

**CITY OF COLUSA
ORDINANCE NO. 444**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COLUSA
REPEALING AND REPLACING ARTICLE 30 OF APPENDIX A OF THE CODE OF
THE CITY OF COLUSA PERTAINING TO LANDMARK AND HISTORIC
PRESERVATION**

THE CITY COUNCIL OF THE CITY OF COLUSA DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Article 30 of Appendix A of the Code of the City of Colusa is hereby amended to read as follows:

Article 30 Landmark and Historic Preservation

- Section 30.01. Definitions
- Section 30.02. Background
- Section 30.03. Purpose
- Section 30.04. Heritage Preservation Committee
- Section 30.05. Criteria for Historic Landmarks, Resources, and District Designations
- Section 30.06. Initiation of a Historic Designation
- Section 30.07. Procedures for Historic Designation
- Section 30.08. Procedures to Amend or Rescind Designation of an Historic Resource
- Section 30.09. Minor Changes to Historical Record
- Section 30.10. Recording Requirements
- Section 30.11. Exterior Alterations or Relocation Affecting a Designated Resource, Landmark, Historic District, or Historic District Contributor
- Section 30.12. Demolition or Removal Affecting a Designated Resource, Landmark, Historic District, or Historic District Contributor
- Section 30.13. Referral and Approval by Planning Commission or City Council
- Section 30.14. Review Criteria for Proposed Alteration
- Section 30.15. Findings for Proposed Alteration
- Section 30.16. Review Criteria for Proposed Demolition
- Section 30.17. Findings for Proposed Demolition
- Section 30.18. Demonstration of Hardship
- Section 30.19. Timeline of Decision
- Section 30.20. Limitations
- Section 30.21. Public Noticing Requirements
- Section 30.22. California Historic Building Code
- Section 30.23. Maintenance of Records
- Section 30.24. Requirement to Maintain Against Demolition by Neglect
- Section 30.25. Appeal
- Section 30.26. Enforcement
- Section 30.27. Controlling State Law

Section 30.01 Definitions

- A. *Alteration* means any change in the character, composition, or structure of a historic resource requiring issuance of a building permit.
- B. *Archaeological Resource* means any sub-surface or above-ground material remains of past human life or activities that are at least fifty years of age and may yield additional information about pre-history or history.
- C. *Architectural Feature* means the architectural elements embodying style, design, general arrangements, and components of the exterior of any building or structure, including, but not limited to, the kind, color, and texture of the building materials and the style and type of all windows, doors, lights, signs, and other fixtures.
- D. *Building* means any structure used or intended for supporting or sheltering any use or occupancy.
- E. *California State Historical Building Code (SHBC)* refers to Health and Safety Code, Part 2.7, Division 13, Sections 18950–18961, as incorporated into the most recent California Building Code (CBC), which provides alternative building regulations for the rehabilitation, preservation, restoration, or relocation of qualified structures as defined by the SHBC.
- F. *Certificate of Approval* means an official certificate issued by the City Council upon review and approval of any proposed action relating to a designated historic resource, including alteration, demolition, or relocation as pursuant to this article.
- G. *Certified Local Government (CLG)*: A local government that has applied for and received certification as a CLG from the State Office of Historic Preservation (OHP) and the National Park Service. To qualify as a CLG, the local government must meet certain certification criteria and enter into a certification agreement with OHP.
- H. *Certified Local Government (CLG) Program*: The CLG program encourages and facilitates the direct participation of local governments in the identification, evaluation, registration, and preservation of historic properties within their jurisdictions and promotes the integration of local preservation interests and concerns into the local planning and decision-making processes. The CLG program is a partnership among local governments, the State of California-OHP, and the National Park Service (NPS).
- I. *Character-Defining Feature* means the architectural features of a building, structure, object, or historic district that help convey the significance of the historic resource.
- J. *City Staff* means City of Colusa employees or contract employees from any City department or agency, which may be called upon by the Heritage Preservation Committee as deemed necessary.
- K. *Committee* means the Heritage Preservation Committee established and governed pursuant to the provisions of this article.
- L. *Council* means the Colusa City Council.
- M. *Cultural Landscape* means a geographic area associated with an historic event, activity, or person or exhibiting other cultural or aesthetic values.

- N. *Demolition* means for the purpose of this article, any act or failure to act that destroys, damages, or removes in whole or in part an historical resource such that its historic character and significance is materially altered and cannot be repaired or replaced.
- O. *Historic and Cultural Significance* is determined by considering whether a resource:
1. Has significant character, interest or value, as part of the development, heritage, or cultural characteristics of the City, State, or Nation; or is associated with the life of a person significant in the past; or
 2. Is associated with a historic event with a significant effect on society; or
 3. Exemplifies the cultural, political, economic, social, or historic heritage of the community.
- P. *Historic District* means a geographically or thematically definable area within specific boundaries possessing a significant concentration, linkage, or continuity of sites, buildings, structures, and/or objects united by past events or aesthetically by plan or physical development and designated by the City Council, pursuant to the procedures prescribed in this article.
- Q. *Historic District Contributor* means an individual building, structure, object, cultural landscape, site, or archaeological site that adds to the historic architectural qualities, or pre-historic or historic associations or patterns for which an historic district is significant. In general, contributing properties are integral parts of the historic context and character of a historic district.
- R. *Historic Site* means a site officially designated as such by a federal, state, or local agency as being of historic significance or importance.
- S. *Integrity* is the ability of an historic resource to convey its significance. To retain integrity, an historic resource must retain most of the following aspects that loosely relate to the historic resources' significance: location, design, setting, materials, workmanship, feeling, and association.
- T. *Inventory* means a list of historic resources designated for special consideration either by federal, state, or local agency.
- U. *Landmark* means a building, structure, object, cultural landscape, site, or archaeological site designated as a City Landmark by the City Council, pursuant to the criteria and procedures set forth in this article. Any property listed on the California Register of Historical Resources and/or the National Register of Historic Places shall be considered a local Landmark for the purposes of this article.
- V. *Maintenance* means the process by which a property owner maintains or improves the condition of an historic resource.
- W. *Object* means a material thing of functional, aesthetic, cultural, educational, architectural, historical, or scientific value that may be, by nature or design, moveable yet related to a specific setting or environment.
- X. *Office of Historic Preservation (OHP)*: The OHP is a division of the California Department of Parks and Recreation whose mission, in partnership with the people of California and governmental agencies, is to preserve and enhance

California's historic heritage as a matter of public interest so that its legacy of cultural, educational, recreational, aesthetic, economic, social, and environmental benefits will be maintained and enriched for present and future generations.

