REVISED WORKSHOP DRAFT — FOR DISCUSSION ONLY

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LODI AMENDING LODI MUNICIPAL CODE TITLE 17 – DEVELOPMENT CODE – SECTION 17.38.030 (CONCURRENT PERMIT PROCESSING) TO UPDATE TABLE 4-1 (REVIEW AUTHORITY), AND ADDING SECTION 17.36.260 (HISTORIC RESOURCES) TO ESTABLISH HISTORIC PRESERVATION REGULATIONS AND PROCEDURES

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BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LODI AS FOLLOWS:

SECTION 1. Lodi Municipal Code Title 17 – Development Code – Article 3 "Site Planning and General Development Standards", Chapter 17.36 "Standards for Specific Land Uses", Section 17.36.260 "Historic Resources", is hereby added as follows:

ARTICLE 3. SITE PLANNING AND GENERAL DEVELOPMENT STANDARDS

Chapter 17.36 - STANDARDS FOR SPECIFIC LAND USES

17.36.260 Historic Resources.

A. PURPOSE, INTENT AND APPLICABILITY.

1. Purpose. The purpose of this Section is to identify, recognize, encourage, and facilitate the voluntary preservation and beneficial use of historically significant resources and thereby contribute to the City of Lodi's cultural identity, neighborhood character, economic vitality, tourism, environmental sustainability, and public welfare.

2. Intent. The provisions of this Section are intended to:

a. Preserve and protect buildings, structures, sites, objects, districts, landscapes, and other resources that embody important elements of the history, heritage, development, and cultural identity of the City of Lodi.

b. Encourage investment in historic properties and support economic development, revitalization, heritage tourism, and private reinvestment consistent with the preservation of community character.

c. Encourage public awareness, appreciation, education, and stewardship regarding the City's historic, architectural, archaeological, and cultural resources.

d. Encourage new development, alterations, and improvements that are compatible with the character-defining features of historic resources and historic areas.

e. Provide clear procedures and standards for the identification, designation, protection, maintenance, rehabilitation, alteration, relocation, demolition, and treatment of historic resources.

f. Establish a fair, predictable, and efficient review process that balances historic preservation objectives with property rights, economic considerations, housing goals, and the orderly development of the City.

g. Support the use of incentives, including participation in the Mills Act Program and other preservation programs, to encourage the preservation and rehabilitation of qualified historic resources.

h. Ensure that property rights are protected by preserving the right of the property owner to opt in and opt out of the process with appropriate reviews and controls.

i. Ensure that preservation considerations are integrated into the City's planning and development review processes in a manner consistent with state law and the California Environmental Quality Act (CEQA).

3. Voluntary participation. No privately owned property shall be designated or included on the Local Register pursuant to this Section without the express written consent of its property owner. A designation application may be submitted only by the property owner or the owner's duly authorized designee. No person other than the property owner or authorized designee may initiate an application under this Section.

4. Scope. Local preservation review under this Section applies only to the exterior character-defining features expressly identified in the Certificate of Designation. Historical research concerning events, persons, or interior conditions may establish significance but shall not independently expand the protected features or require review of interior work. Other applicable state or federal law is unaffected.

B. DEFINITIONS.

For the purposes of this Section, the following words and phrases shall have the meanings set forth below. Words and phrases not defined in this Section shall be interpreted so as to give them the meaning they have in common usage and to give this Section its most reasonable application. Other definitions can be found in the Lodi Municipal Code (LMC) Article 7 (Definitions).

Alteration. Any exterior change, modification, construction, reconstruction, restoration, rehabilitation, removal, relocation, or other physical change affecting the appearance, character-defining features, or historic integrity of a historic resource.

Applicant. The Property Owner of the subject property or a designee acting under the Owner's written authorization; no other person or entity may be an Applicant under this Section.

Application for Alteration, Relocation, and Demolition. The process and documentation necessary for an applicant to apply to materially alter, remove, relocate, or demolish an exterior character-defining feature of a Local Landmark. Approval of this application shall be via a Certificate of Appropriateness.

