

Chapter 15.78
HISTORIC PRESERVATION

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15.78.010 Title.

This chapter shall be known as the "Historic Preservation Ordinance."

15.78.020 Purpose.

It is the intent and purpose of the City Council of the City of Lake Elsinore to:

- A. Safeguard the City's architectural, cultural and historic heritage by recognizing that the historic landmarks and districts are an important part of both the past and future of the City of Lake Elsinore;
- B. Foster civic and neighborhood pride and a sense of identity based on the recognition of the City's past and its historic resources;
- C. Promote participation in the rehabilitation, adaptive reuse, restoration, maintenance, and continued vitality of historic resources and districts, and to recognize their contribution to the unique fabric of the City of Lake Elsinore;
- D. Encourage public education and participation in the City's historic preservation program;
- E. Protect historic resources, including landmarks and districts, as a means to enhance the City of Lake Elsinore attraction to residents, tourists and visitors, thus stimulating local business and industry;

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F. Acknowledge the critical role served by owners of landmarks and historic resources within districts, as stewards in furthering the goal of historic preservation;

G. Codify the procedures and criteria for designation of historic resources and districts, as well as the processes and standards for reviewing proposed demolitions, alterations, and additions to historic resources;

H. Encourage preservation and adaptive reuse of historic resources by allowing changes to an historic building to accommodate new functions, and not to "freeze" historic buildings in time;

I. Recognize that historic resources need to continue to be economically sustainable to reduce the threat of demolition;

J. Identify financial and other incentives that are intended to encourage owners of historic resources to designate, maintain, reuse, rehabilitate and improve historic resources and districts; and

K. Fulfill the City of Lake Elsinore responsibilities regarding historic resources under applicable State and federal preservation laws, if applicable, for National Historic Preservation Act Section 106 reviews, and ensure that all procedures comply with the California Environmental Quality Act.

15.78.030 Definitions.

The terms used in this chapter have the meaning set forth below:

"Adaptive Reuse" means converting a building, structure or site to a use other than that for which it was designed.

"Alteration" means any change or modification, through public or private action, of an historic resource or any property located within a historic district, including but not limited to, exterior changes to or modification of structural and/or architectural details or visual characteristics such as paint color and surface texture, grading, surface paving, construction of new structures, cutting or removal of trees and other natural features, disturbance of archaeological sites or areas, and the placement or removal of any exterior objects such as signs, plaques, light fixtures, street furniture, walls, fences, steps, plantings, and landscape accessories affecting the exterior visual qualities of the property.

"Building Official" means the Building Director for the City of Lake Elsinore or his or her designee.

"California Environmental Quality Act" or "CEQA" means the California Public Resources Code Section 21000 et seq., as amended from time to time.

"California Register statute and regulations" means California Public Resources Code Section 5024.1) and California Code of Regulations Section 4850 et seq., as amended from time to time.

"CEQA Guidelines" means the California Code of Regulations, Title 14, Section 15000 et seq., as amended.

"Certificate of Appropriateness" shall mean the certificate required prior to undertaking work or improvements on a landmark, contributing resource or non-contributing resource within a historic district.

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"Certificate of Demolition" shall mean the certificate required prior to undertaking work to demolish a landmark, contributing resource or non-contributing resource within a historic district.

"Certificate of Economic Hardship" shall mean the certificate required to establish a hardship exists for a specified landmark, contributing resource or resource within a historic district.

"Commission" means the Planning Commission of the City of Lake Elsinore.

"Community Development Director" means the Director of the City's Community Development Department or designee.

"Contributing resource" means any building, structure or object within a historic district that is either a separately designated historic landmark or designated as a resource that contributes to the district's historic, cultural, or architectural significance.

"Demolition" means the complete or substantial removal of any building, structure, or site.

"Historic district" means a geographic area designated as a historic district by the City Council.

"Historic resource" means any building, structure, or object that has special character or special historical, cultural, architectural, community, or aesthetic value and that has been designated a historic resource pursuant to this chapter.

"Integrity" means the authenticity of a historical resource's physical identity as evidenced by the survival of characteristics or historic fabric that existed during the resource's period of significance.

"Lake Elsinore Historic Register" means the official list of landmarks and historic districts and all contributing resources within historic districts, as adopted by the City Council pursuant to this chapter.

