

ORDINANCE NO. 3-2007

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELK GROVE ENACTING THE HISTORIC PRESERVATION ORDINANCE

The City Council of the City of Elk Grove does ordain as follows:

Section 1: Purpose and Authority

The purpose of this Ordinance is to add Chapter 7 to the City of Elk Grove's Municipal Code to enact the City of Elk Grove's Historic Preservation Ordinance.

Section 2: Findings

In adopting this ordinance the City Council makes the following findings:

1. The proposal is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines §15308. A Notice of Exemption has been prepared and completed in accordance with the California Environmental Quality Act (CEQA).
2. The project is consistent with the goals, policies, and actions of the Elk Grove General Plan.

Section 3: Chapter 7 of the City of Elk Grove's Municipal Code

Chapter 7

Historic Preservation Ordinance

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

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

7.00.020 - Applicability. The Historic Preservation Ordinance shall be applied to historic resources and resources potentially eligible for historic designation, and shall include those resources affected by any project proposed by the City of Elk Grove or subject to review by the City of Elk Grove. A property that has been designated an Elk Grove Landmark, an Elk Grove Heritage Resource, or possessing any other state or federal historical designation shall continue to be subject to all zoning ordinances that would apply to such property if it were not so designated or located. By designating historic resources the City Council shall not be construed to be repealing or waiving any other portion of the zoning ordinance of the city as it applies to the designated property. Resources potentially eligible for historic designation are only subject to limited portions of this ordinance specifically targeted toward preventing the loss of resources not yet surveyed for their significance.

7.00.030 - Definitions. For the purpose of this ordinance the following words shall have the meanings respectively ascribed to them by this section.

"Alteration" means any exterior change or modification, through public or private action, of any historic resource, to include any action that might damage the integrity of that resource. Alterations include but are not limited to the disturbance of archaeological resources; the emplacement of concrete flatwork or other paving; repainting in anything other than matching colors; replacement of doors, windows, and lighting; construction of new buildings, structures, or objects; additions to existing buildings, structures, or objects; and the placement or removal of any exterior objects such as signs, plaques, light fixtures, street

furniture, walls, fences, steps, plantings and landscape accessories that affect the exterior visual qualities of the property.

"Archaeological resources" means archaeological artifacts, objects, or sites.

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

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

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

"Certificate of Appropriateness" means a certificate whose issuance is recommended by the Historic Preservation Committee and which authorizes its recipient to make specified exterior alterations to a historic resource.

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

"Character defining feature" means the architectural features of a building, structure, or object that help convey the significance of the historic resource and which were present during the period of significance.

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

"Cultural landscape" is a geographic area, which including both cultural and natural resources, associated with a historic event, activity, or person or exhibiting other cultural or aesthetic values. There are four general types of cultural landscapes, not mutually exclusive: historic sites, historic designed landscapes, historic vernacular landscapes, and ethnographic landscapes.

"Demolition" means any action or set of actions that results in a historic resource being completely torn down.

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

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

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

"Elk Grove Heritage Resource" means a historic resource of value to the citizens of the City of Elk Grove and designated as such by the City Council pursuant to the provisions of this ordinance. Once designated, Elk Grove Heritage Resources are included in the Elk Grove Register of Historic Resources. These resources meet the definition of a historic resource under the California Environmental Quality Act (CEQA).

"Elk Grove Landmark" means a historic resource of high value to the citizens of the City of Elk Grove and designated as such by the City Council pursuant to the provisions of this ordinance. Once designated, Elk Grove Landmarks are included in the Elk Grove Register of Historic Resources. These resources meet the definition of a historic resource under the California Environmental Quality Act (CEQA).

"Elk Grove Register of Historic Resources" means the list of designated Elk Grove Landmarks and Elk Grove Heritage Resources.

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

"Guidelines for Local Surveys: A Basis for Preservation Planning" means the standards set forward by the National Park Service and the Secretary of the

Interior that guide comprehensive planning, surveys of historic resources, and registration in the National Register of Historic Places.

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

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

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

"Historic district plan" means the documentation, planning, and guiding document for a historic district.

"Historic preservation" means the management (including but not limited to preservation) of properties significant within a given historic context that retain the integrity of those features necessary to communicate that significance.

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

"Historic resource inventory" means a list of historic resources.

"Historical survey" means an investigation supervised by a trained professional to determine whether properties in the survey area are eligible for listing in the Elk Grove Register of Historic Resources, the California Register of Historical Resources, or the National Register of Historic Places.

"Integrity" means the authenticity of a property's historic identity, evidenced by the survival of physical characteristics that existed during the property's period of significance. Historic resources must possess integrity to convey their significance. The seven aspects of integrity are location, design, setting,

materials, workmanship, feeling and association, as defined by the California Code of Regulations (CCR), Title 14, Division 3, Chapter 11.5, Section 4852(c) and the National Register of Historic Places. To retain integrity a property will always possess several, and usually most, of the aspects.