Application for Economic Hardship. The process and documentation necessary for an applicant justify waiving certain requirements to protect and preserve a Local Landmark when the preservation of the resource is not economically feasible after consideration of reasonable alternatives, available preservation incentives, and the condition of the resource. Approval of the application shall be an Economic Hardship Determination

Application for Historic Designation. The process and documentation necessary for the submission of a potential historic resource to be considered for listing on the Local Register and being granted a Certificate of Designation.

Application for Mills Act Contract. The process and documentation necessary for the submission of a historic resource to be considered for being granted a Mills Act Contract.

Building Official. The designated authority employed by the City of Lodi with the responsibility to administer, interpret, and enforce local and state building, electrical, plumbing, and mechanical codes.

California Historical Building Code. The California Historical Building Code (CHBC) is found in Title 24, Part 8 of the California Code of Regulations. It provides flexible, alternative building guidelines for the preservation, rehabilitation, restoration, and continued use of qualified historical structures.

Certificate of Appropriateness. A City approval for work materially affecting a protected exterior character-defining feature of a locally designated resource.

Certificate of Designation. The written certificate issued by the City following final approval and entry of a property on the Local Register, identifying the resource, the exterior character-defining features protected by this Section, the date and resolution of designation, and any applicable conditions.

Character-Defining Features. Exterior physical materials, architectural details, forms, design elements, craftsmanship, exterior spatial relationships or other tangible aspect of a historic resource that conveys the resource's historic significance and are specifically identified in the Certificate of Designation.

Community Development Director or Director. The City of Lodi Community Development Director or authorized designee.

Demolition. Any act or process that destroys, removes, dismantles, razes, wrecks, relocates, or permanently impairs a building, structure, object, site, or resource, in whole or in substantial part.

Demolition by Neglect. Deterioration resulting from failure to perform ordinary maintenance to the extent exterior character-defining features are substantially impaired; ordinary aging alone is insufficient.

Financial Benefit. An economic benefit received by the owner or a predecessor in title specifically because of designation under this Section, including but not limited to a Mills Act property-tax reduction, grant, tax incentive, easement, financial-assistance program, or other available preservation measure.

Historic Preservation Committee. A subcommittee to the Site Plan and Architectural Review Committee (SPARC) established for purposes of implementing the historic preservation program established by this Section.

Historic Resource. A building, structure, object, site, or cultural landscape that may possess historical, architectural, or cultural significance, whether or not designated under this Section. This may include properties that have been previously identified, or properties that meet any of the criteria outlined in this Section 17.36.260, regardless of formal designation.

Historic Resource Inventory. An organized compilation of information regarding buildings, structures, sites, objects, cultural landscapes, and other properties that have been identified, documented, surveyed, or evaluated for potential historical significance, whether or not formally designated pursuant to this Section; inventory inclusion is not designation under this Section.

Integrity. The ability of a resource to convey its historical significance through the survival of relevant physical characteristics, including location, design, setting, materials, workmanship, feeling, and association.

Local Landmark. A historic resource individually designated by the City Council pursuant to this Section and evidenced by its listing on the Local Register and receiving a Certificate of Designation.

Local Register of Historic Resources or Local Register. The official list of Local Landmarks maintained by the City designated historic pursuant to this Section.

Mills Act Contract. A contract entered into pursuant to Article 12 of Chapter 1 of Division 1 of Title 5 of the California Government Code (Sections 50280 through 50290), commonly known as the Mills Act.

Ordinary Maintenance and Repair. Work performed to correct deterioration, decay, or damage and to maintain a resource in a safe and functional condition that does not materially alter the resource's historic character, appearance, design, materials, or character-defining features.

Period of Significance or Period. The span of time during which a historic resource attained the characteristics that qualify it for designation.

Property Owner or Owner. The holder or holders of legal title; all Owners whose consent is required shall join in any application defined in this Section.

Rehabilitation. The process of repairing or altering a historic resource while retaining those portions or features that convey its historical, cultural, or architectural significance.

Relocation. Any movement of a historic resource from its existing location to another location.

Restoration. The act or process of accurately depicting the form, features, and character of a historic resource as it appeared during a particular period of significance by means of the removal of features from other periods and the reconstruction of missing features based upon documented evidence.