"Landmark" means any historic resource designated as a landmark by the City Council.

"Mills Act" means California Government Sections 50280 et seq., as amended from time to time.

"National Historic Landmark criteria" means 36 CFR 65.4, as amended from time to time.

"National Historic Preservation Act" means 16 U.S.C. 470 et seq., as amended from time to time.

"Non-contributing resources" means all resources within a historic district that are not identified as contributing resources.

"Period of significance" means the date or span of time within which significant events transpired, or significant individuals made their important contributions.

"Resource" means any building, structure, object, site, area, place, feature, characteristic, appurtenance, landscape, landscape plan or improvement.

"State Historical Building Code" means the State Historical Building Code as contained in Part 8 of Title 24 (California Building Standards Code) of the California Code of Regulations, as amended from time to time.

15.78.040 Commission.

The Commission is authorized to make recommendations, decisions, and determinations concerning the designation, preservation, protection and enhancement, and perpetuations of historic resources and historic districts.

15.78.050 Powers and duties of commission.

The Commission shall have the following additional powers and duties:

A. To consider and recommend to the City Council additions to the Lake Elsinore Historic Register through the designation of both individual landmarks and multiple-property historic districts.

B. To conduct studies and evaluations of applications requesting the designation of a landmark, historic resource, and/or historic district, and make determinations and recommendations as such appropriateness for consideration of such applications.

C. To make recommendations to the City Council on zoning and general plan amendments related to historic preservation and long-range planning goals and policies.

D. To grant or deny applications for permits for demolition, new construction, or major alterations of designated historic resources and properties within historic districts.

E. To make recommendations to the City Council on applications for properties to be included in the Mills Act property tax incentive program which may be subject to historic property contracts.

F. To recommend and encourage the protection, enhancement, appreciation and use of properties of historical, cultural, architectural, community or aesthetic value that have not been designated as historic resources but are deserving of recognition.

G. To encourage the cooperation between public and private historic preservation organizations.

H. To advise the City Council and other City of Lake Elsinore boards and commissions as necessary on historic preservation issues and environmental reviews that may be pending.

15.78.060 Lake Elsinore historic resources inventory.

A. The purpose of the Lake Elsinore Historic Resources Inventory is to identify buildings, structures, objects, sites or districts that are designated historic resources, appear eligible for historic designation, or are considered historic resources for purposes of CEQA.

B. The Community Development Director shall compile, maintain, and periodically update a Lake Elsinore Historic Resources Inventory. Notice will be sent to property owners when their property is being considered for inclusion on the inventory.

C. The Lake Elsinore Historic Resources Inventory shall consist of buildings, structures, objects, sites, or districts that:

1. Are identified as historic resources or potential historic resources through survey or other evaluation;

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2. Are included on any list of historic and cultural resources, including, but not limited to, the National Register of Historic Places, California Register of Historic Resources, or California Points of Historical Interest;

3. Are a designated Riverside County Historical Landmark; or

4. Are designated historic landmarks or contributing resources to a historic district by the City Council.

D. The Lake Elsinore Historic Resources Inventory shall be kept on file with the Community Development Department.

15.78.070 Lake Elsinore historic register.

A. There is hereby established the Lake Elsinore Historic Register, a register of locally designated historic landmarks and all contributing resources within Historic Districts.

B. Any property within the City that is listed on the National Register of Historic Places, on the California Register of Historic Resources, identified as a California Point of Historical Interest or is designated as a Riverside County Historical Landmark shall automatically be deemed listed on the Lake Elsinore Historical Register.

C. Any historic landmark designated as a culturally significant landmark or as a historic landmark by the City on or before the effective date of this chapter shall not automatically be designated a historic landmark for purposes of this chapter, but shall require review to determine if the designation is consistent with the provisions of this chapter.

D. New designations of Historic Landmarks and Historic Districts can be initiated in accordance with the criteria and procedures set forth in this chapter.

E. The designation of a historic landmark, historic district or contributing resource runs with the land, and is not affected by a change of the property ownership.

F. The conditions and process for amendment or rescission of a designation as a historic landmark or district, or of a contributing resource, are described in Section 15.78.100.