"Minor Improvement Permit" means an over-the-counter- approval for ordinary maintenance and repair of exterior features at or on historic resources.

"Noncontributing resource" means a building, site, structure, or object that does not add to the significance of a historic resource, but is nevertheless a component of that historic resource.

"Noteworthy" means a level of significance lower than that required for designation as an Elk Grove Landmark but which is still important to the community's history.

"Object" means those constructions that are distinguished from buildings and structures that are primarily artistic in nature or are relatively small in scale and simply constructed. Although they may be, by nature or design, movable, objects are associated with a specific setting or environment. Examples include sculpture, monuments, boundary markers, statuary, and fountains.

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

"Period of significance" means the span of time that a property attained the characteristics that qualify it for designation.

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

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

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

"Significance" means the importance of a historic property as defined by criteria adopted by this ordinance, the California Register of Historical Resources, or the National Register of Historic Places.

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

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

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

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

"Substantial adverse change" means any demolition, relocation, or alteration that destroys the integrity of a historic resource.

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

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

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

7.00.040 - Historic Preservation Committee. A Historic Preservation Committee of the City is hereby established.

- A. Membership of the Historic Preservation Committee. Each member of the Historic Preservation Committee must be at least eighteen years of age, reside in the City of Elk Grove, and be registered to vote. Committee members shall not be City staff. The members of the Historic Preservation Committee shall include persons who have demonstrated special interests, competence, experience, or knowledge in historic preservation. The makeup of the Historic Preservation Committee should meet the professional qualification standards of a Certified Local Government, to include having at least two Committee members who are professionals in the disciplines of history, architecture, architectural history, planning, pre-historic and historic archeology, folklore, cultural anthropology, curation, conservation, and landscape architecture or related disciplines, such as urban planning, American studies, American civilization, or cultural geography, to the extent that such professionals are available in the community. Members of the Historic Preservation Committee are subject to the laws governing conflicts of interest applicable to appointed government officials. One member of the Historic Preservation Committee shall be a member and official representative of the Elk Grove Historical Society. One member of the Historic Preservation Committee shall be a member and official representative of the Old Town Elk Grove Foundation.
- B. Appointments of Members. The membership of the Historic Preservation Committee shall consist of seven regular members. All such appointments shall be by vote of not less than three council members.
- C. Term of Office of Members. The term of office of all members of the Historic Preservation Committee shall be two years; provided, that such members first appointed shall so classify themselves by lot that three members shall terminate their term of office on the first day of January between two and three years after their appointment and four members shall terminate their term of office on the first day of January between three and four years after their appointment. The availability of each position shall be advertised in advance of the expiration of its term and applications for membership shall be accepted by the City Clerk following the advertisement.
- D. Vacancy. Vacancies on the Historic Preservation Committee, from whatever cause, shall be filled by the city council by vote of not less than three council members within sixty days of the vacancy.
- E. Automatic Termination of Appointment. The appointment of any member of the Historic Preservation Committee who has been absent from three

consecutive regular or special meetings, without the prior approval of the Historic Preservation Committee chairperson, shall automatically terminate.

- F. Chairperson of the Historic Preservation Committee. The Historic Preservation Committee shall elect a chairperson from its members, who shall hold office for one year or until his or her successor is elected, unless his or her term as a member of the Historic Preservation Committee expires sooner. The chairperson shall be elected at the first meeting of the Historic Preservation Committee after January 1st of each year.
- G. Meetings of the Historic Preservation Committee. The Historic Preservation Committee shall establish a regular time and place of meeting. The Historic Preservation Committee shall hold no less than four meetings per year or as required to hear applications in a timely manner. Special meetings of the Historic Preservation Committee may be called at any time by the chairperson of the Historic Preservation Committee, upon personal notice being given to all members of the Historic Preservation Committee. If personal notice cannot be given, written notice must be mailed to all members at least seventy-two hours prior to said meeting, unless said notice requirement is waived in writing by said member prior to the meeting or by being present at the meeting. Meetings of the Historic Preservation Committee shall be held, and notice given, in conformance with California Government Code Sections 54951.1--54961 (the Ralph M. Brown Act).
- H. Organization and Procedure. Four of the seven members shall constitute a quorum. The affirmative vote of a majority of the members present and voting is required to take any action. The Historic Preservation Committee shall keep an accurate record of its proceedings and transactions and shall submit an annual report to the City Council.
- I. Powers and duties. The Historic Preservation Committee shall have the following powers and duties under this ordinance:
 - i. Maintain, publicize, and periodically update a local Historic Resource Inventory listing all historic resources within the city, using guidance presented in *Guidelines for Local Surveys: A Basis for Preservation Planning*, to include administering and adopting the results of historical surveys;
 - ii. Attain and maintain Certified Local Government Status;
 - iii. Recommend the designation and rescission of historic resources as Elk Grove Landmarks or Elk Grove Heritage Resources to the City Council;
 - iv. Recommend the approval or disapproval, with or without conditions, of applications for Certificates of Appropriateness;
 - v. Recommend the approval or disapproval, with or without conditions, of applications for Demolition/Relocation Certificates;
 - vi. Perform advisory review of new buildings, structures, objects, and demolitions on lots immediately adjacent to designated historic resources in cases where the city has discretionary review over these projects (as defined by the California Environmental Quality Act);