- Y. *Relocation* means the removal of an historic resource from its original site and placement at a new site.
- Z. *Resource* means a building, structure, object, cultural landscape, site, or archaeological site designated as a Resource by the Heritage Preservation Committee, pursuant to the criteria set forth in this article. All properties included on the City's Historical Resources Inventory, as updated pursuant to the motion made by the Planning Commission at its March 24, 1993 meeting are Resources for the purposes of this article.
- AA. *Secretary of the Interior's Standards and Guidelines for the Treatment of Historic Properties*: Non-regulatory standards and guidelines for Archeology and Historic Preservation published by the Secretary of the Interior. They provide technical advice about archeological and historic preservation activities and methods.
- BB. *Site* means the location of a significant event, a prehistoric or historic occupation or activity, or a building or structure, whether standing, ruined, or vanished, where the location itself maintains historical or archaeological value regardless of the value of any existing structure.
- CC. *Survey* is the accepted method of systematically studying historic resources. It includes statements of significance according to the criteria set forth in this article and, when available, a physical description and a photograph of each historic resource, legal information from title or assessment records, and a statement of any potential threats to the integrity or continued existence of the resource. The information is recorded onto a survey sheet and kept as an historic resources inventory. Information from the survey is used by the Heritage Preservation Committee to identify historic resources it recommends for designation.

Section 30.02 Background

- A. Relation to General Plan and Certified Local Government Status: The City of Colusa has applied for and received approval for Certified Local Government status from the State Office of Historic Preservation (OHP) and has received certification as a CLG from the National Park Service. To qualify as a CLG, the City has demonstrated and continues to demonstrate that it meets certain certification criteria related to the identification, evaluation, registration, and preservation of historic properties and works to integrate local preservation interests and concerns into the local planning and decision-making processes. Certification as a CLG provides benefits in terms of technical assistance and preference for grant awards for historic preservation activities. This ordinance is consistent with the CLG status of the City as it promotes further integration of the consideration of historic properties with local planning procedures and acts to implement General Plan policies that promote preservation and enhancement of the historic character of the City of Colusa, which has been identified as important to maintaining the unique identity of the City.

- B. Secretary of the Interior's Standards and Guidelines for the Treatment of Historic Properties: These standards and guidelines act as the basis of the nation-wide historic preservation program and provide best practices for evaluation and treatment of historic properties. Guidance for the identification, evaluation, registration and treatment of historic properties provided by the Secretary of the Interior's Standards and Guidelines for the Treatment of Historic Properties shall be consulted in applying the provisions of this article.

Section 30.03 Purpose

It is recognized that where preservation is supported by local government policies, programs to designate and preserve historic resources can increase property values and pride of place. Revitalization of historic downtowns and adaptive reuse of historic districts and buildings conserves resources, uses existing infrastructure, generates local jobs and purchasing, supports small business development and heritage tourism and enhances quality of life and community character.

The purpose of this article is to promote the health, safety, and welfare of the citizens of the City of Colusa and to implement the historic preservation goals and policies set forth in the City's General Plan. This article will provide for the identification, designation, protection, enhancement, perpetuation, rehabilitation, and use of historical resources, including buildings, structures, works of art, objects, signs, features, sites, archaeological resources, cultural landscapes, places, and areas within the city that reflect special elements of Colusa's historical, architectural, archaeological, cultural, or aesthetic heritage. It is further the purpose of this article to prevent the needless destruction and impairment of such sites, structures, and areas as well as discourage the decay, disuse, and neglect of the same and to promote economic vitality in the City of Colusa by:

- A. Protecting, enhancing, and perpetuating the use of structures, sites, and areas that are important reminders of past eras or events, or that are associated with persons important to local, state, or national history, or which provide significant examples of the architectural styles of the past, and therefore provide unique and irreplaceable assets to the city and its neighborhoods and provide for this and future generations important examples of the physical surroundings in which past generations lived;
- B. Encouraging public knowledge, understanding, appreciation, and use of the city's historical, architectural, cultural, and environmental past through educational and interpretive programs;
- C. Fostering civic pride in the beauty and character of the city and in accomplishments of its past;
- D. Encouraging restoration and maintenance of Colusa's historic buildings and ensuring new building designs and construction are complementary of the city's existing historic character and do not adversely affect property values within the city;
- E. Enhancing the visual character of the city by encouraging the preservation and maintenance of important resources representative of the city's past;
- F. Compiling and maintaining an inventory of historic resources in the City of Colusa;

- G. Increasing economic benefits of historic preservation to the city, its citizens, and businesses by facilitating access to federal, state, and local historic preservation programs and incentives, including federal tax credits and Mills Act contracts;
- H. Identifying as early as possible and resolving conflicts which may arise between the preservation of historical resources and other land uses;
- I. Conserving valuable material and energy resources by ongoing use and maintenance of the existing built and natural environments;
- J. Encouraging voluntary participation in the preservation of historic property;

Section 30.04 Heritage Preservation Committee

A. Membership. The City of Colusa Heritage Preservation Committee shall consist of five members to be appointed to two-year terms by the City Council and to serve at the pleasure of the City Council. Appointees to the Committee shall be required to be residents of the ultimate Sphere of Influence of the City of Colusa, as shown on the City's adopted General Plan Land Use Map. It is desirable to have a mix of Committee members representing the public at large, as well as individuals with professional expertise associated with the building/construction industry, history, architecture, planning, or a related field. The CLG requirements established by the Secretary of the Interior state that two members of the Committee are encouraged to be professionals who meet the qualifications for various disciplines outlined by the Secretary of the Interior.

