic values. There are ~~four~~ **five (4-5)** general types of cultural landscapes, not mutually exclusive: historic sites, historic designed landscapes, historic vernacular landscapes, **tribal cultural resource** and ethnographic landscapes.

~~KJ.~~ “Demolition” means any action or set of actions that results in a historical resource being completely torn down.

~~LK.~~ “Demolition/relocation certificate” means a certificate whose issuance is recommended by the Historic Preservation Committee and which authorizes its recipient to demolish, remove, or relocate a historic resource.

~~ML.~~ “Designation” means the act of formally listing a historic resource in a register of historic resources such as the Elk Grove **Register of Historic Resources**, the California Register of Historical Resources, or the National Register of Historic Places.

M. “Director” means Development Services Director.

N. “District” means a significant concentration, linkage, or continuity of sites, buildings, structures, or objects united historically or aesthetically by plan or physical development. Examples include college campuses; ~~central~~ business districts; residential areas **neighborhoods**; ~~commercial areas~~; ~~large forts~~; industrial complexes; civic centers; rural villages; ~~canal systems~~; collections of habitation and limited activity sites; ~~irrigation systems~~; ~~large farms, ranches, estates, or plantations~~; transportation networks; and ~~large landscaped parks~~.

O. “Elk Grove ~~Register of heritage~~ **Historical Resources**” means **a the list of** historical resources of value to the citizens of the City of Elk Grove and designated as such by the City Council pursuant to the provisions of this Chapter. ~~Once designated, Elk Grove heritage resources are included in the Elk Grove register of historic resources. These resources meet the definition of a historic~~ **Listed resources meet the definition of a historical resources** under the California Environmental Quality Act (CEQA).

~~P. “Elk Grove landmark” means a historic resource of high value to the citizens of the City of Elk Grove and designated as such by the City Council pursuant to the provisions of this chapter. Once designated, Elk Grove landmarks are included in the Elk Grove register of historic resources. These resources meet the definition of a historic resource under the California Environmental Quality Act (CEQA).~~

~~Q. “Elk Grove register of historic resources” means the list of designated Elk Grove landmarks and Elk Grove heritage resources.~~

~~RP. “Exceptional importance” means historical significance due to an association with an extraordinarily important aspect of the past or existence in a category of resources so fragile that survivors of any age are unusual. Sufficient historical perspective must exist to ensure a determination of exceptional importance is not simply a fad. Exceptionally important resources may be significant at the local, state, or national level.~~

~~SQ. “Guidelines for Local Surveys: A Basis for Preservation Planning” means the standards set forward by the National Park Service and the Secretary of the Interior that guide comprehensive planning, surveys of historic resources, and registration in the National Register of Historic Places.~~

~~TR. “Guidelines for Evaluating and Documenting Traditional Cultural Properties” means the standards set forward by the National Park Service and the Secretary of the Interior that guide the identification of traditional cultural properties.~~

~~US. “Historic context” means an organizing structure for interpreting history that **which** groups information about historic resources ~~which~~ **that** share a common theme, common geographical location, and common time period. The development of historic contexts is a foundation for decisions about the planning, identification, evaluation, registration, and treatment of historic resources, based upon comparative significance.~~

~~VT. “Historic district” means a district listed in or eligible for listing in the Elk Grove register of historic resources, the California Register of Historical Resources, or the National Register of Historic Places. Historic districts can include historic resources individually listed in or eligible for listing in the Elk Grove register of historic resources, the~~

California Register of Historical Resources, or the National Register of Historic Places. Historic districts meet the definition of a historic resource under the California Environmental Quality Act (CEQA).

~~WU.~~ “Historic district plan” means the documentation, planning, and guiding document for a historic district.

~~XV.~~ “Historic preservation” means the management, ~~(including but not limited to preservation) of properties significant within a given historic context that retain the integrity of those features necessary to communicate that significance~~ **the process of applying procedures necessary to sustain the existing form, integrity and materials of a historical resource.**

~~YW.~~ “Historic resource” means buildings, structures, objects, sites, districts, ~~or~~ cultural landscapes **or tribal cultural resources** listed in or eligible for listing in the Elk Grove Register of **Historic Resources**, the California Register of Historical Resources, or the National Register of Historic Places, ~~to include resources identified as cultural, archaeological, or prehistoric resources.~~

~~Z.~~ “Historic resource inventory” means a list of historic resources.

~~AAX.~~ “Historical **resources** survey” means an investigation supervised **the systematic studying of an area** by a trained professional to ~~determine whether properties in the survey area are~~ **identify historical resources** eligible for listing in the Elk Grove Register of **Historic Resources**, the California Register of Historical Resources, **and/or** the National Register of Historic Places. **The survey is conducted according to published Federal and State standards in affect at the time.**

~~BBY.~~ “Integrity” means the authenticity of a property’s historic identity, evidenced by the survival of physical characteristics that existed during the property’s period of significance. Historical resources must possess integrity to convey their significance. The seven (7) aspects of integrity are location, design, setting, materials, workmanship, feeling and association, ~~as defined by Title 14, Division 3, Chapter 11.5, Section 4852(c) of the California Code of Regulations (CCR) and the National Register of Historic Places.~~ To retain integrity a property will always possess several, and usually most, of the aspects.

~~Z.~~ “**Mills Act Contract.**” means a property contract entered into between the City of Elk Grove and a property owner that provides for lower property taxes in return for the rehabilitation, restoration, and preservation of a qualified historical property pursuant to California Government Code Section§ 50280 et seq.

~~CC.~~ “Minor improvement permit” means an over-the-counter approval for ordinary maintenance and repair of exterior features at or on historic resources.

~~AA.~~ “Noncontributing resource” means a building, site, structure, or object that does not add to the significance of a historic resource **as determined by the City of Elk Grove historical resource survey**, but is nevertheless a component of that historic resource **of that historic district.**

~~EE. “Noteworthy” means a level of significance lower than that required for designation as an Elk Grove landmark but which is still important to the community’s history.~~

~~FFBB. “Object” means those constructions that are distinguished from buildings and structures, that are primarily artistic in nature or are relatively small in scale and simply constructed. Although they may be, by nature or design, movable, objects are associated with a specific setting or environment. Examples include but are not limited to sculpture, monuments, boundary markers, statuary, and fountains.~~

CC. “Old Town Special Planning Area” means the planning document that applies to the designated area that includes the Elk Grove Boulevard corridor from Elk Grove-Florin Road and Waterman Road. The purpose of the Old Town Elk Grove Special Planning Area Design Standards and Guidelines is to provide development regulations that are tailored to preserve the historical character of this designated area.

~~GG. “Outstanding local historical significance” means historical significance due to an association with a very important aspect of the area’s past. Such resources represent aspects of the past important to average citizens (as opposed to historical professionals) because of the resource’s continuance of a historical function or through its ongoing interpretation of the past.~~

~~HHDD. “Period of significance” means the span of time in which that a property attained the characteristics that qualify it for designation. the significance for which qualifies it for listing in the Elk Grove Register of Historic Resources, California Register of Historical Resources, or National Register of Historic Places.~~

EE. “Professional Qualification” means an individual with a degree in history, architecture, or archaeology. It shall also mean an individual who maintains a job/position paid or unpaid in history (including but not limited to history teacher, museum worker, curator, librarian or library worker, documentarian, or board member of a nonprofit that has a historical mission), architecture (including but not limited to architect, designer, surveyor, building inspector, planner, or engineer) or archeology (including but not limited to archaeologist, anthropologist, conservatist, cultural resource manager, national parks curator, geographer or GIS specialist).

~~HHFF. “Relocation” means the movement of a historic resource from its original site to a new site, beyond minor movement of the resource on its original lot.~~

~~JJGG. “Replacement project” means any proposal for the use of land following the demolition of a historic resource or element of a historic resource. Vacancy is not considered a replacement project.~~

~~KKHH. “Resources potentially eligible for historic designation” means resources at least fifty (50) years old whose eligibility for listing in the Elk Grove Register of Historic Resources, the California Register of Historical Resources, or the National Register of Historic Places has not been formally determined.~~

~~LLI~~. "Significance" means the importance of a historic ~~property~~ **resource** as defined by **the Elk Grove Register of Historic Resources** criteria adopted by this chapter, the California Register of Historical Resources, or the National Register of Historic Places.