- vii. Review Historic District Plans;
- viii. Investigate and report to the City Council on the use of various federal, state, local, or private funding sources, incentives and other mechanisms available to promote historic preservation in the city;
- ix. Develop and review a comprehensive local historic preservation plan;
- x. Review and comment on decisions and documents developed using the California Environmental Quality Act, the National Historic Preservation Act of 1966 (United States Code Title 16, § 470, et seq.), and other laws that require consideration of the effects of projects on historic resources when such decisions or documents may affect historic resources or resources potentially eligible for historic designation in the city;
- xi. Cooperate with local, county, state, and federal governments in the pursuit of the objectives of historic preservation;
- xii. Participate in, promote, and conduct public information, educational and interpretive programs, newsletters, and appropriate literature pertaining to all types of historic resources to owners of historic resources, building contractors, the Chamber of Commerce, area realtors, and any member of the public requesting such information;
- xiii. Render advice and guidance upon the request of the property owner or occupant, on the restoration, alteration, decoration, landscaping, or maintenance of any historic resource;
- xiv. Provide for adequate public participation in local historic preservation programs, including the process of recommending properties for nomination to the Elk Grove Register of Historic Resources, the California Register of Historical Resources, and the National Register of Historic Places;
- xv. In the case of historic resources that may be demolished or relocated, take steps to aid in the preservation of historic resources to include, consultation with civic groups, public agencies, and interested citizens; recommendations for acquisition of the property by public or private bodies or agencies; and exploration of the possibility of moving such resources; and
- xvi. Perform any other functions designated by the City Council or required by the State of California's Certified Local Government program.

7.00.050 - Designations.

- A. Elk Grove Landmark Designation Criteria. Upon the recommendation of the Historic Preservation Committee and approval of the City Council, historic resources may be designated Elk Grove Landmarks if the resources meet any of the following four criteria at the local, state, or national level of significance within a given historic context and retain their integrity:

- i. Associated with events that have made a significant contribution to the broad patterns of our history;
- ii. Associated with the lives of persons significant in our past;
- iii. Embodies the distinctive characteristics of a type, period, or method of construction; or that represents the work of a master; or that possesses high artistic values; or that represents a significant and distinguishable entity whose components may lack individual distinction; or
- iv. Has yielded, or may be likely to yield, information important in prehistory or history.

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

- i. Possesses all seven aspects of integrity and embodies an important aspect of history which is not significant enough to merit consideration under other criteria; or
- ii. Possesses outstanding historical significance and would meet one of the other criteria if the resource possessed integrity.

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

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

D. Criteria Considerations. Ordinarily cemeteries, birthplaces, graves of historical figures, properties owned by religious institutions or used for religious purposes, structures that have been moved from their original locations, reconstructed historic buildings, properties primarily commemorative in nature, and properties that have achieved significance within the past 50 years shall not be considered eligible for designation as Elk Grove Landmarks. However, such properties *will qualify* if they are integral parts of

districts that do meet the criteria or if they fall within any of the following categories:

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

- iii. Stay of Work. While the Historic Preservation Committee's public hearing on a recommendation or the City Council's decision on a designation is pending, no work that would require a Minor Improvement Permit, a Certificate of Appropriateness, or a Demolition/Relocation Certificate shall be conducted.
- iv. Notice of Public Hearing. Notice of date, place, time, and purpose of the hearing shall be given by first class mail to the applicants, owners, and occupants of the property, and to property owners within five hundred feet of the property, at least ten days prior to the date of the public hearing, using the name and address of such owners as shown on the latest equalized assessment rolls or in other ownership records, and shall be advertised once in a daily newspaper of general circulation at least ten days in advance of the public hearing. Failure to receive notice of such hearing shall in no way affect the validity of any action taken.
- v. Owner Objection: Resources Not Part of Historic Districts. The owner of a historic resource can object to designation of his/her resource as an Elk Grove Landmark or Elk Grove Heritage Resource by formally expressing this objection to the Historic Preservation Committee prior to or during the designation hearing for the resource in question. The Historic Preservation Committee must abide by this objection. This subsection in no way changes the eligibility of the resource(s) in question for local, state, or national listings of historic properties.
- vi. Owner Objection: Contributing and Noncontributing Resources within a Historic District. Owner objections to the designation of a proposed Historic District must be expressed in writing prior to or during that proposed Historic District's designation recommendation hearing. If a majority of owners within a proposed Historic District object to the designation of that proposed Historic District, then the Historic Preservation Commission must abide by this objection and not recommend the designation of that proposed Historic District. Regardless of how much property each owner or partial owner owns within a proposed Historic District, each owner or partial owner of property within a proposed Historic District may make only one objection regarding designation.
- vii. Historic Preservation Committee Recommendations. The Historic Preservation Committee shall recommend approval in whole or in part or disapproval of the application for designation in writing to the City Council, setting forth the reasons for the decision.
- viii. Approval of Historic Preservation Committee Recommendations. After receiving the Historic Preservation Committee's recommendations the City Council shall pass a resolution to approve the recommendations in whole or in part, or shall by motion disapprove them in their entirety. If the City Council approves a proposed designation, notice of the City Council's decision shall be