1. The Committee shall annually, in November, elect a chairperson, vice-chairperson, and secretary from its membership.
2. Three members of the Committee shall constitute a quorum for the transaction of business.
3. Any vacancy occurring by reason of death, disability, removal or resignation shall be filled by the City Council.
4. Three consecutive unexcused absences shall result in removal from the Committee with such vacancy to be filled by appointment of the City Council.

All appointments by the City Council to fill vacancies shall be for the balance of the unexpired term of the vacated seat.

B. Meetings. Committee meetings shall be held monthly in the City Hall Council Chambers or other location in City Hall at a time in accord with the posted agenda. All meeting shall comply with the requirements of the Ralph M. Brown Act, Govt. Code Section 54950 *et seq.* The Committee may adjourn any regular or adjourned regular meeting to a date specified in the order of adjournment. In the event the regular meeting falls on a holiday, said meeting shall be rescheduled as determined by majority vote of the Committee members.

C. Powers and Duties. The Committee shall serve in the following capacities;

1. The Committee shall periodically update the City of Colusa's Historic Resources Inventory, which shall include and identify any federal, State, and

city-designated historic Landmarks and historic resources within the City limits. The Historic Resources Inventory shall also identify properties having places, objects, structures, or sites considered to potentially meet criteria for historic designation that have not been formally designated. The listing for each property shall identify the historic designation (for example Landmark, Resource, or Historic District Contributor), if any, of each property and indicate whether it is part of a designated Historic District. The purpose of the inventory is to allow City staff to identify properties that would warrant review for potential impacts to historic resources prior to issuance of an administrative or discretionary permit. The survey and inventory shall be made available for reference to City staff and the public.

2. The Committee shall create and maintain a map of the City clearly depicting the boundaries of any designated Historic Districts. The Assessor's Parcel Numbers of any properties within a designated Historic District shall be listed on or attached to the map. The map and list of properties shall be made available for reference by City staff in processing permit applications.
3. The Committee shall establish and maintain a list of properties having places, objects, structures, or sites considered to potentially meet criteria for historic designation, and may take measures as set forth in this article for the designation of the resource. Properties so identified shall be listed on the City's Historic Resources Inventory for reference by City staff.
4. The Committee shall make information regarding application of the State Historical Building Code (SHBC) available to owners of property that would qualify for application of the alternative standards provided for by the SHBC. Information regarding the Historical Building Code shall also be provided to City Planning and Building officials.
5. The Committee shall make recommendations to the City Council using findings based on the standard of historical and cultural importance regarding proposed additions to, or removal of, resources from the City of Colusa's Historic Resources Inventory, including designation and rescinding of designation of historic Landmarks, Resources, Historic Districts, and Historic District Contributors, as well as additions to and removal of resources from State and federal registers of historic resources. The City Council shall review the Committee's recommendations and take action on the Committee's recommendation.
6. When the Committee has evaluated a historic resource or a historic district as being eligible for listing, the Committee shall inform the Planning Commission about such inclusion in order that the overall planning goals of the City are met.
7. For designated Landmarks or Historic District Contributors, the Committee shall hear and determine permit applications for construction, alteration, and demolition affecting the exterior of the structure and approve, approve with conditions, or deny the permit application. For publicly-owned Landmarks, the Committee would hear and determine permit applications for

construction, alteration, and demolition affecting either the interior or the exterior of the structure.

8. For applications requiring Planning Commission recommendation or approval, City Planning staff shall take the project to the Committee and the Committee shall make written recommendations to the Planning Commission regarding appropriate action using findings based on the standard of historical and cultural importance regarding a proposed demolition or alteration to a designated historic resource, or the compatibility of a new project adjacent to an historic resource. The Planning Commission shall review the Committee's recommendations during permit review and make a recommendation and findings of appropriate action to the City Council unless an action is final at the Planning Commission.
9. The Committee shall make recommendations to City staff regarding applications for any grant, tax-credit, and other incentive programs related to historic preservation. The Committee shall advise the City Planner regarding historic preservation incentive programs.
10. The Committee shall have the primary responsibility for insuring that the City's Certified Local Government (CLG) status remains current and State Historic Preservation Office (SHPO) reporting requirements are met.
11. The Committee shall hear and make recommendations to the City Planner regarding building and planning permit applications for construction, alteration, demolition, and remedial work on designated historic Resources which are reviewed by the Committee and shall make recommendations to the Planning Commission regarding applications for design review affecting properties listed on the City's Historic Resources Inventory.
12. The Committee shall review and provide advisory comments on preliminary and/or conceptual level plans submitted by property owners regarding potential demolition or alteration to properties listed on the City's Historic Resources Inventory, or the design of a potential project adjacent to a designated historic resource for which a permit from the City will be required.
13. The Committee shall, upon request of the property owner, advise with respect to any proposed work not requiring a city permit on a designated historic Landmark, Resource, or in a designated Historic District. Examples of work include, but are not limited to, painting or repainting of exterior surfaces, fencing, landscaping, glazing, and exterior lighting fixtures. The Heritage Preservation Committee shall be guided by the purposes and standards specified in this article, the Zoning Ordinance, and the General Plan and its implementing actions (for example, Historic Design Guidelines, upon adoption).
14. The Committee may formulate and develop financial procedures to establish and maintain a fund dedicated to the purpose of historic preservation within the City.

