



REPORT TO CITY COUNCIL

To: Honorable Mayor and Members of the City Council

From: Grant Yates, City Manager

Prepared by: Richard J. MacHott, Planning Manager

Date: January 8, 2019

Subject: Historic Preservation Ordinance - An Amendment of Title 15 of the Lake Elsinore Municipal Code adding a new Chapter 15.78 Regarding Historic Preservation

Applicant: City-Initiated

Recommendation

Introduce by title only and waive further reading of Ordinance No. 2019-____; An Ordinance of the City of Lake Elsinore, California, Amending Title 15 of the Lake Elsinore Municipal Code to add Chapter 15.78 Regarding Historic Preservation.

Background

On July 10, 2012, the City Council established a Historic Preservation Ad Hoc Committee for the purpose of studying and making recommendations regarding historic preservation within the City of Lake Elsinore. The Historic Preservation Ad Hoc made its report to the City Council on September 10, 2013. The Ad Hoc Committee recommended the completion of an updated survey of historic structures, that the City Council adopt a historic preservation ordinance that included the Mills Act and certificate of appropriateness procedures. At that time, the Ad Hoc Committee was disbanded and its members appointed to serve in an advisory capacity to staff (advisory group) in the development of a Historic Preservation Program for a term of two years.

Since that time, staff continued meeting with the advisory group consisting of the three active former members of the Ad Hoc Committee (Ruth Atkins, Joyce Hohenadl, Tim Fleming) to discuss the goals and potential content for an ordinance. The subject historic preservation ordinance reflects much of the input received during those meetings.

The following table summarizes properties within the City of Lake Elsinore that have already been formally identified as historic resources.

PLACE OF HISTORIC DESIGNATION LISTING	SITE DEFINITIONS AND LOCATIONS
National Register of Historic Places	Crescent Bath House/Chimes Building (P33-6998) 201 W. Graham Grand Army of the Republic Armory Hall (RIV-070) 252 South Main
California Points of Historical Interest	Grand Army of the Republic Armory Hall (RIV-070) Elsinore Women's Club (RIV-071) 710 West Graham Elsinore's Hottest Sulphur Springs (RIV-023) – Crescent Bath House/Chimes Building
Riverside County Historical Landmarks	Lake Elsinore Historic District (P33-7142) Elsinore's Hottest Sulphur Springs (RIV-023) – Crescent Bath House/Chimes Building Lake Elsinore Cultural Center/Methodist Episcopal Church (183 N. Main Street) (RIV-087) Santa Fe Train Station (P33-6997) Lake Elsinore Tank House (132 W. Graham) Mary J. McDonald Fountain and Building Elsinore Princess (RIV-070)

Planning Commission Action

On December 4, 2018, the Planning Commission conducted a duly noticed public hearing, accepted public oral and written testimony and by a 3-0 vote (2 Commissioners absent) recommended City Council approval.

Discussion

Based upon input from the advisory group, additional research of sample historic preservation ordinances from other cities, and information from the California Office of Historic Preservation, staff prepared the attached historic preservation ordinance, containing the following:

- 1. Purpose.** This section discusses the purposes of the historic preservation ordinance, including fostering civic pride, protecting historical resources, identifying financial and other incentives, and fulfilling the City's responsibilities regarding historical 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.
- 2. Definitions.** The definitions provide a more detailed description of terms used in the ordinance in order to streamline the other sections of the ordinance.
- 3. Commission & Powers and duties of commission.** The ordinance identifies the Planning Commission (Commission) as having the authority to make recommendations, decisions, and determinations concerning the designation, preservation, protection and enhancement, and perpetuations of historic resources and historic districts. The ordinance also defines the duties and powers of the commission.
- 4. Lake Elsinore historic resources inventory and historic register.** The ordinance describes the purpose for compiling an inventory of historic resources within the City of Lake Elsinore

and defines the types of resources to be included in the inventory. The ordinance also establishes and describes a Lake Elsinore Historic Register. Any property within the City listed on the National Register of Historic Places, on the California Register of Historic Resources, identified as a California Point of Historical Interest or designated as a Riverside County Historical Landmark is automatically listed on the Lake Elsinore Historical Register.

- 5. Landmark or historic district designation.** The ordinance establishes factors that the Commission may consider in recommending approval of a proposed historic landmark or historic district, and sets forth the designation process. 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.
- 6. Owner consent for landmark designation.** The City shall not designate any landmark without the owner's consent.
- 7. Amendment or rescission of designation.** The ordinance describes the procedures and reasons for the amendment or rescission of a previous designation of a historic landmark or historic district.
- 8. Certificate of appropriateness.** The ordinance establishes a Certificate of Appropriate process that must be complied with prior to any alteration, restoration, rehabilitation, construction, removal, relocation or demolition of any designated historic resource or historic district.
- 9. Demolition of historic resources.** The ordinance includes specific provisions that prohibit any person to carry out or cause to be carried out demolition of any designated historic resource unless the City has first issued a Certificate of Demolition. 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.
- 10. Economic hardship exception.** The ordinance establishes that under certain circumstances a property owner may submit an application for a proposed demolition or alteration of a designated historic resource or property within a historic district due to economic hardship.
- 11. Lake Elsinore Historical Society.** The ordinance describes the role of the Lake Elsinore Historic Society to, at its discretion, provide comments to the Planning Department regarding historic preservation applications or otherwise act in a voluntary advisory capacity.
- 12. Municipally-owned historic resources.** The ordinance establishes the Commission's role in reviewing and making recommendations to the City Council on all projects affecting City-owned historic resources.
- 13. Incentives.** The ordinance identifies potential incentives that the City Council could establish for property owners with designated landmarks. The ordinance identifies potentially allowing property tax relief through Mills Act contracts, allowing the use of the State Historic Building Code and encouraging compatible adaptive reuse of historic properties.
- 14. Maintenance.** The ordinance would require property owners to maintain, and not neglect, designated landmarks. Similarly, the ordinance would not preclude property owners from normal maintenance and repairs of the property.

15. Unsafe or dangerous conditions. The ordinance includes provisions that it does not prevent actions necessary to correct unsafe or dangerous conditions of historic landmarks, where the Building Official has declared such condition unsafe or dangerous. Only such work as is necessary to correct the unsafe or dangerous condition may be performed pursuant to this section.

16. Enforcement and penalties. The ordinance states that violation of the ordinance is a misdemeanor and identifies penalties that may be enforced.

Environmental Determination

The proposed Historic Preservation Ordinance is exempt from the California Environmental Quality Act (Cal. Publ. Res. Code §§21000 et seq. "CEQA") and the State CEQA Guidelines (14. Cal. Code Regs §§15000 et seq.), specifically pursuant to Section 15308 (Class 8) which exempt actions taken by regulatory agencies as authorized by state law or local ordinance to assure the maintenance, restoration or enhancement or protection of the environment where the regulatory process involves procedures for protection of the environment. As separate and independent grounds, the Planning Commission makes a finding that the amendment of Title 15 is exempt from the application of CEQA by Section 15061(b)(3) (common sense exemption) in that it can be seen with a certainty that there is no possibility that adoption of the Historic Preservation Ordinance may have a significant effect on the environment. These findings are based on the facts that the State authorizes local agencies to adopt such ordinance, which would further protect an environmental resource subject to protection under CEQA, because it is establishing a process for additional local regulation of historic structures and properties, is not approving any designation, and is making no physical change in the environment.

Exhibits:

- A. Ordinance No. 2019-_____: An Ordinance of the City of Lake Elsinore, California, Amending Title 15 of the Lake Elsinore Municipal Code to add Chapter 15.78 Regarding Historic Preservation.