sent to the applicant, owners of the property, Community Enhancement, and the Building Official.

7.00.060 - Rescissions.

- A. Grounds for Rescission. Upon the recommendation of the Historic Preservation Committee and approval of the City Council, historic resources may be removed from the Elk Grove Register of Historic Resources if any of the following criteria are met:
- i. The property has ceased to meet the criteria for listing in the Elk Grove Register because the qualities which caused it to be originally listed have been lost or destroyed, or such qualities were lost subsequent to nomination and prior to listing;
 - ii. Additional information shows that the property does not meet the Elk Grove Register criteria for evaluation;
 - iii. Error in professional judgment as to whether the property meets the criteria for evaluation; or
 - iv. Prejudicial procedural error in the nomination or listing process. Properties removed from the Elk Grove Register of Historic Resources for procedural error shall be reconsidered for listing by the Historic Preservation Committee after correction of the error or errors. The procedures set forth for designations shall be followed in such reconsiderations. Any resource removed from the Elk Grove Register of Historic Resources for procedural deficiencies in the nomination and/or listing process shall automatically be considered eligible for listing in the Elk Grove Register of Historic Resources without further action.
- B. Rescission Process. Historic resources shall be removed from the Elk Grove Register of Historic Resources by the City Council upon the recommendation of the Historic Preservation Committee.
- i. Initiation of Rescission. Rescission of resources listed on the Elk Grove Landmarks Register may be initiated by the Historic Preservation Committee, by any resident of Elk Grove, or by the owner of the property that is proposed for rescission. The applicant must communicate in writing the reasons the property should be removed.
 - ii. Public Hearing. The Historic Preservation Committee shall hold a public hearing to review and act upon the rescission application.
 - iii. Notice of Public Hearing. Notice of date, place, time, and purpose of the hearing shall be given by first class mail to the applicants, owners, and occupants of the property, and to property owners within five hundred feet of the property, at least ten days prior to the date of the public hearing, using the name and address of such owners as

shown on the latest equalized assessment rolls or in other ownership records, and shall be advertised once in a daily newspaper of general circulation at least ten days in advance of the public hearing. Failure to receive notice of such hearing shall in no way affect the validity of any action taken.

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

7.00.070 - Alterations. No exterior alterations shall be made to any historic resource without a Minor Improvement Permit or a Certificate of Appropriateness.

A. Minor Improvement Permits.

- i. Purpose. The purpose of the Minor Improvement Permit is to allow efficient processing of applications for minor alterations to historic resources in general and all alterations to Elk Grove Heritage Resources.
- ii. Standards of Review. The Historic Preservation Committee shall publish such standards as are necessary to supplement the provisions of this article to inform the public of those standards of review by which applications for Minor Improvement Permits are to be judged.
- iii. Approving Authority. The Planning Director shall be the approving authority for all Minor Improvement Permit applications.
- iv. Action by Approving Authority. The Planning Director shall approve or deny the application. Notice of the decision shall be sent to the Historic Preservation Committee, the applicant, owners of the property, Community Enhancement, and the Building Official.
- v. Appeals. Any decision of the Planning Director on a Minor Improvement Permit may be appealed to the Planning Commission. Any decision on appeal by the Planning Commission on a Minor Improvement Permit may be appealed to the City Council. Any action or decision of the City Council shall be final and there shall be no further administrative appeal from the City Council decision. All appeals shall be in writing, shall state the basis of the appeal, shall be accompanied by any applicable filing fee, and shall be filed with

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

vi. Findings.

1. Contributing and Noncontributing Resources not listed as Elk Grove Heritage Resources. Minor Improvement Permit applications for proposed work to contributing and noncontributing resources not listed as Elk Grove Heritage Resources shall be approved if:

- a. the proposed project complies with *The Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings* or *The Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for the Treatment of Cultural Landscapes*; and
- b. The proposed work does not result in substantial adverse change to the contributing resource; and
- c. The proposed project is consistent with and supportive of the goals and policies of the adopted Historic District Plan (if the resource is located within a historic district).