Section 30.05 Criteria for Historic Landmarks, Resources, and District Designations

Based on the following criteria, the City Council, on recommendation of the Heritage Preservation Committee may, by resolution, designate historic Landmarks, Resources, Historic Districts, or Historic District Contributors.

- A. Criteria for Designation of a Landmark. A Landmark may be locally designated, pursuant to this article and may be a building, structure, object, cultural landscape, site, or archaeological site with regional, state, or national significance. Any property listed on the California Register of Historic Resources, whether registered as a State Historical Resource or State Landmark, or a property listed on the National Register of Historic Places shall be designated a Landmark for the purposes of this article. To be designated as a Landmark, a place, object, structure, or site must retain a high level of historic and architectural integrity and meet at least one of the following criteria for designation:
1. It represents the first, last, only, or most significant of a special or exemplary element of Colusa's cultural, social, economic, political, aesthetic, engineering, architectural, or natural history, such that it has regional, state, or national importance.
 2. It is identified with a person or persons or event having a profound influence on regional, state, or national history; or
 3. It embodies distinctive characteristics or is an outstanding example of a style, type, period, method of construction, or architectural design or is an example of the use of unique local materials or craftsmanship determined to have regional, state, or national importance; or
 4. It represents the work of a notable builder, designer, engineer, or architect recognized at the regional, state, or national level; or
 5. It has potential to yield archaeological, ethnographic, or anthropological information with regional, state, or national importance.
- B. Criteria for Designation of an Historic Resource. An historic Resource can be a building, structure, object, cultural landscape, site, or archaeological site with local importance. To be designated as an historic Resource, a property must retain physical integrity and meet at least one of the following criteria for designation:
1. It reflects important element(s) of the city's cultural, social, economic, political, aesthetic, engineering, architectural, or natural history; or
 2. It is identified with a person or persons or event significant in local history; or
 3. It embodies important characteristics of a style, type, period, or method of construction of local historical importance; or
 4. It represents the work of a notable local builder, designer, or architect; or
 5. It may yield important archaeological, ethnographic, or anthropological information about the city's past.

C. Criteria for Designation of an Historic District. An Historic District contains multiple buildings, structures, objects, cultural landscapes, sites, or archaeological sites within a clearly defined geographic or thematic boundary. To be designated as an Historic District, a geographically definable area must possess a significant concentration, linkage, or continuity of sites, buildings, structures, or objects that retain a high degree of integrity and are representative of a specific time period, or are united by past events, aesthetic character, or by plan or physical development; and meet at least one of the following criteria for designation:

1. A significant proportion of the properties convey a sense of historic or architectural cohesiveness through their design setting, materials, workmanship, or association; or
2. The area is associated with an historically significant period in the development of the community or is associated with special historical events; or
3. A significant proportion of the properties embody distinctive characteristics of a style, type, period, or method of construction, or are a valuable example of the use of indigenous materials or craftsmanship; or
4. A significant proportion of the properties represent the work of notable builders, designers, engineers, or architects; or
5. Archaeological sites within the defined area yield or may yield important archaeological, ethnographic, or anthropological information about the city's past, and the findings of each site are clearly associated with one another through a common context.

Criteria for Designation of an Historic District Contributor. Historic District Contributors may be buildings, structures, objects, cultural landscapes, sites, or archaeological sites within a designated Historic District. An Historic District Contributor need not meet criteria for Landmark or Resource designation and may not be individually exceptional. To be designated as an Historic District Contributor, a building, structure, object, cultural landscape, or site must:

1. Be located within a defined Historic District; and
2. Represent the historic context and character of the Historic District, such that it serves as an integral component of the historic qualities for which the Historic District is exceptional.

Section 30.06 Initiation of a Historic Designation

A. Historic Landmark, Historic Resource, Historic District or Historic District Contributor. The City Council, Planning Commission, Heritage Preservation Committee, or any property owner, as to their property, may initiate the designation of an historic Landmark, Resource, Historic District or Historic District Contributor. An application for designation of a Historic District must be accompanied by the written approval and proof of property ownership of at least 67% of the property owners within the proposed district as identified by the most recent county assessor's roll.

- B. Application for Designation. Individuals or groups interested in obtaining historic designation for a property shall submit a completed application for property designation and a completed copy of the appropriate State of California Department of Parks and Recreation 523 Forms for the building, structure, object, landscape, site, or archaeological site intended for designation. The forms shall be used to document the historical, architectural, or archaeological significance of said building structure, object, landscape, site, or archaeological site, such that the Committee can render an informed decision regarding the application for designation using the criteria for significance established in this article. The minimum information necessary to evaluate properties to insure that adequate information is collected includes the following:
- a. An adequately developed historic context, including identified property types according to the Guidelines for Preservation Planning in the Secretary of the Interior's Standards and Guidelines for the Treatment of Historic Properties.
 - b. Sufficient information about the appearance, condition and associative values of the property to be evaluated to:
 - i. Classify it as to property type;
 - ii. Compare its features or characteristics with those expected for its property type;
 - iii. Define the physical extent of the property and accurately locate the property; and
 - iv. Describe the pertinent and significant historical contexts of the property; and
 - v. Assess the integrity of the property relative to that needed to represent the context.
 - c. Additional information as determined necessary by the Committee or staff to consider designation.