15.78.080 Landmark or historic district designation.

A. Prior to recommending approval or modified approval, the Commission shall find that said proposed landmark or historic district has special aesthetic, architectural, cultural, engineering, or historical interest or value. In making its findings, the Commission may consider the following factors, among other relevant factors, with respect to the proposed landmark or historic district:

1. Its character, interest or value as part of the local, regional, state or national history, heritage or culture;

2. Its location as a site of a significant historic event;

3. Its identification with a person or persons who significantly contributed to the local, regional, state or national culture and history;

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4. Its exemplification of the culture, economic, social or historic heritage of the City of Lake Elsinore;
5. Its portrayal of the environment of a group of people in an era of history characterized by a distinctive architectural style;
6. Its embodiment of distinguishing characteristics of an architectural type or specimen;
7. Its identification as the work of an architect, master architect or builder whose individual work has influenced the development of the City of Lake Elsinore;
8. Its embodiment of elements of architectural or engineering design, detail, materials or craftsmanship which represent a significant architectural innovation or which is unique.
9. National Historic Landmark criteria, the California Register statute and regulations and/or the definition of historic resources found in the CEQA Guidelines.

B. Designation Process. Historic resources, outstanding historic resources, and historic districts shall be designated by the City Council upon the recommendation by the Commission in the following manner:

1. Initiation of Designation. Designation of an individual historic resource or landmark, or an historic district may be initiated by the Commission, by any resident of the City of Lake Elsinore, or by the owner of the property that is proposed for designation. Applications for designation originating from outside the Commission must be accompanied by such architectural, cultural, and historic information as is required by the Commission to make an informed recommendation concerning the application.
2. List. The Commission shall publish and transmit to all interested parties a list of proposed designations, and shall disseminate any relevant public information concerning the list or any site, structure, or area contained therein.
3. Review. The Commission shall prepare a designation report, which shall establish how the proposed landmark or historic district meets the applicable criteria for designation.
4. Commission Public Hearing. The Commission shall schedule a public hearing on all proposed designations, whether originating with the Commission or with another party. If an application for designation originates from outside the Commission, the public hearing shall be held within ninety (90) days of the Commission's receipt of an application deemed complete.
5. Work Moratorium. While the Commission's public hearing and the City Council's decision on the Commission's recommendation is pending, a work moratorium is in place. During the moratorium, any work that would require an alteration permit if the improvement were already designated a historic resource or historic district shall not be carried out. The work moratorium will end upon the City Council's decision on the proposed designation, or the moratorium termination date designated by the City Council that shall not to exceed one hundred eighty (180) calendar days from the date of commencement of the moratorium, whichever occurs first.

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6. Notice. Notice of the public hearings for the designation of historic resources or historic districts shall comply with the requirements set forth in Chapter 17.192 of the Lake Elsinore Municipal Code.

7. Action of the Commission. The Commission may recommend approval in whole or in part or may recommend disapproval of the application for designation in writing to the City Council, setting forth the reasons for the decision.

8. Action by the City Council. A report of the findings and recommendations of the Commission shall be transmitted to the City Council after the Commission hearing. The City Council shall make its own determination regarding the application for designation and may by resolution approve, disapprove, or give modified approval to a proposed designation. If the City Council approves a proposed designation, the City Clerk shall promptly send notice of the City Council's decision to the applicants and owners of the designated property. Notice shall also be sent to the Building Official, the Community Development Director and the Lake Elsinore Historical Society.

9. Failure to Send Notice. Failure to send any notice by mail to any property owners where the address of such owner is not a matter of public record shall not invalidate any proceedings in connection with the proposed designation.

10. Amendment or Rescission. The City Council may amend or rescind any designation of an historic resource or historic district in the same manner and procedure as are followed for designation.

15.78.090 Owner consent for landmark designation.

The City shall not designate any landmark without the owner's consent.

15.78.100 Amendment or rescission of designation.

The City Council, upon the recommendation of the Commission, may amend or rescind any designation of a historic landmark or historic district, including identified individual contributing resources to a historic district, in the same manner and procedure as for designation.

In rescinding or amending the designation of a historic landmark or historic district, the City Council must make the finding that the building, structure, object or district no longer meets the designation criteria due to:

1. New information that compromises the significance of the property; or
2. Destruction of the historic landmark or contributing resource to a historic district through a catastrophic event that has rendered the structure a hazard to public health, safety, or welfare; or
3. The demolition, relocation, or removal of the historic landmark or contributing resource.