JJ. "Tribal Cultural Resource" as defined in California Public Resource Code (PRC) Section 21074 (a)(1-2) can be 1) sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are either on or eligible for inclusion in the California Register of Historical Resources or a local historic register as defined in Public Resource Code Section 5020.1 and as amended, or 2) when a lead agency, at its discretion and supported by substantial evidence pursuant to State listed criteria under PRC 5024.1 and as amended, chooses to treat a resource as a tribal cultural resource.

~~MMKK~~. "Site" means the location of a significant event, a historic occupation or activity, or a building or structure, whether standing, ruined, or vanished, where the location itself possesses historic or archeological value regardless of the value of any existing structure. Examples include habitation sites, funerary sites, rock shelters, village sites, hunting and fishing sites, ceremonial sites, petroglyphs, rock carvings, gardens, grounds, battlefields, ruins of historic buildings and structures, campsites, sites of treaty signings, trails, areas of land, shipwrecks, cemeteries, designed landscapes, and natural features, such as springs and rock formations, and land areas having historic significance.

~~NNLL~~. "State of California Department of Parks and Recreation (DPR) survey forms" means the current official State of California forms, completed by qualified individuals, that contain information about a historic resource.

~~OOmm~~. "State Historical Building Code (SHBC)" means the standards adopted by the State of California to provide regulations and standards for the rehabilitation, preservation, restoration (including related reconstruction) or relocation as applicable to all historical buildings, structures and properties deemed of importance to the history, architecture, or culture of an area by an appropriate local or State governmental jurisdiction.

~~PP~~. "Structure" ~~means those functional constructions made usually for purposes other than creating human shelter (buildings). Examples include bridges, tunnels, power plants, corncribs, silos, roadways, windmills, grain elevators, kilns, mounds, cairns, earthworks, railroad grades, systems of roadways and paths, boats and ships, railroad locomotives and cars, telescopes, carousels, bandstands, gazebos, aircraft, water towers, barns, and air raid observation posts.~~

~~QQNN~~. "Substantial adverse change" means any demolition, relocation, or alteration ~~that destroys such that the significance of integrity of a historic resource would be impaired.~~

~~RROO~~. "Survey" means systematically studying historical resources in accordance with published Federal and State standards. Minimally, it includes a physical description and a photograph of a historic resource, legal information from title or assessor's office records, statements of significance according to criteria in this chapter, and a statement identifying any potential threat to the integrity or existence of the historic resource.

SSPP. “The Secretary of the Interior’s Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings” means the standards set forward by the National Park Service and the Secretary of the Interior that guide treatment of historic properties (36 CFR **Code of Federal Regulations**, Part 68, July 1995 Federal Register Vol. 60, No. 133). These standards guide preservation efforts in the City of Elk Grove.

TT. “The Secretary of the Interior’s Standards for the Treatment of Historic Properties with Guidelines for the Treatment of Cultural Landscapes” means the standards set forward by the National Park Service and the Secretary of the Interior that guide treatment of cultural landscapes. ~~[Ord. 7-2009 §3, eff. 5-1-2009; Ord. 3-2007 §3, eff. 2-23-2007]~~

7.00.040 Historic Preservation Committee.

A Historic Preservation Committee of the City is hereby established.

- A. Membership of the Historic Preservation Committee. Each member of the Historic Preservation Committee must **shall consist of five (5) members and up to two (2) alternates, a quorum shall consist of any three (3) members whether standing members or alternates of whom all must** be at least eighteen (18) years of age, reside in the City of Elk Grove, and be registered to vote. The members of the Historic Preservation Committee shall include persons who have demonstrated special interests, competence, experience, or knowledge in historic preservation. ~~The makeup of the Historic Preservation Committee should meet the professional qualification standards of a certified local government, to include having at least two (2) Committee members who are professionals in the disciplines of history, architecture, architectural history, planning, prehistoric and historic archeology, folklore, cultural anthropology, curation, conservation, or 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. Members of the Historic Preservation Committee are subject to the laws governing conflicts of interest applicable to appointed government officials. One (1) member of the Historic Preservation Committee shall be a member and official representative of the Elk Grove Historical Society. One (1) member of the Historic Preservation Committee shall be a member and official representative of the Old Town Elk Grove Foundation.~~ **The City shall endeavor to recruit and if a position is available the Mayor shall nominate for the Historic Preservation Committee at least two members who have a Professional Qualification in any of the following areas: history, architectural history, archaeology, and architecture.**
- B. Appointments of Members. ~~The membership of the Historic Preservation Committee shall consist of seven (7) regular members and one (1) alternate member.~~ **Membership of the Historic Preservation Committee shall not preclude the appointment of a City staff person, provided that the job duties do not conflict with the goals and responsibilities of the Committee.**
- C. Term of Office of Members. ~~The term of office of all members of the Historic Preservation Committee shall be two (2) years; provided, that such members first appointed shall so classify themselves by lot, that three (3) members shall terminate their term of office on the first (1st) day of January between two (2) and three (3) years~~

~~after their appointment, and four (4) members shall terminate their term of office on the first (1st) day of January between three (3) and four (4) years after their appointment. The availability of each position shall be advertised in advance of the expiration of its term and applications for membership shall be accepted by the City Clerk following the advertisement. There shall be no maximum term that may be served by an individual member.~~

~~D. Vacancy. Vacancies on the Historic Preservation Committee, from whatever cause, shall be filled within sixty (60) days of the vacancy. **Conflict of Interest. Members of the Historic Preservation Committee are subject to the laws governing conflicts of interest applicable to appointed government officials.**~~

~~E.D. Automatic Termination of Appointment. The appointment of any member of the Historic Preservation Committee who has been absent from three (3) consecutive regular or special meetings, without the prior approval of the Historic Preservation Committee chairperson, shall automatically terminate.~~

~~F.E. Chairperson of the Historic Preservation Committee. The Historic Preservation Committee shall elect a chairperson from its members, who shall hold office for one (1) year or until his or her successor is elected, ~~unless his or her term as a member of the Historic Preservation Committee expires sooner.~~ The chairperson shall be elected at the first (1st) meeting of the Historic Preservation Committee after January 1st of each year.~~

~~G.E. Meetings of the Historic Preservation Committee. The Historic Preservation Committee shall establish a regular time and place of meeting. **In order to maintain the City's Certified Local Government designation, The Historic Preservation Committee must meet a minimum of shall hold no less than four (4) times in a calendar meetings per year. or as required to hear applications in a timely manner.** Special meetings of ~~the~~ Historic Preservation Committee **shall hold public meetings as required to hear applications in a timely manner. Special meetings may be called at any time by the chairperson of the Historic Preservation Committee, upon personal notice being given to all members of the Historic Preservation Committee. If personal notice cannot be given, written notice must be mailed to all members at least seventy two (72) hours prior to said meeting, unless said notice requirement is waived in writing by said member prior to the meeting or by being present at the meeting. Meetings of the Historic Preservation Committee shall be held, and notice given, in conformance with Sections 54951.1 through 54961 of the California Government Code (the Ralph M. Brown Act).**~~

~~H.G. Organization and Procedure. ~~Four~~ **Three (4)(3)** of the ~~seven~~ **five (75)** members shall constitute a quorum. The affirmative vote of a majority of the members present and voting is required to take any action. The Historic Preservation Committee shall keep an accurate record of its proceedings and transactions and shall submit an annual report to the City Council.~~

~~I.H. Powers and Duties. The Historic Preservation Committee shall have the following powers and duties under this chapter:~~