Site Plan and Architectural Review Committee or SPARC. The Site Plan and Architectural Review Committee established by the Lodi Municipal Code.

Work. Any activity affecting a historic resource, including construction, reconstruction, rehabilitation, restoration, repair, relocation, demolition, excavation, grading, or alteration.

C. HISTORIC PRESERVATION COMMITTEE.

1. Establishment. There is hereby established a Historic Preservation Committee (HPC), which shall serve as an advisory subcommittee to the Site Plan and Architectural Review Committee (SPARC) and Lodi City Council for purposes of implementing the historic preservation program established by this Section.

2. Purpose. The purpose of HPC shall be to provide technical assistance, historical research guidance, architectural review and advisory recommendations to property owners seeking historic designation. HPC shall function in a collaborative and advisory capacity, with the objective of facilitating Applications for Historic Designation that are complete, historically supportable and consistent with the intent of this Section.

3. Membership. HPC shall consist of five members appointed by the City Council. To the extent practicable, appointments shall include individuals with knowledge or experience in one or more of the following fields:

a. Historic preservation or architectural history;

b. Architecture, building design or historic rehabilitation;

c. Local history, historical research or archival documentation;

d. Construction, restoration or traditional building methods;

e. Historic property ownership, neighborhood preservation or community heritage.

Membership shall not require professional licensure or formal academic credentials. Members shall serve terms of four years, with initial terms staggered as determined by the City Council. Members may also simultaneously serve on SPARC, the Planning Commission, City Council or any other City commission or committee.

4. Organization. HPC shall elect a chairperson and vice-chairperson from among its members. The Community Development Department shall provide administrative support, including meeting coordination, agenda preparation and recordkeeping.

5. Responsibilities. HPC shall work cooperatively with Applicants to identify and document the historical, architectural or cultural significance of their properties including:

a. Review Application for Historic Designation referred by the Community Development Director;

b. Assist in identifying appropriate historical research materials, photographs, building records and other supporting documentation;

c. Evaluate the property's potential eligibility under the criteria established by this Section;

d. Assist in identifying architectural and historical character-defining features;

e. Recommend corrections, clarifications or additional documentation when necessary;

f. Advise applicant concerning the preservation objectives and potential benefits of Historic Designation;

g. Evaluate whether proposed documentation accurately reflects the property's historical significance;

h. Provide advisory findings and recommendations to the City Council; and

i. Perform additional advisory duties related to historic preservation as authorized by the City Council.

5. Limitations of Authority. HPC shall serve exclusively in an advisory capacity and its recommendations shall not be binding upon SPARC or the City Council. HPC shall not have authority to:

a. Grant or deny historic designation;

b. Require an unwilling property owner to seek historic designation;

c. Impose historic preservation restrictions upon a property;

d. Require an applicant to undertake restoration or rehabilitation work as a condition of application review;

e. Enter into Mills Act Contracts on behalf of the City; or

f. Prevent a property owner from requesting that an Application for Historic Designation proceed to City Council for approval.

D. HISTORIC RESOURCES AND ELIGIBILITY.

1. Resource. A resource may be listed in the Inventory or designated as a Local Landmark. If the resource is a Local Landmark, it shall be listed in the Local Register and the property owner shall be granted a Certificate of Designation.

2. Eligibility. A resource must be within the City limits and should be at least 50 years old and retain sufficient exterior integrity to convey significance. A resource less than 50 years old may qualify upon a finding of exceptional significance. A resource may qualify if associated with significant events or persons; if it embodies distinctive characteristics of a type, period, style, method of construction, or the work of a master; if it possesses high artistic value; if it contributes to a historically or culturally significant setting; or if it has yielded or may yield important historical information.

3. Exterior basis of listing. A designation shall be based only on documented exterior character-defining features visible from the public right of way or otherwise physically present on the exterior of the resource. Each proposed designation shall identify these features with sufficient specificity, including photographs and a written schedule. No interior feature shall be included in the Certificate of Designation or protected under this Section.

E. LOCAL REGISTER AND CERTIFICATE OF DESIGNATION.

1. Establishment of Local Register. The City hereby establishes the City of Lodi's Local Register of Historic Resources, maintained by the Community Development Department.