2. Elk Grove Heritage Resources.

a. Contributing Resources

i. Minor Improvement Permit applications for proposed work to contributing resources listed as Elk Grove Heritage Resources shall be approved if:

1. The proposed alterations preserve historic materials, replacing irreparable historic materials with matching materials to the greatest extent feasible; and
2. New additions to the resource occur on non-historic portions of the property or on the half of the property least visible from the public right of way; and
3. New additions to the resource are differentiated from the old and compatible

with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment; and

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

b. Noncontributing Resources

- i. The proposed project is consistent with and supportive of the goals and policies of the adopted Historic District Plan.

B. Certificates of Appropriateness.

- i. Purpose. The purpose of the Certificate of Appropriateness is to provide sufficient opportunities for review of proposed alterations to all historic resources besides Elk Grove Heritage Resources.
- ii. Standards of Review. The Historic Preservation Committee shall publish such standards as are necessary to supplement the provisions of this article to inform the public of those standards of review by which applications for Certificates of Appropriateness are to be judged.
- iii. Public Hearing. The Historic Preservation Committee shall hold a public hearing to review and act upon the Certificate of Appropriateness application.
- iv. Notice of Public Hearing. Notice of date, place, time, and purpose of the hearing shall be given by first class mail to the applicants, owners, and occupants of the property, and to property owners within five hundred feet of the property, at least ten days prior to the date of the public hearing, using the name and address of such owners as shown on the latest equalized assessment rolls or in other ownership records, and shall be advertised once in a daily newspaper of general circulation at least ten days in advance of the public hearing. Failure to receive notice of such hearing shall in no way affect the validity of any action taken.
- v. Approving Authority. The Historic Preservation Committee shall recommend approval or denial, with or without conditions, of all applications for Certificates of Appropriateness. If an entitlement other than or in addition to a Certificate of Appropriateness is necessary or sought for a proposed project, the approving authority shall be that body with jurisdiction over the other entitlement as set forth in the Elk Grove Municipal Code, including, but not limited to, the Elk Grove Zoning Code, as it now exists or is hereafter amended.

When a proposed project requires more than one land use or development entitlement from more than one approving authority, all project entitlements shall be processed concurrently and final action shall be taken on any application for a Certificate of Appropriateness by the highest level designated approving authority for all such requested entitlements. The Planning Director shall be the approving authority of all applications for Certificates of Appropriateness for which there is no other approving authority with jurisdiction over the project.

- vi. Appeals. Any decision of the Planning Director on a Certificate of Appropriateness may be appealed to the Planning Commission. Any decision of the Planning Commission on a Certificate of Appropriateness may be appealed to the City Council, including matters heard on appeal from a decision of the Planning Director. Any other decision by an approving authority not otherwise addressed herein may be appealed to the City Council. Any action or decision of the City Council shall be final and there shall be no further administrative appeal from the City Council decision. All appeals shall be in writing, shall state the basis of the appeal, shall be accompanied by any applicable filing fee, and shall be filed with the City Clerk within ten days of the determination or action for which an appeal is made. Failure to file an appeal within the time frame and in the manner provided herein shall constitute a failure of a party to exhaust administrative remedies, and shall render the decision of the approving authority final and immune from further challenge.
- vii. Action by Approving Authority. The approving authority shall approve an application, disapprove it, or approve it subject to conditions. Notice of the decision shall be sent to the applicant, owners of the property, Community Enhancement, and the Building Official.
- viii. Findings.
 1. Contributing Resources. Certificate of Appropriateness applications for proposed work to contributing resources shall be approved if:
 - a. The proposed work does not result in substantial adverse change to the contributing resource; and
 - b. The proposed project is consistent with and supportive of the goals and policies of the adopted Historic District Plan (if the resource is located within a historic district).
 2. Noncontributing Resources. Certificate of Appropriateness applications for proposed work to noncontributing resources shall be approved if:

- a. The proposed work does not result in a substantial adverse change to the historic resource as a whole; and
- b. The proposed project is consistent with and supportive of the goals and policies of the adopted Historic District Plan (if the resource is located within a historic district).

7.00.080 - Demolitions/Relocations.

A. Demolition or Relocation of Resources Potentially Eligible for Historic Designation. The demolition or relocation of resources potentially eligible for historic designation shall not occur without review to determine whether the City can rule out the possibility of the resource being designated an Elk Grove Landmark or Elk Grove Heritage Resource.