- ~~1. Maintain, publicize, and periodically update a local historic resource inventory listing all historic resources within the City, using guidance presented in "Guidelines for Local Surveys: A Basis for Preservation Planning," to include administering and adopting the results of historical surveys;~~
- ~~2. Attain and maintain certified local government status;~~
31. Recommend the designation and rescission of historic resources as **to the Elk Grove landmarks or Elk Grove heritage Register of Historic Resources** to the City Council;
42. Recommend the approval or disapproval, with or without conditions, of applications for **Major Certificates of Appropriateness (COA)**;
53. Recommend the approval or disapproval, with or without conditions, of applications for demolition/relocation certificates;
64. Perform advisory review of new buildings, structures, objects, and demolitions on lots **within a historic area and** immediately adjacent to designated historic resources in cases where the City has discretionary review over these projects (as defined by the California Environmental Quality Act) **such as Old Town SPA or any future districts**;
75. Review historic district plans;
- 6. Review any comprehensive local historic preservation plan presented;**
- ~~8. Investigate and report to the City Council on the use of various Federal, State, local, or private funding sources, incentives and other mechanisms available to promote historic preservation in the City;~~
- ~~9. Develop and review a comprehensive local historic preservation plan;~~
407. Review and comment on decisions and documents developed using the California Environmental Quality Act, the National Historic Preservation Act of 1966 (Title 16, Section 470, et seq., of the United States Code), and other laws that require consideration of the effects of projects on historic resources when such decisions or documents may affect **historical** resources or resources potentially eligible for historic designation in the City;
418. Cooperate with local, County, State, and Federal governments in the pursuit of the objectives of historic preservation;
429. Participate in, promote, and conduct public information, educational and interpretive programs, newsletters, and appropriate literature pertaining to all types of historic resources to owners of historic resources, building contractors, the Chamber of Commerce, area realtors **estate agents**, and any member of the public requesting such information;
130. Render advice and guidance, upon the request of the property owner or occupant, on the restoration, alteration, decoration, landscaping, or maintenance of any historic resource;

141. Provide for adequate public participation in local historic preservation programs, including the process of recommending properties for nomination to the Elk Grove Register of Historic Resources, the California Register of Historical Resources, and the National Register of Historic Places;
152. In the case of historic resources that may be demolished or relocated, take steps to aid in the preservation of historic resources, to include consultation with civic groups, public agencies, and interested citizens; recommendations for acquisition of the property by public or private bodies or agencies; and exploration of the possibility of moving such resources; and
163. Perform any other functions designated by the City Council or required by the State of California's Certified Local Government Program. ~~[Ord. 21-2012 §5, eff. 11-9-2012; Ord. 7-2009 §3, eff. 5-1-2009; Ord. 39-2008 §3, eff. 9-26-2008; Ord. 3-2007 §3, eff. 2-23-2007]~~

7.00.050 Designations.

~~A. Elk Grove Landmark Designation Criteria. Upon the recommendation of the Historic Preservation Committee and approval of the City Council, Historical Resources in the City may be listed in the designated Elk Grove landmarks if the Register of Historic Resources (as defined in this chapter) based upon meet any of the following four (4) criteria in this section. Unless otherwise specified, the designation of historical resource to the Elk Grove Register of Historic Resources shall be made by the City Council after a recommendation by the Historic Preservation Committee. at the local, State, or national level of significance within a given historic context and retain their integrity:~~

- A. Elk Grove Register of Historic Resources Designation by Federal and/or State Designation. Historical resources that are listed in the National Register of Historic Places and/or the California Register of Historical Resources shall automatically be included in the Elk Grove Register of Historic Resources. No specific City Council action shall be required.**
- B. Elk Grove Register of Historic Resources Significance Criteria. A historical resource may be listed in the Elk Grove Register of Historic Resources if it retains four (4) or more aspects of integrity as defined in this chapter and if the resource meets any of the following four (4) levels of significance within a given historic context:**
 1. Associated with events that have made a significant contribution to the broad patterns of **Elk Grove's** history;
 2. Associated with the lives of persons significant in **Elk Grove's** past;
 3. Embodies the distinctive characteristics of a type, period, or method of construction; or that represents the work of a master; or that possesses high artistic values; or that represents a significant and distinguishable entity whose components may lack individual distinction; **and/or**
 4. Has yielded, or may be likely to yield, information ~~important~~ **noteworthy** in prehistory or history.

~~B. Additional Elk Grove Landmark Designation Criteria. Upon the recommendation of the Historic Preservation Committee and approval of the City Council, historic resources may be designated Elk Grove landmarks if the resources meet any of the following two (2) additional criteria at the local, State, or national level of significance within a given historic context:~~

C. Integrity. To be listed in the Elk Grove Register of Historic Resources, resources must Possesses all seven four(74) or more aspects of integrity and embodies an important aspect of history which is not significant enough to merit consideration under other criteria; or outlined below:

1. **Location - the place where a resource was constructed or the place where the historic event occurred.**
2. **Design - the combination of elements that create the form, plan, space, structure, and style of a resource.**
3. **Setting - the physical environment of a resource.**
4. **Materials - the physical elements that were combined or deposited during a particular period of time and in a particular pattern or configuration to form a resource.**
5. **Workmanship - the physical evidence of the crafts of a particular culture or people during any given period in history or prehistory.**
6. **Feeling - is a property's expression of the aesthetic or historic sense of a particular period of time.**
7. **Association - the direct link between an important historic event or person and a historic property**

~~2. Possesses outstanding historical significance and would meet one (1) of the other criteria if the resource possessed integrity.~~

~~C. Elk Grove Heritage Resource Designation Criteria. Upon the recommendation of the Historic Preservation Committee and approval of the City Council, historic resources may be designated Elk Grove heritage resources if the resources meet any of the following four (4) criteria at the local, State, or national level of significance within a given historic context and retain at least three (3) aspects of integrity, provided the majority of the resource's period of significance is prior to 1941:~~

- ~~1. Associated with events that have made a noteworthy contribution to the broad patterns of our history;~~
- ~~2. Associated with the lives of persons noteworthy in our past;~~
- ~~3. Embodies the distinctive characteristics of a noteworthy type, period, or method of construction; or~~
- ~~4. Has yielded, or may be likely to yield, information noteworthy in prehistory or history.~~

D. Criteria Considerations. Ordinarily cemeteries, birthplaces, graves of historical figures, properties owned by religious institutions or used for religious purposes, structures that have been moved from their original locations, reconstructed historic buildings, properties primarily commemorative in nature, and properties that have

achieved significance within the past fifty (50) years shall not be considered eligible for **listing in the designation as Elk Grove landmarks Register of Historic Resources**. However, such properties will qualify if they are integral parts of districts that do meet the criteria or if they fall within any of the following categories:

1. A religious property deriving primary significance from architectural or artistic distinction or historical importance, ~~provided the property owner does not successfully seek exclusion consistent with Section 37361 of the California Government Code;~~
 2. A building or structure removed from its original location but which is primarily significant for architectural value or which is the surviving structure most importantly associated with a historic person or event;
 3. A birthplace or grave of a historical figure of outstanding importance if there is no appropriate site or building associated with his or her productive life;
 4. ~~A cemetery that derives its primary importance from graves of persons of transcendent importance, from age, from distinctive design features, or from association with historic events;~~
 54. A reconstructed building when accurately executed in a suitable environment and presented in a dignified manner as part of a restoration master plan, and when no other building or structure with the same association has survived;
 65. A property primarily commemorative in intent if design, age, tradition, or symbolic value has invested it with its own exceptional significance; **and/or**
 76. A property achieving significance within the past fifty (50) years if it is of exceptional importance. ~~;~~ ~~or~~
 8. ~~A property that possesses outstanding local historical significance.~~
- E. Historic District Plan. Upon the recommendation of the Historic Preservation Committee and approval of the City Council, a historic district plan shall be adopted simultaneously with designation. The historic district plan shall provide standards for review within that particular district to ensure that new development, renovation, and rehabilitation are compatible and complementary to the prevalent character-defining features, architectural styles, historic context, and design elements within the historic district. ~~The Historic Preservation Committee shall publish such standards as are necessary to supplement the provisions of this chapter to inform the public of those standards of review by which historic district plans are to be judged.~~
- F. Designation Process. Historic resources shall be designated by the City Council upon the recommendation of the Historic Preservation Committee.
1. Initiation of Designation. Designation of **historical Elk Grove landmarks or Elk Grove heritage resources to the Elk Grove Register of Historic Resources** may be initiated by the Historic Preservation Committee, by any resident of Elk Grove, or by the owner of the property that is proposed for designation.