2. Local Landmark. A resource may be designated as a Local Landmark and listed on the Local Register if it retains sufficient integrity to convey its significance and satisfies one or more of the following criteria:

a. It is associated with events that have made a significant contribution to the history or development of Lodi, San Joaquin County, California or the United States;

b. It is associated with the lives of persons important to local, regional, state, or national history;

c. It embodies the distinctive characteristics of a type, period, style, or method of construction;

d. It represents the work of a notable architect, builder, designer or craftsperson.;

e. It possesses high artistic values; or represents a significant and distinguishable entity whose components may lack individual distinction;

f. It contributes significantly to the historical or architectural character of a neighborhood, commercial area or cultural landscape; and/or

g. It is listed in the National Register of Historic Places or California Register of Historical Resources, or has otherwise been formally recognized as historically significant.

3. Entry and certification. Following final approval of a designation by the City Council, the Director shall enter the property on the Local Register and issue the property owner a Certificate of Designation. The designation becomes effective upon entry on the Register. The certificate shall list the protected exterior character-defining features and shall be provided to the property owner with the Council resolution.

4. Register contents. The Register shall include, but not be limited to: name of the owner, address, assessor's parcel number, Council resolution and date, statement of significance, protected exterior features, certificate, Mills Act Contract status, and any withdrawal date.

5. Historic Resource Inventory. The City may separately maintain an informational inventory of potentially historic resources. Inventory listing alone shall not constitute local designation or trigger the review requirements of this Section. This provision does not alter the application of CEQA or other law to an eligible historic resource.

F. APPLICATIONS AND DESIGNATION PROCEDURES.

1. Eligible applicant. Only the property owner or a designee with written authorization from the property owner may apply for a Certificate of Designation, a Minor Certificate of Appropriateness, a Major Certificate of Appropriateness, a Mills Act Contract, an Economic Hardship Determination or removal of a designation under this Section. The City shall not accept a third-party nomination for any application.

2. Concurrent applications. The applicant may submit concurrent applications for simultaneous processing. For example, if the applicant would like to get a Historic Designation on a property and they would like to enter into a Mills Act Contract but the property will require alteration or partial demolition they can simultaneously submit an Application for Historic Designation, an Application for Alteration, Relocation, and Demolition and an Application for a Mills Act Contract as a single submission for approval.

3. Withdrawal before decision. The applicant may withdraw a pending designation application at any time before final Council action by written notice to the Director, without penalty under this Section.

4. Application for Historic Designation. This process shall be followed to determine if a property should become a Local Landmark and be listed in the Local Register. The process is as follows:

a. Owner application. The property owner or a designee applies for a Certificate of Designation including the owner's written consent; parcel identification; a brief historical narrative and supporting sources; photographs of exterior elevations; a statement of significance; and an itemized list and photographs of proposed protected exterior character-defining features.

b. Completeness review. Within 30 calendar days after receipt, the Director shall either determine the application complete or provide a written list of missing items. The Director shall prepare a staff report assessing eligibility and the proposed exterior features.

c. Research and documentation. HPC shall form an ad hoc subcommittee to work cooperatively with each applicant to identify and document the historical, architectural and/or cultural significance of their properties. Where applicable, the following information should be included in the completed application:

i. A map identifying the location and boundaries of the property or area proposed for designation;

ii. Current photographs documenting:

(A) All exterior elevations of the resource and the interior, when relevant to the evaluation of structural condition or feasibility of preservation;

(B) All character-defining features;

(C) Any areas proposed for alteration or demolition;

(D) The property's setting and the surrounding streetscape and nearby historic resources, where applicable.

iii. A historical narrative describing the development and use of the resource and its association with significant events, persons, architectural trends, cultural patterns, or other relevant historic themes. This can include resource's integrity, including consideration of location, design, setting, materials, workmanship, feeling, and association, as applicable;

iv. The period of significance;

v. Identification of the resource's character-defining features;

vi. Copies of relevant historical documents, records, photographs, maps, plans, surveys, reports, or other supporting materials;

vii. A bibliography or list of sources relied upon in preparing the application;

xii. Information regarding preservation incentives or assistance considered by the applicant, including the Mills Act, grants, tax incentives, easements, financial-assistance programs, or other available preservation measures; and

xiii. Other information reasonably required by the Community Development Director to evaluate the application and make the findings required by this Section.

d. HPC recommendation. HPC shall review the completed designation application at a noticed public meeting and recommend approval, conditional approval, or denial with written findings to City Council. Conditions adding protected features shall require the owner's written agreement.

e. Council decision. The City Council shall approve or deny designation following a noticed public hearing. Approval shall require findings that the resource meets at least one eligibility criterion, retains adequate integrity, has specifically documented exterior character-defining features, and has the written consent of the owner. Council approval shall be by resolution.