Section 30.07 Procedures for Historic Designation

- A. The Committee shall review all submitted documentation regarding a building, structure, object, cultural landscape, or site proposed for historic designation and may request additional information about the proposed designation from the applicant(s) before considering the proposed historic designation. The Committee shall consider the proposed historic designation at a public hearing that has been noticed as required by this article, and shall approve, approve with modifications, or disapprove the designation. If the designation is approved, the Committee shall make a recommendation regarding the designation to the City Council. Any property that is proposed for inclusion in any Historic District or Historic Designation shall be provided with written notice of such action.
- B. The City Council shall consider the recommendation of the Committee to designate a Landmark, Resource, Historic District or Historic District Contributor as an agenda item at a regularly scheduled public meeting. Any designation shall be made by

resolution of the City Council with findings based on the standard of historical and cultural importance.

Each designating resolution shall include a description of the characteristics of the Landmark, Resource, Historic District, or Historic District Contributor that justify the designation and a list identifying particular features to be preserved. The resolution shall also specify the location and boundaries of the designated Landmark, Resource, Historic District, or Historic District Contributor.

Properties so designated shall be subject to the provisions of this article. In addition, the property or properties shall be subject to the following standards if imposed by the designating resolution:

1. For publicly-owned Landmarks, review of proposed changes in major interior architectural features.
2. For an Historic District such further controls and standards as the City Council finds necessary or desirable, including but not limited to controls and standards for exterior architectural features, landscaping, setback, and height controls (for example, Historic Design Guidelines, upon adoption by the City).

When a Landmark, Resource, Historic District, or Historic District Contributor has been designated by the City Council, the City Clerk shall notify all affected property owners, defined as owners of property so designated and within one hundred (100) feet of a designated Landmark, Resource, or Historic District. The City Clerk shall cause a copy of the designating resolution to be recorded in the office of the County Recorder using the procedure described in Section 30.10.

- C. Any properties so designated shall be added by the Committee to the City's Historic Resources Inventory. The City's Historic Resources Inventory shall clearly identify the category of designation applied to the property (for example, Landmark, Resource, Historic District Contributor).

Section 30.08 Procedures to Amend or Rescind Designation of an Historic Resource

Requests to rescind an historic designation shall be submitted to the Committee for consideration. The owner of property with an historic designation may request the designation be rescinded if:

- A. The property has been lawfully altered in a manner such that it no longer meets the criteria of designation or retains the integrity necessary for designation; or
- B. Substantial new evidence indicates that the property does not meet the applicable criteria.

Action to recommend an amendment or the rescinding of an historic designation recommendation shall be made at a regularly scheduled meeting that has been publicly noticed pursuant to Section 30.21 of this article.

The Committee shall review the request and evidence presented by the property owner(s), and shall provide recommendations based on findings to the City Council regarding approval or denial of the request to amend or rescind. The City Council may

approve or deny the request to amend or rescind the designation. Action to amend or rescind by the City Council shall be by resolution.

Section 30.09 Minor Changes to Historical Record

Any individual may present additional information to the Committee regarding any historic designation. The Committee shall review the additional information submitted and request its Secretary to make appropriate changes to the historic record. Minor changes in the record of a designated resource require no further action by the Committee or the City Council.

Section 30.10 Recording Requirements

All historic designations in Colusa shall be officially recorded with the property deeds at the Colusa County Recorder's Office. The recorded information on the property deed shall state:

"The property identified as (insert street name and address) and Assessor's Parcel Number (insert APN) was designated as a (insert designation category – City Landmark, Resource, Historic District, or Historic District Contributor) by the City of Colusa City Council on (insert month, day and year). This historic property is identified as Site# (insert number i.e., 1, 7, 15, etc.) on the City of Colusa Historic Resources Inventory. As a designated historic property in the City of Colusa, this property is subject to the rules and regulations set forth in the Historic Preservation Ordinance identified as Article 30 of Appendix A of the Code of the City of Colusa.

Section 30.11 Exterior Alterations or Relocation Affecting a Designated Resource, Landmark, Historic District, or Historic District Contributor

Proposed exterior alterations, or interior alterations affecting the exterior, to a designated historic Landmark, Resource, or Historic District Contributor that would normally require a building permit, are subject to review by the Committee consistent with the provisions of any applicable design guidelines and / or historic design criteria and the following as it pertains to each resource designation:

- A. For an historic Landmark or an Historic District Contributor, an application for a building permit for exterior alterations for which the Committee cannot make the findings in Section 30.15, shall be deemed inconsistent with the provisions of this section and referred back to the applicant. No alterations requiring a building permit, and affecting the exterior of a designated Landmark or a property within an Historic District, shall be approved for any project that is deemed inconsistent with the provisions of this article.
 - a. Decision, Time Limitation: The Committee shall determine whether the application would conform to this article and the provisions of the designating resolution and shall approve, approve with modifications, or disapprove the application within sixty (60) calendar days after the filing of a complete application with the City.
- B. For any exterior alterations to a designated historic Resource, for which a permit issued by the City Building Department is required, plans shall be submitted to the City Planner for review and determination of consistency with any design guidelines

and / or historic design criteria applicable to the proposed project. The City Planner shall take the proposed project to the Committee for review and advisory comments at their next regularly scheduled meeting. Upon request of the applicant, a special meeting of the Committee may be called subject to public noticing requirements.

- a. Time Limitation: The Committee shall provide such advisory comments within forty-five (45) calendar days of receipt by the City of a complete application for the project.
- C. Notwithstanding any other provisions of this section, the Committee shall be notified by Planning staff of permit applications for alteration, or relocation for buildings fifty (50) years or older that do not have a historic designation and are not listed on the Historical Resources Inventory. The Committee may direct Planning staff to invite the applicant to bring the project for advisory review by the Committee. Time limits applicable to processing of the permit by the Building Department shall apply.