- i. Purpose. The purpose of reviewing the demolition/relocation of resources potentially eligible for historic designation is to ensure resources that reflect special elements of the city's heritage and cultural diversity are not unwittingly destroyed by an act of the City.
- ii. Standards of Review. Before demolitions or relocations of resources potentially eligible for historic designation are approved, the Planning Director shall determine whether the City can rule out the possibility of the resource being designated an Elk Grove Landmark or Elk Grove Heritage Resource. The Planning Director shall rule out the possibility of the resource in question being designated an Elk Grove Landmark or Elk Grove Heritage Resource if any of the following conditions are met:
 - 1. The resource is less than fifty years old;
 - 2. The resource is a cemetery or grave;
 - 3. The resource is owned by a religious institution or used for religious purposes;
 - 4. The resource has been moved from its original location;
 - 5. The resource is a reconstructed historic building;
 - 6. The resource is primarily commemorative in nature; or
 - 7. The Historic Preservation Committee formally determines the resource in question is not eligible for designation as an Elk Grove Landmark.
- iii. Approving Authority. The Planning Director shall determine whether the City can rule out the possibility of the resource being designated an Elk Grove Landmark or Elk Grove Heritage Resource.
- iv. Action by Approving Authority. If the Planning Director determines the City can rule out the possibility of the resource being designated an Elk Grove Landmark or Elk Grove Heritage Resource, he/she shall recommend approval of the demolition or relocation of the

resource in question to the Building Official. If the Planning Director determines the City cannot rule out the possibility of the resource being designated an Elk Grove Landmark or Elk Grove Heritage Resource, the Historic Preservation Committee shall initiate an application for designation of the resource in question as an Elk Grove Landmark or Elk Grove Heritage Resource. Notice of the determination shall be sent to the applicant, owners of the property, and the Building Official.

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

- i. Purpose. The purpose of the Demolition/Relocation Certificate is to provide a last alternative for use in the treatment of historic resources.
- ii. Standards of Review. The Historic Preservation Committee shall publish such standards as are necessary to supplement the provisions of this article to inform the public of those standards of review by which applications for Demolition/Relocation Certificates are to be judged. Demolition or relocation of historic resources shall be tied to a replacement project under concurrent review by the City of Elk Grove unless projects meet the provisions of Sections 11 or 13 of this ordinance. Relocating a historic resource can be an acceptable alternative to demolition if the Historic Preservation Committee finds that the relocation allows the historic resource to maintain its integrity.
- iii. Public Hearing. The Historic Preservation Committee shall hold a public hearing to review and act upon the Demolition/Relocation Certificate application.
- iv. Notice of Public Hearing. Notice of date, place, time, and purpose of the hearing shall be given by first class mail to the applicants, owners, and occupants of the property, and to property owners within five hundred feet of the property, at least ten days prior to the date of the public hearing, using the name and address of such owners as shown on the latest equalized assessment rolls or in other ownership records, and shall be advertised once in a daily newspaper of general circulation at least ten days in advance of the public hearing. Failure to receive notice of such hearing shall in no way affect the validity of any action taken.
- v. Approving Authority. The Historic Preservation Committee shall recommend approval or denial, with or without conditions, of all applications for Certificates of Demolition/Relocation. If an entitlement other than or in addition to a Certificate of Demolition/Relocation is necessary or sought for a proposed project, the approving authority shall be that body with jurisdiction over the other entitlement as set forth in the Elk Grove Municipal Code,

including, but not limited to, the Elk Grove Zoning Code, as it now exists or is hereafter amended. When a proposed project requires more than one land use or development entitlement from more than one approving authority, all project entitlements shall be processed concurrently and final action shall be taken on any application for a Certificate of Demolition/Relocation by the highest level designated approving authority for all such requested entitlements. The Planning Director shall be the approving authority of all applications for Certificates of Demolition/Relocation for which there is no other approving authority with jurisdiction over the project. Any decision of the Planning Director on a Certificate of Demolition/Relocation may be appealed to the Planning Commission. Any decision of the Planning Commission on a Certificate of Demolition/Relocation may be appealed to the City Council, including matters heard on appeal from a decision of the Planning Director. Any other decision by an approving authority not otherwise addressed herein may be appealed to the City Council. Any action or decision of the City Council shall be final and there shall be no further administrative appeal from the City Council decision. All appeals shall be in writing, shall state the basis of the appeal, shall be accompanied by any applicable filing fee, and shall be filed with the City Clerk within ten days of the determination or action for which an appeal is made. Failure to file an appeal within the time frame and in the manner provided herein shall constitute a failure of a party to exhaust administrative remedies, and shall render the decision of the approving authority final and immune from further challenge.

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

1. Contributing Resources. Demolition/Relocation Certificate applications for contributing resources shall be approved if the project meets either of the following:

- a. the provisions of Sections 11 or 13 of this ordinance; or
- b. the replacement project is consistent with and supportive of identified goals and policies of the General Plan or applicable specific area plans including the adopted Historic District Plan (if the resource is located within a historic district); the proposed action will not have a

significant effect on the goals and purposes of this ordinance or the potential effect is outweighed by significant benefits of the replacement project; and in the case of relocating a contributing resource, the integrity and significance of both the contributing resource and the entire district (if the resource is located within a historic district) will not be significantly impaired.