2. Public Hearing. The Historic Preservation Committee shall hold a public hearing to review and act upon **by providing a recommendation to** the designation application.
3. Stay of Work. While the Historic Preservation Committee's public hearing on a recommendation or the City Council's decision on a designation is pending, no work that would require a ~~m~~**Minor or Major improvement permit**, a ~~c~~**Certificate of Appropriateness**, or a demolition/relocation certificate shall be ~~conducted~~**granted**.
4. Notice of Public Hearing. Notice of date, place, time, and purpose of the hearing shall be given by first class mail to the applicants, owners, and occupants of the property, and to property owners within five hundred (500' 0") feet of the property, at least ten (10) 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 or in other ownership records, and shall be advertised once (1) in a daily newspaper of general circulation at least ten (10) days in advance of the public hearing. Failure to receive notice of such hearing shall in no way affect the validity of any action taken.
5. Owner Objection— ~~Resources Not Part of Historic Districts~~. The owner of a historical resource can object to designation of his or her resource as an Elk Grove **Register of Historic Resources** landmark or Elk Grove heritage ~~r~~**Resources** by formally expressing this objection to the Historic Preservation Committee prior to or during the designation hearing for the resource in question. ~~The Historic Preservation Committee must abide by this objection. This subsection in no way changes the eligibility of the resource(s) in question for local, State, or national listings of historic properties.~~ **Such objection shall be noted.**
6. Owner Objection —~~Contributing and Noncontributing Resources within a Historic Districts~~. Owner objections to the designation of a proposed historic district must be expressed in writing prior to or **may be done** during that proposed historic district's designation recommendation hearing. If a majority of owners ~~in within~~ a proposed historic district object to the designation of that proposed historic district, then the Historic Preservation Commission **will note such in their** ~~must abide by this objection and not~~ **recommendation to City Council.** ~~the designation of that proposed historic district.~~ Regardless of how much property each owner or partial owner owns ~~within~~ a proposed historic district, each owner or partial owner of property within a proposed historic district may make only one (1) objection regarding designation.
7. Historic Preservation Committee Recommendations. The Historic Preservation Committee shall recommend approval in whole or in part or disapproval of the application for designation in writing to the City Council, setting forth the reasons for the decision.
8. ~~Approval of Historic Preservation Committee Recommendations. After receiving~~ ~~†~~~~The Historic Preservation Committee's~~ **shall** ~~recommendations the City Council shall pass a resolution to approve~~ ~~al~~ **of the recommendations** in whole or in part, or shall ~~by motion disapprove~~ **of the application** ~~for them in their entirety. If the City~~

~~Council approves a proposed designation in writing to , notice of the City Council's, set forth the reasons for the decision. shall be sent to the applicant, owners of the property, Community Enhancement, and the Building Official. [Ord. 7-2009 §3, eff. 5-1-2009; Ord. 3-2007 §3, eff. 2-23-2007]~~

7.00.060 Rescissions.

A. Grounds for Rescission. Upon the recommendation of the Historic Preservation Committee and approval of the City Council, historic resources may be removed from the Elk Grove ~~r~~**Register of h**Historic ~~r~~**Resources** if any of the following criteria are met:

1. The property has ceased to meet the criteria for listing in the Elk Grove ~~r~~**Register of Historic Resources** because the qualities **for** which caused it ~~to be~~ **was** originally listed have been lost or destroyed, or such qualities were lost subsequent to nomination and prior to listing;

2. Additional information shows that the property does not meet the Elk Grove ~~r~~**Register of Historic Resources** criteria for evaluation; **and/or**

3. ~~Error in professional judgment as to whether~~ **Prevailing current historical professional judgement no longer concurs that** the property meets the criteria for evaluation.;~~or~~

4. ~~Prejudicial procedural error in the nomination or listing process. Properties removed from the Elk Grove register of historic resources for procedural error shall be reconsidered for listing by the Historic Preservation Committee after correction of the error or errors. The procedures set forth for designations shall be followed in such reconsiderations. Any resource removed from the Elk Grove register of historic resources for procedural deficiencies in the nomination and/or listing process shall automatically be considered eligible for listing in the Elk Grove register of historic resources without further action.~~

B. Rescission Process. Historic resources shall be **considered for** ~~removed~~ from the Elk Grove ~~r~~**Register of h**Historic ~~r~~**Resources** by the City Council upon the recommendation of the Historic Preservation Committee **and in accordance with the below process.**

1. Initiation of Rescission. Rescission of resources listed on the Elk Grove ~~landmarks~~ ~~r~~**Register of Historic Resources** may be initiated by the Historic Preservation Committee, by any resident of Elk Grove, or by the owner of the **historical resource** ~~property~~ that is proposed for rescission. The applicant must communicate in writing the reasons the property should be removed.

2. Public Hearing. The Historic Preservation Committee shall hold a public hearing to review and ~~act upon~~ **provide a recommendation on** the rescission application.

3. Notice of Public Hearing. Notice of date, place, time, and purpose of the hearing shall be given by first-class mail to the applicant(s), owners, and occupants of the property, and to property owners within five hundred (500' 0") feet of the property, at least ten (10) 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 or in other ownership records, and shall be advertised once (1) in a daily newspaper of

general circulation at least ten (10) days in advance of the public hearing. Failure to receive notice of such hearing shall in no way affect the validity of any action taken.

4. Historic Preservation Committee Recommendations. The Historic Preservation Committee shall recommend approval in whole or in part or disapproval of the application for rescission in writing to the City Council, setting forth the reasons for the decision.
5. Approval of Historic Preservation Committee Recommendations. After receiving the Historic Preservation Committee's recommendations, the City Council ~~shall~~**may** pass a resolution to approve the recommendations in whole or in part, or ~~shall~~**may** by motion disapprove them in their entirety. If the City Council approves a proposed rescission, notice of the City Council's decision shall be sent to the applicant, owners of the property, ~~Community Enhancement~~**Code Enforcement Division**, and the Building Official. ~~[Ord. 7-2009 §3, eff. 5-1-2009; Ord. 3-2007 §3, eff. 2-23-2007]~~

7.00.070 Alterations-Approval Requirements for Alterations (Certificate of Appropriateness),

A. Alterations to Historical Resources

Except as otherwise exempt in this section, No exterior alterations shall be made to any designated historical resource without a minor improvement permit prior approval of a Minor or Major or a Certificate of a Appropriateness.

AB. Minor Improvement PermitsExceptions.

- ~~1. Purpose. The purpose of the minor improvement permit is to allow efficient processing of applications for minor alterations to historic resources in general and all alterations to Elk Grove heritage resources.~~
- ~~2. Standards of Review. The Historic Preservation Committee shall publish such standards as are necessary to supplement the provisions of this chapter to inform the public of those standards of review by which applications for minor improvement permits are to be judged.~~

The following list of items have been determined to be exempt from the requirement for a Certificate of Appropriateness, as such activities are not expected to adversely impact designated historical resource. Said items may require other permits and approvals, such as building permits.

1. **Repainting of surfaces that were originally painted and the color scheme is not a significant character-defining feature of the historical resource as determined by the Director. Repainting is exempt only if:**
 - i. **It complies with relevant design guidelines relative to color; and**
 - ii. **Is substantially similar to the existing color scheme.**

2. **Routine nonabrasive cleaning and maintenance;**
3. **Landscape and Surface Improvements (such as, but not limited to pools, concrete slabs or site work that is not taller than twelve (12) inches in height) that are not significant character-defining features of the historical resource;**
4. **Interior alterations that have no impact to any historical elements of the structure;**
5. **Alteration, demolition and relocation of non-contributing resources of historic districts listed in or eligible for listing in the Elk Grove Register of Historic Resources, California Register of Historical Resources, or National Register of Historic Places;**
6. **Other items not listed that would not have impact on a designated historical resource, as determined by the Director.**

B. Applicability.

1. **Minor Certificate of Appropriateness. Applies to any minor alteration(s) that has the potential for minimal impact to a designated historical resource. Minor alterations include, but are not limited to the following:**
 - i. **Installation of wall signs, and/or**
 - ii. **Installation of for-like elements (for example: windows, doors, exterior cladding); and/or**
 - iii. **Re-roofing that is similar material and style**
2. **Major Certificate of Appropriateness. Applies to major alteration(s) that has the potential for significant impact to a designated historical resource. Major alterations include, but not limited to the following:**
 - i. **Additions, and/or**
 - ii. **New construction of a primary structure; and/or**
 - iii. **Demolition of contributing resources of historic districts listed in or eligible for listing in the Elk Grove Register of Historic Resources, California Register of Historical Resources, or National Register of Historic Places.**

C. Process.

1. Application.

All applications for Certificate of Appropriateness permits and actions pertaining to this title shall be submitted to the Development Services Department on a City application form, together with all fees, plans, maps,

and any other information required by the Development Services Department.