Section 30.12 Demolition or Removal Affecting a Designated Resource, Landmark, Historic District, or Historic District Contributor

Proposed demolition or removal affecting a designated historic Landmark, Resource, or Historic District Contributor that would require a demolition permit from the Building Department is subject to review by the Committee prior to issuance of a demolition permit consistent with the following as it pertains to each resource designation:

- A. For an historic Landmark or an Historic District Contributor, any application for a demolition permit for which the Committee cannot make the findings in Section 30.17 shall be deemed inconsistent with the provisions of this section and referred back to the applicant. No demolition of a designated Landmark or a property within an Historic District, shall be approved for any project that is deemed inconsistent with the provisions of this article.
 - a. Decision, Time Limitation: The Committee shall determine whether the application would conform to this article and the provisions of the designating resolution and shall approve, approve with modifications, or disapprove the application within sixty (60) calendar days after the filing of a complete application with the City.
- B. For any proposed demolition and / or removal affecting a designated historic Resource, for which a demolition permit issued by the City Building Department is required, the City Planner shall take the proposed project to the Committee for review and advisory comments at their next regularly scheduled meeting. Upon request of the applicant, a special meeting of the Committee may be called subject to public noticing requirements.
 - a. Time Limitation: The Committee shall provide any advisory comments within forty-five (45) calendar days of receipt by the City of a complete application for the project.
- C. Notwithstanding any other provisions of this section, the Committee shall be notified by Planning staff of permit applications for demolition or removal of buildings fifty (50) years or older that do not have a historic designation. The

Committee may direct Planning staff to invite the applicant to bring the project for advisory review by the Committee. Time limits applicable to processing of the permit by the Building Department shall apply.

Section 30.13 Referral and Approval by Planning Commission or City Council

If a proposed project to which this article applies is subject to discretionary approval of the Planning Commission or City Council, the City Planner shall take the project to the Committee and the Committee shall provide written recommendations to the Planning Commission and / or the City Council on a course of action regarding approval, denial, or conditional approval of the proposed project.

A proposed project requiring discretionary review and approval by the Planning Commission shall first be taken to the Committee for review and recommendation under the following circumstances:

- A. The proposed project involves exterior alterations, demolition, or relocation of a property included on the Historic Resources Inventory; or
- B. The proposed project is located within an Historic District or within one hundred (100) feet of a designated Landmark, or Historic District Contributor and could significantly affect the historic integrity of the designated property.

If, after a public hearing, the approving body makes the findings in Section 30.15 for alteration or Section 30.17 for demolition, it may approve the requested action provided that the approving body finds that other regulations and requirements for approval have been met.

Section 30.14 Review Criteria for Proposed Alteration

A proposed alteration affecting the exterior of a designated Landmark or property within an Historic District, pursuant to Section 30.11.A, or project with potential to significantly affect a designated historic Landmark or Historic District Contributor, pursuant to Section 30.13.B, may be approved, pursuant to the provisions of this article, if the approving body finds that the following evaluation criteria are met:

- A. The proposed action is consistent with the goals and policies of the City of Colusa General Plan and applicable design guidelines.
- B. The proposed work will not adversely affect the character or historical, architectural, or aesthetic interest or value of such property at its site. Consideration of the effects of the proposed work on the subject property consistent with the applicable Standards for Preservation, Standards for Rehabilitation, Standards for Restoration, and Standards for Reconstruction as included in the Secretary of the Interior's Standards for the Treatment of Historic Properties. This includes, but is not limited to, consideration of the effect on the attributes identified within the designating resolution for the subject historic resource, as well as a consideration of the effect on the following attributes of the resource:
 - a. Architectural details encompassing the period, predominant architectural style, and features as viewed primarily from all streetside facades and including:

- i. Material types, (e.g., wood, masonry, concrete, steel),
- ii. Relief,
- iii. Colors,
- iv. Textures,
- v. Ornamentation,
- vi. Nature of projections from buildings, particularly porches and decks,
- vii. Type and pitch of roof – flat, gabled, hip, gambrel, mansard, etc.,
- viii. Nature of the opening in the façade – primarily doors and windows, their location, size, framing, and proportions,
- ix. building height, bulk, and the nature of the roof line;
- x. Nature of the open space around buildings, including the extent of setbacks, the existence of any side or rear yards and their size, and the continuity of such spaces along the street or alley; and
- xi. Signage and murals or wall paintings.

C. With regard to any property located within an Historic District or within 100 feet of a designated Landmark or Historic District Contributor, the proposed work will not adversely affect the character of such designated resources.

Section 30.15 Findings for Proposed Alteration

The issuance of a building permit for a proposed alteration to a designated Landmark or property within an Historic District shall be approved only if the following findings can be made:

- A. The proposed action is consistent with the goals and policies of the City of Colusa General Plan.
- B. The proposed work will neither adversely affect the exterior architectural features of the property nor adversely affect the character or historical, architectural, or aesthetic interest or value of such property at its site, consistent with review criteria provided in Section 30.11 of this article.
- C. With regard to any property located within an Historic District or within 100 feet of a designated Landmark or Historic District Contributor, the proposed work will not adversely affect their character.

If information is not sufficient to allow the above findings to be made, the Committee or other approving body may require that an application be supplemented by such additional information necessary to allow a complete review of the proposed action. For projects requiring approval by the Planning Commission or City Council, the Committee may recommend the Planning Commission or City Council impose conditions or restrictions to make the findings in this section. For proposed exterior alterations to designated Landmarks or properties within an Historic District normally requiring only a building permit, the Committee may approve, approve with conditions, or deny

issuance of a permit. Approval of a project by the Committee shall not limit approval or review of any project required as a provision of any other section of the Code of the City of Colusa.