5. Application for Alteration, Relocation, and Demolition. Before materially altering, removing, relocating, or demolishing a protected exterior character-defining feature of a Local Landmark, the owner or authorized designee shall obtain a Certificate of Appropriateness, except for exempt work (see Subsection 17.36.260.G.2).

a. Owner application. The property owner or a designee applies for a Certificate of Appropriateness including the owner's written consent; parcel identification; photographs of protected exterior character-defining features.

b. Completeness review. Within 30 calendar days after receipt, the Director shall either determine the application complete or provide a written list of missing items. The Director shall make a determination if the work is Minor or Major.

c. Required documentation. Where applicable, the following information should be included in the completed application:

i. a clear written explanation of the proposed work, whether it involves restoration, rehabilitation, an addition, new construction, sign installation, painting, or demolition. Application details shall be proportionate to the proposed work and may include:

(A) photographs;

(B) plans;

(C) an explanation of effects on protected exterior features; and

(D) for proposed demolition or relocation, a structural assessment, cost information, and reasonable alternatives.

ii. A written description of any proposed demolition, including whether demolition would be complete or partial, the portions of the resource proposed for removal, and a site plan identifying:

(A) Justification for demolition which may include: the resource no longer retains sufficient integrity to convey the significance for which it was designated; the resource presents a demonstrated threat to public health and safety that cannot reasonably be mitigated through stabilization, repair, rehabilitation, or other preservation measures; preservation is not economically feasible despite consideration of available alternatives and incentives and the City has approved an Economic Hardship Determination; or demolition is necessary to allow a project that provides substantial public benefits and no reasonable preservation alternative exists;

(B) The location of all existing buildings, structures, objects, landscape features, and other improvements on the property;

(C) The resource or portions of the resource proposed for demolition;

(D) Property lines, streets, alleys, easements, and adjacent improvements; and

(E) Any buildings, structures, objects, or landscape features proposed to remain;

iii. When the condition of the resource is offered as a basis for demolition, a structural or building-condition assessment prepared by an appropriately qualified architect, engineer, contractor, preservation professional, or other qualified professional that:

(A) Identifies the nature and extent of deterioration or structural deficiencies;

(B) Distinguishes conditions requiring immediate correction from conditions that may be addressed through ordinary repair, stabilization, or rehabilitation;

(C) Evaluates whether the resource can reasonably be stabilized, repaired, rehabilitated, restored, or adapted for continued use; and

(D) Identifies measures necessary to address any threat to public health or safety;

iv. Cost estimates for demolition and, where relevant to the application, for stabilization, repair, rehabilitation, restoration, adaptive reuse, relocation, or incorporation of the resource into a proposed development project;

v. An analysis of reasonable alternatives to demolition, which may include:

(A) Retention and continued use of the resource;

(B) Stabilization, repair, rehabilitation, or restoration;

(C) Adaptive reuse;

(D) Modification or redesign of the proposed project;

(E) Incorporation of all or a portion of the resource into the proposed project;

(F) Relocation of the resource; and

(G) Acquisition, sale, lease, or transfer to another party interested in preservation;

c. Minor work. The Director may approve minor work administratively where the proposal retains the essential form and historic character of the protected features. Examples may include compatible roofing or finish changes, limited window or door modifications, discreet accessibility improvements, and mechanical screening. The Director shall issue written findings and conditions and issue a Certificate of Appropriateness upon approval.

d. Major work. For substantial alterations, additions affecting protected features, relocation, or demolition:

i. The Director shall prepare a staff report including the assessment of eligibility of the proposed changes to SPARC.