2. Review.

Within thirty (30) days of application submittal, the Director shall determine whether or not the application is complete. The applicant shall be notified in writing of the determination either that:

- i. All the submittal requirements have been satisfied and that the application has been accepted as complete; or
- ii. Specific information is still necessary to complete the application. The letter may also identify preliminary information regarding the areas in which the submitted plans are not in compliance with City standards and requirements.

3. Determination/Decision.

i. Minor Alterations (Certificate of Appropriateness).

~~31.~~ Approving Authority. The Planning Director shall be the approving authority for all ~~minor improvement permit applications~~ **Certificate of Appropriateness.**

~~42.~~ Action by Approving Authority. The Planning Director shall approve, **conditionally approve**, or deny the application **with specific findings**. ~~Notice of the decision shall be sent to The Director may request review by the Historic Preservation Committee, the applicant, owners of the property, Community Enhancement, and the Building Official. for a recommendation but as a general rule such recommendation is not necessary. Notice of the decision shall be sent to the Historic Preservation Committee as an informational item and specifically listed on the public meeting agenda.~~

~~5.~~ Appeals. Any decision of the Planning Director on a minor improvement permit may be appealed to the Planning Commission. Any decision on appeal by the Planning Commission on a minor improvement permit may be appealed to the City Council. Any action or decision of the City Council shall be final and there shall be no further administrative appeal from the City Council decision. All appeals shall be in writing, shall state the basis of the appeal, shall be accompanied by any applicable filing fee, and shall be filed with the City Clerk within ten (10) days of the determination or action for which an appeal is made. Failure to file an appeal within the time frame and in the manner provided herein shall constitute a failure of a party to exhaust administrative remedies, and shall render the decision of the approving authority final and immune from further challenge.

~~63.~~ Findings. **Minor Alterations (Certificate of Appropriateness) applications shall be approved if all of the findings are made:**

~~a. Contributing and Noncontributing Resources Not Listed as Elk Grove Heritage Resources. Minor improvement permit applications for proposed work to contributing and noncontributing resources not listed as Elk Grove heritage resources shall be approved if:~~

- ~~ia. The proposed project complies with “The Secretary of the Interior’s Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings” or “The Secretary of the Interior’s Standards for the Treatment of Historic Properties with Guidelines for the Treatment of Cultural Landscapes”; and~~
- ~~iiib. The proposed work does not result in substantial adverse change to the contributing resource; and~~
- ~~iiic. The proposed project is consistent with and supportive of the goals and policies of the adopted historic district plan (if the resource is located within a historic district).~~

~~b. Elk Grove Heritage Resources.~~

~~i. Contributing Resources.~~

~~(A) Minor improvement permit applications for proposed work to contributing resources listed as Elk Grove heritage resources shall be approved if:~~

~~(1) The proposed alterations preserve historic materials, replacing irreparable historic materials with matching materials to the greatest extent feasible; and~~

~~(2) New additions to the resource occur on nonhistoric portions of the property or on the half of the property least visible from the public right-of-way; and~~

~~(3) New additions to the resource are differentiated from the old and compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment; and~~

~~(4) The proposed project is consistent with and supportive of the goals and policies of the adopted historic district plan (if the resource is located within a historic district).~~

~~ii. Noncontributing Resources.~~

~~(A) The proposed project is consistent with and supportive of the goals and policies of the adopted historic district plan.~~

Bii. Major Certificates of Appropriateness.

~~1. Purpose. The purpose of the certificate of appropriateness is to provide sufficient opportunities for review of proposed alterations to all historic resources besides Elk Grove heritage resources.~~

~~2. Standards of Review. The Historic Preservation Committee shall publish such standards as are necessary to supplement the provisions of this chapter to inform the public of those standards of review by which applications for certificates of appropriateness are to be judged.~~

~~3. Public Hearing. The Historic Preservation Committee shall hold a public hearing to review and act upon the certificate of appropriateness application.~~

~~4. Notice of Public Hearing. Notice of date, place, time, and purpose of the hearing shall be given by first class mail to the applicants, owners, and occupants of the property, and to property owners within five hundred (500' 0") feet of the property, at least ten (10) 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 or in other ownership records, and shall be advertised once (1) in a daily newspaper of general circulation at least ten (10) days in advance of the public hearing. Failure to receive notice of such hearing shall in no way affect the validity of any action taken.~~

~~51. Approving Authority. The Historic Preservation Committee shall be the recommending authority for Major Certificate of Appropriateness the Director shall be the approving authority upon receipt of a recommendation by the Historic Preservation Committee. or denial, with or without conditions, of all applications for certificates of appropriateness. If an entitlement other than or in addition to a certificate of appropriateness is necessary or sought for a proposed project, the approving authority shall be that body with jurisdiction over the other entitlement as set forth in the Elk Grove Municipal Code, including, but not limited to, the Zoning Code, as it now exists or is hereafter amended. When a proposed project requires more than one (1) land use or development entitlement from more than one (1) approving authority, all project entitlements shall be processed concurrently and final action shall be taken on any application for a certificate of appropriateness by the highest level designated approving authority for all such requested entitlements. The Planning Director shall be the approving authority of all applications for certificates of appropriateness for which there is no other approving authority with jurisdiction over the project.~~

~~6. Appeals. Any decision of the Planning Director on a certificate of appropriateness may be appealed to the Planning Commission. Any decision of the Planning Commission on a certificate of appropriateness may be appealed to the City Council, including matters heard on appeal from a decision of the Planning Director. Any other decision by an approving authority not otherwise addressed herein may be appealed to the City Council. Any action or decision of the City Council shall be final and there shall be no further administrative appeal from the City Council decision. All appeals shall be in writing, shall state the basis of the appeal, shall be accompanied by any~~

~~applicable filing fee, and shall be filed with the City Clerk within ten (10) days of the determination or action for which an appeal is made. Failure to file an appeal within the time frame and in the manner provided herein shall constitute a failure of a party to exhaust administrative remedies, and shall render the decision of the approving authority final and immune from further challenge.~~

72. Action by Approving Authority. The approving authority shall approve, **conditionally approve, or deny** an application, ~~disapprove it, or approve it subject to conditions.~~ **with specific findings which may include consideration of a recommendation by the Historic Preservation Committee.** Notice of the decision shall be sent to the applicant, owners of the property, ~~Community Enhancement,~~ and the Building ~~Official~~**Department.**

3. **Public Hearing.** The Historic Preservation Committee shall hold a public hearing to review and provide recommendation to the Director for the Major Certificate of Appropriateness application.

4. **Notice of Public Hearing.** Notice of date, place, time, and purpose of the Historic Preservation Committee hearing shall be given by first-class mail to the applicants, owners, and occupants of the property, and to property owners within five hundred (500' 0") feet of the property, at least ten (10) 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 or in other ownership records, and shall be advertised once (1) in a daily newspaper of general circulation at least ten (10) days in advance of the public hearing. Failure to receive notice of such hearing shall in no way affect the validity of any action taken.

85. **Findings.** Major Certificate of Appropriateness applications shall be approved if all of the following findings are met:

~~a. Contributing Resources. Certificate of appropriateness applications for proposed work to contributing resources shall be approved if:~~

ia. The proposed work does not result in substantial adverse change to the contributing historical resource; and

b. The proposed work is consistent with and supportive of the goals and policies of the historic district plan (if the resource is located within a historic district);

iiic. The proposed project work complies with “The Secretary of the Interior’s Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings” or “The Secretary of the Interior’s Standards for the Treatment of Historic Properties with Guidelines for the Treatment of Cultural Landscapes”; ~~is consistent~~

~~with and supportive of the goals and policies of the adopted historic district plan (if the resource is located within a historic district).~~

- d. If located within a historic district, the proposed work does not result in a substantial adverse change to the historic district as a whole; and**
- e. If located within a historic district, the proposed project is consistent with and supportive of the goals and policies of the historic district plan.**

~~b. Noncontributing Resources. Certificate of appropriateness applications for proposed work to noncontributing resources shall be approved if:~~

- ~~i. The proposed work does not result in a substantial adverse change to the historic resource as a whole; and~~
- ~~ii. The proposed project is consistent with and supportive of the goals and policies of the adopted historic district plan (if the resource is located within a historic district). [Ord. 7-2009 §3, eff. 5-1-2009; Ord. 3-2007 §3, eff. 2-23-2007]~~