Section 30.16 Review Criteria for Proposed Demolition

A proposed demolition of a designated Landmark or property within an Historic District may be approved, pursuant to the provisions of this article, if the Committee finds that the following criteria are met:

- A. The designated historic resource is determined to be structurally unsafe or otherwise present a public safety hazard or nuisance condition, as defined in the International Building Code and verified by the Building Official in consultation with the City Manager;
- B. In the opinion of the Building Official, no economically feasible alternatives to demolition of the historic resource exist that will adequately protect the health and safety of the public including, but not limited to, abatement of the immediate threat through repair, temporarily securing the premises through security fencing or other measures until a permanent solution can be found, stabilization, relocation, or limited demolition; and
- C. Application of the standards and requirements of the California Historic Building Code would not correct deficiencies resulting in the unsafe or dangerous conditions of the designated resource.

Section 30.17 Findings for Proposed Demolition

The issuance of a permit for the proposed demolition of a designated Landmark or property within an Historic District shall be approved only if the following findings can be made:

- A. Demolition of the designated historic resource would correct a public safety hazard or nuisance condition;
- B. No economically feasible alternatives to demolition of the historic resource exist to restore or repair the resource to a state that would abate the threat posed to public safety;
- C. Application of the standards and requirements of the California Historic Building Code would not correct deficiencies resulting in the unsafe or dangerous conditions of the designated resource; and
- D. Relocation of a designated historic resource is not an acceptable alternative to demolition pursuant to the provisions of Section 30.16 of this article.

Section 30.18 Demonstration of Hardship

If the applicant presents facts clearly demonstrating to the satisfaction of the Heritage Preservation Committee that failure to approve the application will result in immediate and substantial hardship because of conditions peculiar to the particular structure or other feature or circumstances involved, the Committee may approve such application even though the findings set forth in Section 30.13 or Section 30.15 of this article cannot be made.

Section 30.19 Timeline of Decision

For approvals where the Committee is the approving body, the Committee shall approve, approve with conditions, or deny the application within sixty (60) calendar days after the filing of a complete application. An extension of up to thirty (30) days may occur with the consent of the applicant. The Committee shall take action and / or provide recommendations on matters referred to it pursuant to the provisions of this Chapter within sixty (60) calendar days of the date upon which the matter is first considered by a quorum of the Committee at a publicly noticed meeting.

Section 30.20 Limitations

- A. Following receipt of an application for historic designation for a property, no permit may be issued for any work ordinarily subject to the provisions of this ordinance for which an application is received following receipt by the City of the designation application until a decision is made by the City Council regarding designation of the property.
- B. Initiation of the designation procedures for a property shall not affect the processing of applications for permits submitted to the City prior to the date of submittal to the City of the application for historic designation.
- C. The provisions of this article shall not be construed to regulate, restrict, limit, or modify the authority of the Building Official, as defined by the International Building Code, to issue permits for the demolition of a designated historic resource that has not been maintained and is unsafe, or a building that has sustained damage from an earthquake, fire, or other natural disaster and is structurally unsafe or determined dangerous to human life as defined in the International Building Code.
- D. In the event of damage sustained from an earthquake, fire, or other natural disaster, the Building Official shall consult with the City Manager for the purpose of determining the following:
 - a. Whether the condition of the designated historic resource is considered unsafe or dangerous within the meaning of the International Building Code;
 - b. Whether there are any economically feasible alternatives to demolition of the historic resource that will adequately protect the health and safety of the public including, but not limited to, abatement of the immediate threat through repair, securing the premises through security fencing or other measures, stabilization, and limited demolition; and
 - c. Whether the unsafe or dangerous conditions could be corrected through use of the California Historic Building Code.
- E. If the Building Official in consultation with the Committee determines that the designated historic resource is unsafe or dangerous and that there are no economically feasible alternatives to demolition, the Building Official may issue a permit to demolish the designated resource.
- F. Relocating a designated historic resource may be an acceptable alternative to demolition if the City Council can find that the relocation is compatible with the

original character and use of the historic resource. Requests for relocation of a designated historic resource shall be submitted to the Planning Director. No designated historic resource shall be relocated without City Council approval.

- G. Historic resources may be temporarily preserved in place by order of the City Council if the site can be secured to ensure public safety until a permanent solution can be found.

Section 30.21 Public Noticing Requirements

For any action pertaining to an existing or proposed Landmark, Resource, or Historic District, or Historic District Contributor, a notice of the Committee meeting shall be mailed to the subject property owner(s) and to all property owners within three hundred (300) feet of the boundaries of the subject site at least ten (10) days prior to the meeting. An additional notice shall be posted on the subject site or within three hundred (300) feet of the subject site at least ten (10) days prior to the meeting and such notice shall be viewable from the public right-of-way.

Section 30.22 California Historic Building Code

The State Historical Building Code (SHBC, Health and Safety Code, Part 2.7, Division 13, Sections 18950-18961) shall be applied by the City of Colusa Building Department to all qualified buildings, as defined by the SHBC.

Section 30.23 Maintenance of Records

It shall be the responsibility of the Committee to maintain a current record of designated Landmarks, Resources and Historic Districts. It shall also maintain a list of those buildings eligible for National Register designation. These lists are to be provided to the City Planner for reference in processing applications.

Section 30.24 Requirement to Maintain against Demolition by Neglect

All designated historic Landmarks, Resources, and Historic District Contributors shall be preserved against decay and deterioration, kept in a state of good repair, and kept free from structural defects. The purpose of this section is to prevent an owner or other person having legal custody and control over a property from facilitating demolition of a Landmark or Resource by neglecting it or by permitting damage to it by weather or vandalism.