15.78.110 Certificate of appropriateness.

A. Certificate Required. No person shall carry out or cause to be carried out any alteration, restoration, rehabilitation, construction, removal, relocation or demolition of any designated

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historic resource or historic district unless the City has first issued a Certificate of Appropriateness in accordance with the requirements of this chapter. An application for such permit shall be filed with the Commission, who may require that the application for permit be supplemented by such additional information or materials as may be necessary for a complete review by the Commission.

B. Exceptions. The provisions for the issuance of a Certificate of Appropriateness shall not be construed to prevent ordinary maintenance or repair, which does not change the design, materials or, architectural elements or site features of a designated property. Selected activities are exempt from the review procedures including exterior repainting and paint color selection, and the repair of exterior walls with materials and finishes to match the existing walls.

C. All applications for a Certificate of Appropriateness shall include the following:

1. Completed City of Lake Elsinore application forms.
2. Three (3) sets of site plan, floor plan and scaled elevations and drawings of the proposed work and its relationship to the designated historic property's buildings, structures, sites and features.
3. Written scope of work and narrative description of how the work is in conformance with the applicable design guidelines and standards, and length of time estimated to complete the project.
4. Accurate representation of all building materials and finishes to be used.
5. Photographs and other exhibits, as needed, which clearly depict location, extent and design of proposed work.
6. Applicable application fees.

D. Administrative Review. The Community Development Director may administratively issue a Certificate of Appropriateness for work that requires the issuance of a permit when it is determined that:

1. The work is minor and clearly meets the applicable standards and guidelines and any modifications to the proposed work requested by the City of Lake Elsinore are agreed to by the applicant.
2. The proposed work will not diminish, eliminate or adversely affect the historic character of the subject historic resource or the district in which it is located.

No changes shall be made to the approved plans for which an administrative approval was issued without resubmittal to the Community Development Director for approval of the changes.

E. Commission Review.

1. The Commission will review and make a recommendation to the City Council on the issuance of a Certificate of Appropriateness for those applications that do not qualify for administrative review. The Community Development Director shall review the application and, if determined to be complete, schedule the item for a hearing before the Commission.

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2. Notice of public hearings for the designation of historic resources or historic districts shall comply with the requirements set forth in Chapter 17.192 of the Lake Elsinore Municipal Code. The Community Development Director will review the application materials and analyze how the proposed work conforms to the appropriate guidelines and standards and any other relevant codes, such as the California State Building Code, and make a recommendation for approval, denial or approval with conditions.

3. The Commission will review the application, staff report, and evidence presented at the public hearing to make a recommendation to the City Council as to whether to issue a Certificate of Appropriateness. The Commission may recommend approval, approval with conditions, or denial or may continue the matter with directions as to what additional information is needed to make a recommendation.

F. Action by the City Council.

The City Council shall make a final decision as to whether to grant, conditionally grant, or deny a Certificate of Appropriateness.

G. Standards for Consideration of a Certificate of Appropriateness:

1. For a designated historic district, whether or not the subject property is classified as a contributing or non-contributing resource.

2. The proposed work will neither adversely affect the architectural features of the resource(s) nor adversely affect the character or historic, architectural, or aesthetic interest or value of such resource(s) and its site.

3. The proposed work will be reviewed relative to the elements of placement, orientation, size, scale, massing, proportions, materials, textures, finishes, patterns, details, embellishments and the relationship of these elements to one another which contribute to the historic, architectural, cultural, technological and/or educational significance of the property;

4. Conformance with the Secretary of the Interior's Standards and any Commission-adopted guidelines; and

5. For the relocation of historic buildings and structures, the extent to which the new location and its siting re-create the setting and environment associated with the original period of significance for the historic property.

H. A Certificate of Appropriateness will expire one year from the date of issuance unless work is started within that time. No changes shall be made to the approved plans after the issuance of a Certificate of Appropriateness without resubmittal to the Commission and determination of the necessary approval process for the proposed changes.

I. The Commission may establish guidelines for minor projects to be reviewed and approved by the Community Development Director. If, in the judgment of the Community Development Director, the proposed work does not meet the standards and guidelines, the Community Development Director shall forward the application to the Commission for its independent review and determination.