4. Appeals

- i. Minor Certificate of Appropriateness. Any decision of the Director on a Minor Certificate of Appropriateness may be appealed to the Planning Commission. Any decision on appeal by the Planning Commission on a minor certificate of appropriateness may be appealed to the City Council. Any action or decision of the City Council shall be final and there shall be no further administrative appeal from the City Council decision. All appeals shall be in writing, shall state the basis of the appeal, shall be accompanied by any applicable filing fee, and shall be filed with the City Clerk within ten (10) days of the determination or action for which an appeal is made. Failure to file an appeal within the time frame and in the manner provided herein shall constitute a failure of a party to exhaust administrative remedies, and shall render the decision of the approving authority final and immune from further challenge.**
- ii. Major Certificate of Appropriateness. Any decision of the Director with recommendation of the Historic Preservation Committee on a Major Certificate of Appropriateness may be appealed to the Planning Commission. Any decision of the Planning Commission on a major certificate of appropriateness may be appealed to the City Council. Any other decision by an approving authority not otherwise addressed herein may be appealed to the City Council. Any action or decision of the City Council shall be final and there shall be no further administrative appeal from the City Council decision. All appeals shall be in writing, shall state the basis of the appeal, shall be accompanied by any applicable filing fee, and shall be filed with the City Clerk within ten (10) days of the determination or action for which an appeal is made. Failure to file an appeal within the time frame and in the manner provided herein shall**

constitute a failure of a party to exhaust administrative remedies, and shall render the decision of the Approving Authority final and immune from further challenge.

7.00.080 Demolitions/relocations.

A. Demolition or Relocation of Resources Potentially Eligible for Historic Designation. The demolition or relocation of resources potentially eligible for historic designation shall not occur without review to determine ~~whether the City can rule out the possibility of the resource's eligibility for listing in the being designated an Elk Grove Register of landmark or Elk Grove heritage~~ **Historic Resources.**

~~1. Purpose. The purpose of reviewing the demolition/relocation of resources potentially eligible for historic designation is to ensure resources that reflect special elements of the City's heritage and cultural diversity are not unwittingly destroyed by an act of the City.~~

~~21. Standards of Review. Before demolitions or relocations of resources potentially eligible for historic designation are approved, the Planning Director shall determine whether the City can rule out the possibility of if the resource is eligible for listing being designated an in the Elk Grove Register Historical landmark or Elk Grove heritage Resources., as well as, provide the opportunity to exempt resources from evaluation. Exempt resources can be the resource types outlined in 7.00.050.D. The Planning Director shall rule out the possibility of the resource in question being designated an Elk Grove landmark or Elk Grove heritage resource if any of the following conditions are met:~~

~~a. The resource is less than fifty (50) years old;~~

~~b. The resource is a cemetery or grave;~~

~~c. The resource is owned by a religious institution or used for religious purposes;~~

~~d. The resource has been moved from its original location;~~

~~e. The resource is a reconstructed historic building;~~

~~f. The resource is primarily commemorative in nature; or~~

~~g. The Historic Preservation Committee formally determines the resource in question is not eligible for designation as an Elk Grove landmark.~~

~~32. Approving Authority. The Planning Director with assistance from a professional fitting the shall determine whether the City can rule out the possibility of the Secretary of Interior's Professional Qualification Standards for historian, architectural historian, archaeologist, or historic architect shall evaluate the resource for listing in the being designated an Elk Grove landmark or Elk Grove heritage Register of Historic Resources.~~

~~43. Action by Approving Authority. If the Planning Director determines the City can rule out the possibility of the resource being designated listed an in the Elk Grove landmark Register of Historic or Elk Grove heritage Resources, he or she shall~~

recommend approval of the demolition or relocation of the resource in question to the Building Official. If the ~~Planning~~ Director determines the City cannot rule out the possibility of the resource being designated an Elk Grove landmark or Elk Grove heritage **Register of Historic Resources**, the **City staff Historic Preservation Committee** shall initiate an application for designation of the resource in question as an Elk Grove landmark or Elk Grove heritage resource. Notice of the determination shall be sent to the applicant, owners of the property, and the Building Official.

B. Demolition/Relocation Certificates. No demolition or relocation of a historic resource shall be made by any person without a demolition/relocation certificate.

1. ~~Purpose. The purpose of the d~~**Demolition/ or relocation certificate is to provide a last alternative for use in the treatment of historic resources shall be tied to a replacement project under concurrent review by the City of Elk Grove unless projects meet the provisions of EGMC Section 7.00.100 or 7.00.110.**

2. ~~Standards of Review. The Historic Preservation Committee shall publish such standards as are necessary to supplement the provisions of this chapter to inform the public of these standards of review by which applications for demolition/relocation certificates are to be judged. Demolition or relocation of historic resources shall be tied to a replacement project under concurrent review by the City of Elk Grove unless projects meet the provisions of EGMC Section 7.00.110 or 7.00.130. Relocating a historic resource can be an acceptable alternative to demolition if the Historic Preservation Committee finds that the relocation allows the historic resource to maintain its integrity.~~

32. Public Hearing. The Historic Preservation Committee shall hold a public hearing to review and ~~act upon~~ **consider** the demolition/relocation certificate application.

43. Notice of Public Hearing. Notice of date, place, time, and purpose of the hearing shall be given by first-class mail to the applicants, owners, and occupants of the property, and to property owners within five hundred (500' 0") feet of the property, at least ten (10) 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 or in other ownership records, and shall be advertised once (1) in a daily newspaper of general circulation at least ten (10) days in advance of the public hearing. Failure to receive notice of such hearing shall in no way affect the validity of any action taken.

54. Approving Authority. The Historic Preservation Committee shall recommend approval or denial, with or without conditions, of all applications for certificates of demolition/relocation. If an entitlement other than or in addition to a certificate of demolition/relocation is necessary or sought for a proposed project, the approving authority shall be that body with jurisdiction over the other entitlement as set forth in the Elk Grove Municipal Code, including, but not limited to, the Zoning Code, as it now exists or is hereafter amended. When a proposed project requires more than one (1) land use or development entitlement from more than one (1) approving authority, all project entitlements shall be processed concurrently and final action shall be taken on any application for a certificate of

demolition/relocation by the highest level designated approving authority for all such requested entitlements. The ~~Planning~~ Director shall be the approving authority of all applications for certificates of demolition/relocation for which there is no other approving authority with jurisdiction over the project. Any decision of the ~~Planning~~ Director on a certificate of demolition/relocation may be appealed to the Planning Commission. Any decision of the Planning Commission on a certificate of demolition/relocation may be appealed to the City Council, including matters heard on appeal from a decision of ~~by~~ the ~~Planning~~ Director. Any other decision by an approving authority not otherwise addressed herein may be appealed to the City Council. Any action or decision of the City Council shall be final and there shall be no further administrative appeal from the City Council decision. All appeals shall be in writing, shall state the basis of the appeal, shall be accompanied by any applicable filing fee, and shall be filed with the City Clerk within ten (10) days of the determination or action for which an appeal is made. Failure to file an appeal within the time frame and in the manner provided herein shall constitute a failure of a party to exhaust administrative remedies, and shall render the decision of the approving authority final and immune from further challenge.

65. Action by Approving Authority. The approving authority shall approve an application, disapprove it, or approve it subject to conditions. Wherever applicable, the approving authority can require the documentation of the historic resource proposed for demolition or relocation with such measures as archival-quality photographs and/or measured drawings prior to these actions. Notice of the decision shall be sent to the applicant, owners of the property, ~~Community Enhancement~~**Code Enforcement**, and the Building ~~Official~~ **Department**.