2. Noncontributing Resources. Demolition/Relocation Certificate applications for noncontributing resources shall be approved if the project meets the provisions of Sections 11 or 13 of this ordinance or if the replacement project is consistent with and supportive of identified goals and policies of the General Plan or applicable or specific area plans including the adopted Historic District Plan (if the resource is located within a historic district).

7.00.090 - Archaeological Resources and Traditional Cultural Properties.

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

7.00.100 - Historic Preservation Incentives.

- A. Designated Historic Resources. In addition to numerous historic preservation incentives offered by the state and federal governments and private organizations, the following preservation incentives shall be made available to contributing resources listed on the National Register of Historic Places, contributing resources listed on the California Register of Historical Resources, or contributing resources which are designated Elk Grove Landmarks.
- i. Application of the California State Historical Building Code (California Code of Regulations, Title 24, Part 8, Section 8-101.1, et seq.).
 - ii. Establishment of the historic use (defined as the use during the resource's period of significance) even if that use is not allowed in the underlying zone.
 - iii. Mills Act Contracts (Government Code § 50280, et seq.).
 1. The City shall process Mills Act contract applications pursuant to the Mills Act.
 2. The Historic Preservation Committee shall be the approval body for all Mills Act contract applications.
 3. A Mills Act contract application that is denied by the Historic Preservation Committee cannot be resubmitted for one year after the date of denial.
 - iv. Preservation Easements. Preservation easements on the facades of qualifying properties may be acquired by the City or nonprofit group through purchase, donation, or documentation pursuant to California Civil Code Section 815.
 - v. Official Recognition.
 1. Elk Grove Preservation Awards. The Historic Preservation Committee, on an annual basis, may recognize those projects that have demonstrated a high level of commitment to maintaining or restoring the integrity of a designated historic resource.
 2. Stationery. The City of Elk Grove shall, on an annual basis, supply owners of qualified historic resources in the City of Elk Grove with a limited supply of stationery indicating their property is a designated historic resource that contributes to the historic character of the City of Elk Grove.
 3. Plaque. The City shall furnish owners of qualified historic resources in the City of Elk Grove a small plaque engraved with the name of the resource, its date of construction, and its placement on the applicable historic resource list(s), provided

the owner(s) agree to mount this plaque by on their property such that it is visible from the public right of way to the fullest extent possible yet does not damage the integrity of the historic resource.

- B. Applications Meeting the Secretary of the Interior's Standards. The following preservation incentives shall be made available to applications involving contributing resources listed on the National Register of Historic Places, contributing resources listed on the California Register of Historical Resources, or which are designated Elk Grove Landmarks where the proposal does not result in substantial adverse change to the historic resources and where proposed changes are consistent with *The Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings* or *The Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for the Treatment of Cultural Landscapes*:
- i. Waiver of Historic Preservation Committee fees.
 - ii. A 50% reduction in parking requirements for commercial uses in historic resources with limited off-street parking.
- C. Applications for Noncontributing Resources. The following preservation incentive shall be made available to applications involving only noncontributing resources listed on the National Register of Historic Places, noncontributing resources listed on the California Register of Historical Resources, or noncontributing resources designated Elk Grove Landmarks where the proposal does not result in substantial adverse change to the contributing resources associated with this property: waiver of Historic Preservation Committee fees.
- D. Additional Incentives. The Historic Preservation Committee may recommend additional historic preservation incentives to the City Council, to be adopted and incorporated into this ordinance by resolution of the City Council.

7.00.110 - Unsafe or Dangerous Conditions. None of the provisions of this ordinance shall prevent any measures of construction, alteration, or demolition necessary to correct the unsafe or dangerous conditions of any historic resource where such condition has been declared unsafe or dangerous by the Building Official, the fire chief or other appropriate public official or body, and where the proposed measures have been declared necessary by such official or body, to correct the said condition; provided, however, that only such work as is necessary to correct the unsafe or dangerous condition and as is done with due regard for preservation of the appearance of the structure involved may be performed pursuant to this section. In the event any structure or other feature shall be damaged by fire, earthquake or other natural disaster, to such an extent that in the opinion of the aforesaid officials or body it cannot be

reasonably repaired and restored, it may be removed in conformity with normal permit procedures and applicable laws. If the condition of an unsafe or dangerous historic resource so permits, the official(s) in charge of correcting such a condition shall consult with the Historic Preservation Committee before carrying out corrective measures.

7.00.120 - Duty to Keep in Good Repair. The owner, lessees and any other person in actual charge or possession of a historic resource shall take steps necessary to prevent:

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

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

- A. Denial of the application will *deprive the applicant of all reasonable economic value in his or her property*;
- B. Sale or rental of the property is impractical, when compared to the cost of holding such property for uses permitted in the zoning district;
- C. Utilization of the property for lawful purposes is prohibited or impractical; or
- D. Rental at a reasonable rate of return is not feasible.