15.78.120 Demolition of historic resources.

Purpose: Once a historic resource is demolished, it is forever gone and cannot be replaced. Therefore, it is the intent of this section to preserve the architectural, cultural and historic resources that have a demonstrated significance to the City of Lake Elsinore. Consequently, these provisions are structured to take reasonable measures to ensure that historic resources are not inadvertently or unnecessarily destroyed and to explore all alternatives to their demolition.

A. No person shall carry out or cause to be carried out demolition of any designated historic resource unless the City has first issued a Certificate of Demolition in accordance with the requirements of this chapter. Without a valid Certificate of Demolition, the Building Official shall not issue permits to demolish a property designated on the City of Lake Elsinore Historic Register.

B. Certificate of Demolition. All applications for a Certificate of Demolition shall include the following:

2. The demolition permit application;

3. If the building has been determined an imminent hazard, written documentation from the Building Official of this determination;

4. Narrative text, graphic illustration or other exhibits that the building, structure or object is of no architectural, cultural or historic value or importance.

C. Upon receipt of a complete application for a Certificate of Demolition, the Commission shall review the application, provided however, that if the building, structure or object has been determined to be an imminent threat to public health, safety, and welfare by the Building Official, the Community Development Director may approve or deny the request.

D. Applications for Certificates of Demolition shall be processed in the same manner and procedure as are followed for landmark or historic district designation.

E. The Commission will review the application materials and make a recommendation to the City Council for approval, denial or approval with conditions. If the Commission determines to recommend approval to the City Council, the Commission shall make one or more of the following findings:

1. There is sufficient evidence, including evidence provided by the applicant, that the property retains no reasonable economic use, taking into account the condition of the structure, its location, the current market value, and the costs of rehabilitation to meet the requirements of the building code or other city, state or federal law;

2. That the demolition or relocation of the structure is necessary to proceed with a project consistent with and supportive of identified goals and objectives of the general plan, and the demolition of the structure will not have a significant effect on the achievement of the purposes of this chapter or the potential effect of the demolition or relocation of the structure is outweighed by the benefits of the new project;

3. In the case of an application for a permit to relocate, that the structure may be moved without destroying its historic or architectural integrity and importance; or,

4. That the demolition or relocation of the structure is necessary to protect or to promote the health, safety or welfare of the citizens of the city, including the need to eliminate or avoid blight or nuisance.

F. The City Council may require a reasonable continuance for consideration of the demolition request for the purpose of providing adequate time to investigate alternatives to demolition.

G. In the event that the City Council determines to approve the application for a Certificate of Demolition, the City Council shall direct the Building Official to issue the necessary permit and rescind the historic landmark designation and/or the building's identification as an individual contributing resource to a historic district.

15.78.130 Economic hardship exception.

A. Application for Economic Hardship Exception. An application for an Economic Hardship Exception shall be filed concurrently with and shall be processed in the same manner and procedure as a Certificate of Appropriateness before the Commission.

B. An application for an Economic Hardship Exception shall be accompanied by documentation in support of the requested exception, which may include the following:

1. Estimate of the cost of the proposed construction, alteration, demolition or removal, and an estimate of any additional cost that would be incurred to comply with the requirements of this chapter;
2. Estimated market value of the property in its current condition; estimated market value after completion of the proposed construction, alteration, demolition or removal; and
3. Any other information considered necessary for making a determination as to whether the property does yield or may yield a reasonable return to the owners.

C. In considering an application for an Economic Hardship Exception, all relevant factors shall be considered. In order to grant the exception, the Commission shall find that without approval of the proposed demolition or alteration, a reasonable use of or return from a designated historic resource or property within a historic district will be denied the property owner.

15.78.140 Lake Elsinore Historical Society.

The Lake Elsinore Historical Society (Society) shall receive timely notice of applications submitted pursuant to this chapter. The Society may, at its discretion, provide comments to the Planning Department regarding such applications or otherwise act in a voluntary advisory capacity.

15.78. 150 Municipally-owned historic resources.

The Commission shall review and provide recommendations to the City Council on all projects affecting City-owned designated or eligible for designation historic resources, including changes to public and semi-public interior spaces before any plans for it are approved or work commences.