76. Findings.

- a. ~~Contributing Resources.~~ Demolition/relocation certificate applications for ~~contributing~~**historical** resources shall be approved if the project meets either of the following:
 - i. The provisions of EGMC Section 7.00.14**00** or 7.00.13**10**; or
 - ii. The replacement project is consistent with and supportive of identified goals and policies of the General Plan or applicable specific area plans including the adopted historic district plan (if the resource is located within a historic district); **or**
 - iii. ~~†~~The proposed action will not have a significant effect on the goals and purposes of this chapter or the potential effect is outweighed by significant benefits of the replacement project; **or**
 - iv. ~~and if~~In the case of relocating a contributing resource **to a historic district**, the integrity and significance of both the contributing resource and the entire district (if the resource is located within a historic district) will not be significantly impaired.
- b. Noncontributing Resources. Demolition/relocation certificate applications for noncontributing resources shall be approved if the project meets the provisions

of EGMC Section 7.00.110 or 7.00.130 or if the replacement project is consistent with and supportive of identified goals and policies of the General Plan or applicable or specific area plans including the adopted historic district plan (if the resource is located within a historic district). [Ord. 7-2009 §3, eff. 5-1-2009; Ord. 3-2007 §3, eff. 2-23-2007]

7.00.090 Archaeological resources and traditional cultural properties Duty to keep in good repair.

The owner and any other person in actual charge or possession of a historical resource shall take steps necessary to prevent:

- A. ~~Special Consideration. The City's archaeological resources and traditional cultural properties (as defined in "Guidelines for Evaluating and Documenting Traditional Cultural Properties") are part of its heritage, unique character, and community fabric. These resources are key to the City's past and are an integral part of the dynamic local Native American community. These resources are irreplaceable and need to be protected from~~ **substantial deterioration or decay of any exterior portion of such a resource or improvement; and** ~~and site damage. Although archaeological resources and traditional cultural properties are considered historic resources under this chapter, the City acknowledges their distinct differences and expresses its intent to identify, protect, and encourage the preservation of significant archaeological resources and traditional cultural properties in the City.~~
- B. ~~Inventory. The City shall provide a mechanism through surveys, nominations, or other means (e.g., archival research and interviews) to compile, update and maintain an inventory of traditional cultural properties, archaeological sites, and potentially sensitive archaeological areas within its boundaries. The inventory shall help to ensure these resources are preserved, protected, and enhanced to the fullest extent feasible. The inventory shall also include a comprehensive contextual statement regarding the significant archaeological resources and traditional cultural properties in the City. Projects that may affect known traditional cultural properties, archaeological sites, and/or archaeologically sensitive areas shall not be approved without conducting CEQA review. In these cases Section 10564.5 of the California Code of Regulations and Sections 21083.2 and 21084.1 of the California Public Resources Code shall be followed to determine the significance of potential impacts on archaeological resources. The City also understands the need to protect the location of archaeological sites and traditional cultural properties. Information regarding the location of such resources shall not be made publicly available per the California Public Records Act (Sections 6254(r) and 6254.10 of the Government Code). The~~ **substantial deterioration or decay of any interior portions thereof whose maintenance is necessary to preserve any exterior portion.** ~~[Ord. 7-2009 §3, eff. 5-1-2009; Ord. 3-2007 §3, eff. 2-23-2007]~~

7.00.100 Historic preservation incentives.

- A. ~~Designated Historic Resources. In addition to numerous historic preservation incentives offered by the State and Federal governments and private organizations, the following preservation incentives shall be made available to contributing resources listed on the National Register of Historic Places, contributing resources listed on the California~~

~~Register of Historical Resources, or contributing resources which are designated Elk Grove landmarks.~~

~~1. Application of the California State Historical Building Code (Title 24, Part 8, Section 8-101.1, et seq., of the California Code of Regulations).~~

~~2. Establishment of the historic use (defined as the use during the resource's period of significance) even if that use is not allowed in the underlying zone.~~

~~3. Mills Act Contracts (Section 50280, et seq., of the Government Code).~~

~~a. The City shall process Mills Act contract applications pursuant to the Mills Act.~~

~~b. The Historic Preservation Committee shall be the approval body for all Mills Act contract applications.~~

~~c. A Mills Act contract application that is denied by the Historic Preservation Committee cannot be resubmitted for one (1) year after the date of denial.~~

~~4. Preservation Easements. Preservation easements on the facades of qualifying properties may be acquired by the City or nonprofit group through purchase, donation, or documentation pursuant to Section 815 of the California Civil Code.~~

~~5. Official Recognition.~~

~~a. Elk Grove Preservation Awards. The Historic Preservation Committee, on an annual basis, may recognize those projects that have demonstrated a high level of commitment to maintaining or restoring the integrity of a designated historic resource.~~

~~b. Stationery. The City of Elk Grove shall, on an annual basis, supply owners of qualified historic resources in the City of Elk Grove with a limited supply of stationery indicating their property is a designated historic resource that contributes to the historic character of the City of Elk Grove.~~

~~c. Plaque. The City shall furnish owners of qualified historic resources in the City of Elk Grove a small plaque engraved with the name of the resource, its date of construction, and its placement on the applicable historic resource list(s), provided the owner(s) agree to mount this plaque on their property such that it is visible from the public right-of-way to the fullest extent possible yet does not damage the integrity of the historic resource.~~

~~B. Applications Meeting the Secretary of the Interior's Standards. The following preservation incentives shall be made available to applications involving contributing resources listed on the National Register of Historic Places, contributing resources listed on the California Register of Historical Resources, or which are designated Elk Grove landmarks where the proposal does not result in substantial adverse change to the historic resources and where proposed changes are consistent with "The Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings" or "The~~

~~Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for the Treatment of Cultural Landscapes":~~

~~1. Waiver of Historic Preservation Committee fees.~~

~~2. A fifty (50%) percent reduction in parking requirements for commercial uses in historic resources with limited off-street parking.~~

~~C. Applications for Noncontributing Resources. The following preservation incentive shall be made available to applications involving only noncontributing resources listed on the National Register of Historic Places, noncontributing resources listed on the California Register of Historical Resources, or noncontributing resources designated Elk Grove landmarks where the proposal does not result in substantial adverse change to the contributing resources associated with this property: waiver of Historic Preservation Committee fees.~~

~~D. Additional Incentives. The Historic Preservation Committee may recommend additional historic preservation incentives to the City Council, to be adopted and incorporated into this chapter by resolution of the City Council. [Ord. 7-2009 §3, eff. 5-1-2009; Ord. 3-2007 §3, eff. 2-23-2007]~~

7.00.1400 Unsafe or dDangerous eConditions.

None of the provisions of this chapter shall prevent any measures of construction, alteration, or demolition necessary to correct the unsafe or dangerous conditions of any historic resource where such condition has been declared unsafe or dangerous by the Building Official, the Fire Chief or other appropriate public official or body, and where the proposed measures have been declared necessary by such official or body to correct the said condition; provided, however, that only such work as is necessary to correct the unsafe or dangerous condition and as is done with due regard for preservation of the appearance of the structure involved may be performed pursuant to this section. In the event any structure or other feature shall be damaged by fire, earthquake, or other natural disaster, to such an extent that in the opinion of the aforesaid officials or body it cannot be reasonably repaired and restored, it may be removed in conformity with normal permit procedures and applicable laws. If the condition of an unsafe or dangerous historic resource so permits, the official(s) in charge of correcting such a condition shall consult with the Historic Preservation Committee before carrying out corrective measures. [Ord. 7-2009 §3, eff. 5-1-2009; Ord. 3-2007 §3, eff. 2-23-2007]

7.00.120 Duty to keep in good repair.

The owner, lessees and any other person in actual charge or possession of a historic resource shall take steps necessary to prevent:

A. The substantial deterioration or decay of any exterior portion of such a resource or improvement; and

B. The substantial deterioration or decay of any interior portions thereof whose maintenance is necessary to preserve any exterior portion. [Ord. 7-2009 §3, eff. 5-1-2009; Ord. 3-2007 §3, eff. 2-23-2007]

7.00.1310 Showing of ~~e~~Extreme ~~h~~Hardship.

If the applicant presents evidence clearly demonstrating to the satisfaction of the approving authority that failure to approve the application for a ~~Minor or Major~~ improvement permit, ~~a~~Certificate of ~~a~~Appropriateness, or a demolition/relocation certificate will cause an extreme hardship because of conditions peculiar to the particular structure or other feature involved, the approving authority may approve or conditionally approve such application even though it does not meet the stipulated standards of review for the particular application type. The applicant shall bear the burden of proving the extreme hardship and shall provide substantiation of the claim as the approving authority may require. The Historic Preservation Committee and/or approving authority is authorized to request that the applicant furnish additional information, documentation and expert testimony, the cost of which shall be paid by the applicant, to be considered by the approving authority in its related findings. All additional required information shall be provided by a qualified individual or firm selected by the City. In determining whether extreme hardship exists, the approving authority shall consider evidence that demonstrates **one (1) of the following:**

A. Denial of the application will deprive the applicant of all reasonable economic value in his or her property; **or**

~~B. Sale or rental of the property is impractical, when compared to the cost of holding such property for uses permitted in the zoning district;~~

~~CB. Utilization of the property for lawful purposes is prohibited or impractical.; or~~

~~D. Rental at a reasonable rate of return is not feasible. [Ord. 7-2009 §3, eff. 5-1-2009; Ord. 3-2007 §3, eff. 2-23-2007]~~

7.00.120 Historic Preservation Incentives.

A. Designated Historical Resources. In addition to numerous historic preservation incentives offered by the State and Federal governments and private organizations, the following preservation incentives will be made available by or in partnership with the City of Elk Grove to local historical resources listed in the National Register of Historic Places, California Register of Historical Resources, or Elk Grove Register of Historic Resources.