ii. SPARC shall decide upon applications at a noticed public hearing.

iii. Approval may be granted when the proposed work preserves or reasonably minimizes adverse effects on the identified exterior character-defining features, and is compatible with the resource and its surroundings.

iv. For approval of demolition, SPARC shall consider integrity, public safety, reasonable preservation alternatives, economic feasibility, and other applicable laws.

v. The Director shall issue written findings and conditions and issue a Certificate of Appropriateness upon approval.

vi. A denial may be appealed pursuant to Chapter 17.70, subject to any applicable jurisdictional requirements.

e. Construction. Building permits, demolition permits, site development permits, or other City approvals shall not be issued for work subject to this Section until a Certificate of Appropriateness or other approval has been authorized consistent with this Section.

6. Application for Mills Act Contract.

a. Authorization of the City Council to enter into Mills Act Contracts. Pursuant to California Government Code Sections 50280 through 50290, the city council is authorized to enter into Mills Act Contracts with owners of qualified historic properties. Applications, preservation plans, inspection requirements, renewal, nonrenewal, cancellation, recordation, and assessment shall comply with state law and the approved contract.

b. Eligibility to apply for a Mills Act Contract. Properties designated under this Section shall be eligible to apply for a Mills Act Contract, provided they satisfy the applicable requirements of state law.

c. Separation of Historic Listing from Mills Act Contract. An application for a Mills Act Contract shall be separate from the application for Historic Designation but they may be processed simultaneously.

d. No obligation to approve Mills Act Contracts. Approval of a Historic Designation shall not obligate the City to approve a Mills Act Contract.

e. Mills Act Application. A Mills Act application shall include:

i. Proof of ownership;

ii. Evidence of the property's qualified historic status;

iii. A description of existing building conditions;

iv. A proposed preservation, maintenance or rehabilitation plan;

v. A proposed schedule of improvements, where applicable;

vi. Estimated costs of proposed preservation work; and

vii. Such additional documentation as may reasonably be required to evaluate the proposed contract.

f. Review and Recommendation of Mills Act Application. The Director shall review the application and provide a recommendation to the City Council.

g. Approval of Mills Act Application. The City Council may approve a contract upon finding that the proposed agreement will promote preservation of a qualified historic property and is consistent with the purposes of this Section.

h. Mills Act Contract Requirements. Each Mills Act Contract shall comply with applicable provisions of state law, including requirements concerning:

i. A minimum ten-year contractual term;

ii. Annual renewal unless notice of nonrenewal is given in accordance with law;

iii. Preservation, maintenance and rehabilitation obligations;

iv. Required compliance monitoring;

v. Binding effect upon successors in interest;

vi. Recordation and required notices; and

vii. Nonrenewal, cancellation and enforcement including cancellation fee if terminated before the end of the term of the contract.

i. Mills Act Contract application fees. The city may establish reasonable application, processing and inspection fees as authorized by law.

j. Nonrenewal of Mills Act Contract. A property owner may elect not to renew a Mills Act Contract in accordance with the notice and termination procedures established by state law.

k. Early cancellation of a Mills Act Contract. Early cancellation of a Mills Act contract shall be governed exclusively by applicable state law and the terms of the contract, including any applicable cancellation fee.

l. No guarantee of property tax reduction. Nothing in this Section shall be interpreted to guarantee a particular property tax reduction. Any preferential assessment shall be determined by the San Joaquin County Assessor pursuant to applicable law.

7. Application for Economic Hardship. An applicant seeking approval of work involving a designated historic resource based on economic hardship shall submit documentation demonstrating that preservation of the resource would result in substantial economic hardship.

a. Application Requirements. The Community Development Director may require financial information, cost estimates, structural assessments, evaluations of reasonable preservation alternatives, and other documentation necessary to evaluate the request.

b. Review and Approval. Applications for Economic Hardship shall be reviewed by the Community Development Director, with a recommendation forwarded to the City Council for final determination.

c. Findings. An Economic Hardship Determination may be approved upon finding that preservation of the resource is not economically feasible after consideration of reasonable alternatives, available preservation incentives, and the condition of the resource.

d. Relationship to Other Approvals. Approval of an Economic Hardship Determination shall not, by itself, authorize demolition, alteration, or relocation of a designated historic resource. All other applicable permits and approvals shall be required.