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

- A. Property owners violating this ordinance shall be subject to the following:

- i. All penalties as set forth in the City of Elk Grove Fee Schedule or other applicable law;
- ii. No further applications for land use entitlements (to include ministerial decisions such as building permits) shall be processed for the lot in question until any violation determination is corrected, (i.e. to return the property to its previous state prior to the violation under the oversight of the Historic Preservation Committee). For purposes of this subsection, the City of Elk Grove's Planning Director or his/her designee shall be authorized to make a determination that there exists a violation of this ordinance subject to an appeal to the City Council, as provided herein. This determination shall be made in writing and notice of the determination with a copy of the determination shall be served in the manner described in the last paragraph of this subsection.
 - 1. Any determination made by the Planning Director regarding whether or not there exists a violation may be appealed in writing to the City Council within ten (10) days of service of the notice of the Planning Director's determination. The City Council's written determination shall be final and conclusive on the date it is issued. The determination shall be served in the manner set forth in the following paragraph. The decision shall include notification that any action to judicially review said determination must be commenced not later than ninety (90) days following the date of the decision and order of abatement, pursuant to California Code of Civil Procedure Section 1094.6
 - 2. Any notice pursuant to this subsection shall be delivered by certified U.S. Mail, postage prepaid and return receipt requested; U.S. Mail delivery confirmation; U.S. Mail signature confirmation; or such other delivery method that is reasonably calculated to provide actual notice to the property owner. The names and addresses of owners appearing on the assessment roll shall be conclusively deemed to be the proper persons and addresses for the purpose of mailing such notices. Service is deemed complete at the time of the deposit of the document in the U.S. Mail;
- iii. The City Attorney may seek injunctive relief or maintain an action in abatement to further the provisions of this ordinance, including but not limited to, an injunction requiring that violators be required to reasonably restore the historic resource to its appearance or condition prior to the violation, under the guidance of the Historic Preservation Committee;
- iv. Any historic resource in the City of Elk Grove which is the subject of an outstanding order to abate a substandard condition pursuant to the City Building Code is hereby declared to be a nuisance which can

be treated as an infraction or a misdemeanor. With respect to any such historic resource, any person aggrieved by such a nuisance may bring an independent civil action against the owner of the designated property for all appropriate relief, including damages, costs and attorney's fees. A "person aggrieved" is any person whose quiet use or enjoyment, or ability to rent or successfully conduct lawful activities at another property is interfered with by the substandard or other condition giving rise to a nuisance at the historic resource. Every day of such interference is a separate and distinct nuisance.

7.00.150 - Fees. The City Council shall set and amend by resolution all fees required to implement this ordinance.

7.00.160 - Accessibility. The City of Elk Grove is committed to achieving full compliance with the Americans with Disabilities Act. The City of Elk Grove operates its programs so that, when viewed in their entirety, they are readily accessible to or usable by individuals with disabilities. The City of Elk Grove fully supports the use of the State Historical Building Code for qualified historic resources to ensure all individuals have access to historic buildings.

Section 4: No Mandatory Duty of Care.

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

Section 5: Severability.

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

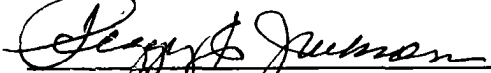
Section 6: Effective Date and Publication

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


ORDINANCE NO. 3-2007:

INTRODUCED: January 10, 2007
ADOPTED: January 24, 2007
EFFECTIVE: February 23, 2007

ATTEST:



PEGGY E. JACKSON, CITY CLERK



JAMES COOPER, MAYOR of the
CITY OF ELK GROVE

APPROVED AS TO FORM:



ANTHONY B. MANZANETTI,
CITY ATTORNEY

**CERTIFICATION
ELK GROVE CITY COUNCIL ORDINANCE NO. 3-2007**

STATE OF CALIFORNIA)
COUNTY OF SACRAMENTO) ss
CITY OF ELK GROVE)

I, Peggy E. Jackson, City Clerk of the City of Elk Grove, California, do hereby certify that the foregoing ordinance was duly introduced on January 10, 2007 and approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on January 24, 2007 by the following vote:

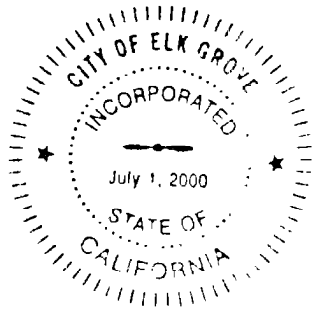
AYES : **COUNCILMEMBERS:** *Scherman, Cooper, Hume, Davis, Leary*


NOES: **COUNCILMEMBERS:** *None*

ABSTAIN: **COUNCILMEMBERS:** *None*

ABSENT: **COUNCILMEMBERS:** *None*

A summary of the ordinance was published pursuant to GC 36933(c) (1).





**Peggy E. Jackson, City Clerk
City of Elk Grove, California**