- 1. Mills Act Contracts (California Government Code Section 50280, et seq.)).** A formal agreement, generally known as a Mills Act or Historical Property Contract, is executed between the local government and the property owner to implement property tax reductions in exchange for preservation and/or improvements to qualified historical resources for a minimum ten (10) year term. Contracts are automatically renewed each year and are transferred to new owners when the property is sold. Property owners agree to restore, maintain, and protect the property in accordance with specific historic preservation standards and conditions identified in the contract. Periodic inspections by City or County officials may occur to ensure proper maintenance of the property. Local authorities may impose penalties for breach of contract or failure to protect the historical

resource. The contract is binding on all owners during the contract period

- a. The City shall process Mills Act contract applications pursuant to the Mills Act.**
 - b. The Historic Preservation Committee shall be the recommending body for all Mills Act contract applications and final approval by the City Council.**
- 2. Preservation Easements. Preservation easements on the facades of qualifying properties may be acquired by the City or nonprofit group through purchase, donation, or documentation pursuant to California Civil Code Section 815 et seq.**
 - 3. Alteration Fees. Waiver of fees for minor or major alterations as approved by the City Council.**
 - 4. Parking Reduction. A fifty (50) percent reduction in parking requirements for commercial uses in historical resources with limited off-street parking as approved by Council and consistent with EGMC Section 23.58.060.**
 - 5. Additional Incentives. The Historic Preservation Committee may recommend additional historic preservation incentives to the City Council, to be adopted and incorporated into this chapter by the City Council. ~~[Ord. 7-2009 §3, eff. 5-1-2009; Ord. 3-2007 §3, eff. 2-23-2007]~~**

~~7.00.140 Enforcement.~~

~~It shall be unlawful for any property owner to permit or maintain violations of any of the provisions of this chapter by allowing the alteration, relocation, or demolition of a historic resource they own without first obtaining the required approval as provided in this chapter. Any violations of this chapter shall be a nuisance and may be subject to appropriate corrective action by the Community Enhancement Division or the City Attorney's Office.~~

~~A. Property owners violating this chapter shall be subject to the following:~~

- ~~1. All penalties as set forth in the City of Elk Grove fee schedule or other applicable law;~~
- ~~2. No further applications for land use entitlements (to include ministerial decisions such as building permits) shall be processed for the lot in question until any violation determination is corrected (i.e., to return the property to its previous state prior to the violation under the oversight of the Historic Preservation Committee). For purposes of this subsection, the City of Elk Grove's Planning Director or his or her designee shall be authorized to make a determination that there exists a violation of this chapter subject to an appeal to the City Council, as provided herein. This determination shall be made in writing and notice of the determination with a copy of the determination shall be served in the manner described in subsection (A)(2)(b) of this section.~~

~~a. Any determination made by the Planning Director regarding whether or not there exists a violation may be appealed in writing to the City Council within ten (10) days of service of the notice of the Planning Director's determination. The City Council's written determination shall be final and conclusive on the date it is issued. The determination shall be served in the manner set forth in subsection (A)(2)(b) of this section. The decision shall include notification that any action to judicially review said determination must be commenced not later than ninety (90) days following the date of the decision and order of abatement, pursuant to Section 1094.6 of the California Code of Civil Procedure.~~

~~b. Any notice pursuant to this subsection shall be delivered by certified U.S. Mail, postage prepaid and return receipt requested; U.S. Mail delivery confirmation; U.S. Mail signature confirmation; or such other delivery method that is reasonably calculated to provide actual notice to the property owner. The names and addresses of owners appearing on the assessment roll shall be conclusively deemed to be the proper persons and addresses for the purpose of mailing such notices. Service is deemed complete at the time of the deposit of the document in the U.S. Mail;~~

~~3. The City Attorney may seek injunctive relief or maintain an action in abatement to further the provisions of this chapter, including, but not limited to, an injunction requiring that violators be required to reasonably restore the historic resource to its appearance or condition prior to the violation, under the guidance of the Historic Preservation Committee;~~

~~4. Any historic resource in the City of Elk Grove which is the subject of an outstanding order to abate a substandard condition pursuant to the City Building Code is hereby declared to be a nuisance which can be treated as an infraction or a misdemeanor. With respect to any such historic resource, any person aggrieved by such a nuisance may bring an independent civil action against the owner of the designated property for all appropriate relief, including damages, costs and attorney's fees. A "person aggrieved" is any person whose quiet use or enjoyment of or ability to rent or successfully conduct lawful activities at another property is interfered with by the substandard or other condition giving rise to a nuisance at the historic resource. Every day of such interference is a separate and distinct nuisance. [Ord. 7-2009 §3, eff. 5-1-2009; Ord. 3-2007 §3, eff. 2-23-2007]~~

~~7.00.150 Fees.~~

~~The City Council shall set and amend by resolution all fees required to implement this chapter. [Ord. 7-2009 §3, eff. 5-1-2009; Ord. 3-2007 §3, eff. 2-23-2007]~~

~~7.00.160 Accessibility.~~

~~The City of Elk Grove is committed to achieving full compliance with the Americans with Disabilities Act. The City of Elk Grove operates its programs so that, when viewed in their entirety, they are readily accessible to or usable by individuals with disabilities. The City of Elk Grove fully supports the use of the State Historical Building Code for qualified historic resources to ensure all individuals have access to historic buildings. [Ord. 7-2009 §3, eff. 5-1-2009; Ord. 3-2007 §3, eff. 2-23-2007]~~



Incorporated July 1, 2000

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CITY OF ELK GROVE

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City of Elk Grove – City Council

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that on **Wednesday, June 28, 2017**, at the hour of **6:00 p.m.**, or as soon thereafter as the matter may be heard, the Elk Grove City Council will conduct a public hearing at City Hall in the Council Chambers, 8400 Laguna Palms Way, Elk Grove, California, to consider the following matter:

ELK GROVE MUNICIPAL CODE AMENDMENT – CITY INITIATED REPEAL AND REPLACEMENT OF CHAPTER 7.00 HISTORIC PRESERVATION:

The proposed action is a City-initiated repeal and replacement of Municipal Code Chapter 7 Historic Preservation to reduce redundancy of language, allow for various entitlement actions for historical resources, reduce the number of Historic Preservation Committee (HPC) Members and their responsibilities, what qualifications Members must have, provide for what items are to be reviewed by the HPC, some exemptions to the Chapter, make the Chapter clear that it includes tribal cultural resources, update the ordinance in general to be more reader friendly and ensure consistency with the zoning code, California Environmental Quality Act terminology, and federal/state terminology.

The Planning Commission reviewed this item on May 18, 2017 and voted 5-0 to recommend the Code replacement.

LOCATION: City Wide

ENVIRONMENTAL: Exempt from the California Environmental Quality Act (CEQA) pursuant to Title 14 of the California Code of Regulations Section 15308 (Class 8: Actions by Regulatory Agencies for Protection of the Environment).

Information or questions regarding this item should be referred to Kristi Grabow, (916) 478-2245, or to the office of Development Services – Planning, 8401 Laguna Palms Way, Elk Grove, CA, 95758. All interested persons are invited to present their views and comments on this matter. Written statements may be filed with the City Clerk at any time prior to the close of the hearing scheduled herein, and oral statements may be made at said hearing.

If you challenge the subject matter in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice or in written correspondence delivered to the City Clerk, 8401 Laguna Palms Way, Elk Grove, CA, 95758, at or prior to the close of the public hearing.

This meeting notice is provided pursuant to Section 23.14.040 of Title 23 of the Elk Grove Municipal Code.

Dated/Published: June 16, 2017

JASON LINDGREN
CITY CLERK, CITY OF ELK GROVE

ADA COMPLIANCE STATEMENT

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Office of the City Clerk at (916) 478-3635. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.