Consistent with all other State and City codes requiring that buildings and structures be kept in good repair, the owner or other person having legal custody and control of a property shall repair such building or structure if it is found to have any of the following defects:

- A. Building elements so attached that they might fall and injure members of the public or damage property;
- B. Deteriorated or inadequate foundation;
- C. Defective or deteriorated flooring;
- D. Members of walls, partitions, or other vertical supports that split, lean, list, or buckle due to defective material or deterioration;

- E. Members of ceilings, roofs, ceiling or roof supports, or other horizontal members which sag, split, or buckle due to defective materials or deterioration;
- F. Fireplaces or chimneys which list, bulge, or settle due to defective material or deterioration;
- G. Deteriorated, crumbling, or loose exterior plaster;
- H. Deteriorated or ineffective waterproofing of exterior walls, roofs, foundations, or floors, including broken windows or doors,;
- I. Defective, or lack of weather protection for exterior wall coverings, including lack of paint, or weathering due to lack of paint or other protective covering;
- J. Any fault, defect, or deterioration in the building which renders it structurally unsafe or not properly watertight.

If the Committee has reason to believe that a designated Landmark, Resource, or Historic District Contributor is being neglected and subject to damage from weather or vandalism, or if it is reported to the City by any other person, it shall be brought to the attention of the City Planner, who with the Building Official or Inspector shall meet with the owner or owner's legally designated agent to discuss with them ways to improve the condition of the property. If noted conditions are not corrected, the City may take appropriate action in order that the designated historic resource does not deteriorate further and result in a public nuisance.

Section 30.25 Appeal

Appeal from any action taken by the Committee or by the Planning Commission on recommendation from the Committee under the provisions of this article may be made in writing to the City Council within 10 calendar days from the date of the action taken by the Committee or the Commission. An action of the Committee or the Planning Commission made pursuant to this article is final 11 calendar days following the date of the action unless a written appeal is filed with the Planning Department no later than 10 calendar days after the action is taken.

Appeals may be filed by the applicant or any aggrieved party who provided written or verbal testimony at the public hearing on the initial decision. Such application for appeal shall be submitted to the Planning Department at City Hall and shall be accompanied by a fee in an amount as established by resolution of the City Council

Within fifteen (15) calendar days of the filing of any such appeal, the Committee and/or Commission shall forward all documents pertaining to the action to the City Council for review. The City Council shall hear the appeal within forty-five (45) calendar days of the filing of the appeal.

The City Council shall consider the record and such additional evidence as may be offered and may affirm, reverse or modify, in whole or in part, or make and substitute such other additional decision or determination as it may find warranted under the provisions of this article. The determination of the City Council on the appeal shall be final.

The decision of the City Council shall be expressed by a written motion, a copy of which shall be provided to the petitioner, Commission, and Committee within ten (10) calendar days of the hearing.

Section 30.26 Enforcement

It shall be unlawful for any person to undertake the alteration, removal, or demolition of a designated Landmark, Resource, or Historic District Contributor in violation of the provisions of this article, or to defy any order or decision rendered by the Committee, Planning Commission, or City Council pursuant to provisions of this article. This section does not apply to advisory comments provided by the Committee pursuant to the provisions of this article.

Any person who violates any of the provisions of this article or fails to comply with an order made thereunder, is guilty of a misdemeanor punishable by a fine not to exceed three hundred dollars (\$300.00) or as established by City Council. For the purpose of this Chapter, each day during which there exists any violation of any provision herein may, at the discretion of City Council, constitute a separate violation.

The imposition of a penalty for any violation or noncompliance shall not excuse the violation or noncompliance or permit it to continue, and all such persons shall be required to correct or remedy such violations within a reasonable time. As part of any enforcement proceeding, violators may be required to reasonably restore the building, structure, object, or site to its appearance or condition prior to the violation, under the guidance of the Planning Division and as approved by the City Council in consideration of recommendations provided by the Heritage Preservation Committee.

In addition, the City Attorney or City Manager may seek injunctive relief or maintain an action in abatement to further the provisions of this article. The penalties set forth in this article are non-exclusive and additional remedies, as are lawfully available, may be imposed by the City Attorney.

Section 30.27 Controlling State Law

The provisions of this article and any resolution adopted pursuant hereto, shall at all times be subject and subordinate to the provisions of the California Government Code, as the same presently exist or may hereafter be amended from time to time, to the extent the same are applicable. In the event of any conflict between the provisions of this article and said state law, the latter shall control. If any action under this article is subject to the provisions of CEQA, the time in which such action must be taken shall be extended in order to allow time to comply with said Act, provided, however, that such action is taken within the time limits imposed by the Permit Streamlining Act.

SECTION 2. Severability.

If any section, subsection, sentence, clause, portion, or phrase of this article is for any reason held to be invalid or unconstitutional by a decision of court of any competent jurisdiction, such decision shall not affect the validity of the remaining sections, subsections, sentences, clauses, portions, or phrases of this article. The City Council hereby declares that it would have passed this ordinance and each and every section,

subsection, sentence, clause, portion, or phrase without regard to whether any other section, subsection, sentence, clause, portion, or phrase would be subsequently declared invalid or unconstitutional.

SECTION 3. Publication The City Clerk shall either (a) have this ordinance published in a newspaper of general circulation once within fifteen (15) days after its adoption, or (b) have a summary of the ordinance published twice in a newspaper of general circulation; once five (5) days before its adoption and again twenty (20) days after its adoption.

This ordinance shall take effect thirty (30) days from and after its adoption.

The foregoing ordinance amending Article 30 of Appendix A of the Code of the City of Colusa was introduced, a reading thereof being waived in accordance with the law at a Regular Meeting of the City Council of the City of Colusa, held on the _____ day of _____, 2009, and the same was adopted and ordered published at a Regular Meeting thereof held on the _____ day of _____, 2009, by the following roll call vote:

AYES:

NOES:

ABSTAIN:

ABSTAIN:

Robert Mackaben
Mayor of Colusa

APPROVED AS TO FORM:

ATTEST:

City Attorney

Lori Reische, City Clerk