15.78.160 Incentives.

The City Council establish preservation incentives to encourage owners of historic resources to designate, maintain, preserve, rehabilitate, and improve historic resources. In addition to any other incentive of federal or state law, owners of properties designated as historic landmarks or contributing resource to historic districts may apply for the following:

A. Use of the State Historical Building Code: Pursuant to the California Health and Safety Code Sections 18950 et seq., the Building Official is authorized to apply the State Historical Building Code in permitting repairs, alterations, and additions necessary for the preservation, restoration, rehabilitation, safety, moving, or continued use designated historic resources. Whenever applicable, the property owner may elect to use the State Historical Building Code for alterations, restorations, new construction, removal, relocation, or demolition of a designated historic resource, in any case which the Building Official determines that such use of the code does not endanger the public health or safety, and such action is necessary for the continued preservation of an historic resource. Such use of the Code is subject to construction work undertaken for historical resources pursuant to the Secretary of the Interior's Standards, and that has already been reviewed and approved by the Commission and/or City Council in conjunction with a certificate of appropriateness.

B. Historical Property (Mills Act) Contracts: Pursuant to California Government Code Sections 50280 et seq. (known as the "Mills Act"), the City Council may establish a program providing for entering into a contractual agreement with the owner(s) of an historic property for the purpose of the preservation, rehabilitation and maintenance of a designated historic resource. The terms of the Mills Act agreement allow the owner to receive a reduction in property taxes in exchange for the property owner's commitment to repair, restoration and/or rehabilitation improvements and satisfactory maintenance of the property. The agreement shall include, but not be limited to, the contract provisions as required under state law.

C. Change of Use: The city will encourage compatible adaptive reuse of historic properties.

15.78.170 Maintenance.

It is the intent of this chapter to address the range of circumstances that affect the preservation of the City of Lake Elsinore significant architectural, cultural and historic resources including loss because of deterioration from lack of maintenance.

Designated historic landmarks and contributing resources to historic districts shall be maintained in good repair to prevent decay, demolition by neglect, loss of historic fabric, and possibility of injury. Deteriorated or defective building elements shall be promptly addressed, and repaired or stabilized to prevent further decay, deterioration, loss of historic fabric, and possibility of injury to members of the public and/or property.

Nothing in this chapter shall be construed so as to prevent the ordinary repairs and maintenance of any building, structure, or site, provided that such repairs or maintenance do not result in a conspicuous change in the design, form, proportion, mass, configuration, building material, texture, color, location, or visual appearance of any structure, or part thereof.

15.78.180 Unsafe or dangerous conditions.

A. None of the provisions of this chapter shall be construed to prevent any construction, alteration, removal, demolition or relocation of a historic landmark or contributing resource necessary to correct the unsafe or dangerous conditions of any structure, or feature, or part thereof, where the Building Official, has declared such condition unsafe or dangerous and the proposed construction, alteration, removal, demolition or relocation necessary to correct the unsafe or dangerous condition. Only such work as is necessary to correct the unsafe or dangerous condition may be performed pursuant to this section.

B. If the work that is necessary to correct the unsafe or dangerous condition is not immediately necessary to correct the unsafe or dangerous condition; the property owner shall process either an application for a Certificate of Appropriateness or an application for a Certificate of Demolition.

C. Notwithstanding the foregoing, if no complete application for either a Certificate of Appropriateness or a Certificate of Demolition has been submitted within sixty (60) days of an order to abate a nuisance, or an earlier time if determined to be necessary by the Building Official, the Building Official may proceed with an abatement action.

15.78.190 Enforcement and penalties.

Every person violating any provision of this chapter shall be guilty of a misdemeanor. In addition, the following penalties may be enforced:

A. The City Attorney or designee may maintain an action for injunctive relief to restrain a violation or cause, where possible, the complete or partial restoration, reconstruction or replacement of any structure demolished, partially demolished, altered or partially altered in violation of this chapter.

B. The intentional and complete demolition of a potential or designated historic resource or district or any feature within a potential historic resource or district in violation of this chapter may result in the denial of building and construction-related permits for a future use of the site or property for a period of not to exceed twenty-four (24) months from the date the City becomes aware of the alteration or demolition in violation of this chapter. The purpose of this delay is to provide the City with an opportunity to study and determine appropriate mitigation measures for alteration, removal and to ensure that mitigation measure for the alteration or removal are incorporated into any future development plans or approvals for the subject site or property. Mitigation measure imposed by the City shall be imposed as conditions of approval of any subsequent permit for development of the subject property or site."