8. Appeals. LMC Chapter 17.70 (Appeals) identifies the items and process for appealing decisions made for projects subject to this Section.

9. Expiration and Denial.

a. Expiration. LMC Section 17.42.040 (Time limits and extensions) identifies the length of time to effectuate an approval decision made for projects subject to this Section.

b. Denial. LMC Chapter 17.40 (Permit Approval or Disapproval) identifies the time before a new application may be submitted if a denial decision is made for projects subject to this Section.

G. EFFECT OF HISTORIC DESIGNATION; MAINTENANCE AND EXEMPT WORK.

1. Limited effect. Designation under this Section regulates only work that materially affects the protected exterior character-defining features stated in the certificate. It does not change zoning, require public access, compel restoration to a particular period, or restrict interior alterations under this Section.

2. Reasonable maintenance. Owners of designated resources shall take reasonable steps to prevent intentional demolition by neglect of protected exterior features, subject to available lawful enforcement procedures and consideration of economic feasibility and safety.

3. Exempt work. The following items are exempt from the procedures of this Section:

a. Ordinary maintenance and repair that does not materially alter the historic character, exterior appearance, or character-defining features of the resource;

b. Interior alterations that do not affect exterior features visible from a public right-of-way and are not otherwise regulated by this Section;

c. In-kind repair or replacement of deteriorated materials where the design, material, dimensions, texture, and appearance remain substantially unchanged;

d. Landscaping, irrigation, and routine site maintenance that do not alter significant historic features;

e. Emergency work necessary to protect public health, safety, or property where delay would result in imminent danger;

f. Temporary measures necessary to stabilize a resource following a fire, natural disaster, accident, or similar emergency; and

g. Other activities determined by the Community Development Director to have no potential to adversely affect the historic significance of the resource.

4. Economic hardship. An owner may request relief upon showing that compliance would cause substantial economic hardship after consideration of reasonable alternatives and available incentives. The Director shall recommend findings to the Council, which shall decide the hardship request. Hardship approval does not waive otherwise required permits or CEQA review.

5. Emergencies. Work immediately necessary to eliminate an imminent threat to life or property may proceed as authorized by the Building Official, with subsequent documentation to the Director as practicable.

H. PRESERVATION INCENTIVES AND HISTORICAL BUILDING CODE.

1. Incentives. Property owners of designated properties may apply for available Mills Act Contracts, technical assistance, grant programs, fee reductions when authorized, and appropriate regulatory flexibility. Designation does not guarantee an incentive or funding.

2. California Historical Building Code. The Building Official shall allow for the application of the California Historical Building Code (Title 24, Part 8) to qualified historic buildings as authorized by state law. Mills Act participation is not a prerequisite for consideration under that code.

I. OWNER-INITIATED WITHDRAWAL AND REMOVAL FROM LOCAL REGISTER.

1. Right to withdraw. An owner of a property designated under this Section who has received no financial benefit attributable to the local designation may withdraw the property from the Local Register at any time by submitting a signed written notice to the Director. The owner is not required to establish loss of significance, loss of integrity, economic hardship, or other cause.

2. Financial benefit. For purposes of this subsection, "financial benefit" means an actual economic benefit received by the owner or a predecessor in title specifically because of designation under this Section, including Mills Act property-tax reduction, grant, tax incentive, easement, financial-assistance program, City fee waiver or subsidy used, or other available preservation measure. The mere eligibility to apply for an incentive, technical advice, recognition, or consideration under generally applicable building law shall not constitute a financial benefit. The Director may request a brief signed declaration of benefits received and reasonably available City records; no appraisal, historic resource evaluation, or financial feasibility study shall be required.

3. Ministerial processing. Within 30 calendar days after receipt of the owner's signed notice and declaration, the Director shall confirm whether City records disclose a disqualifying financial benefit or an independently enforceable restriction. If neither is present, the Director shall remove the designation administratively, update the Register, and issue written confirmation. No SPARC or City Council hearing, removal fee, restoration requirement, penalty, or discretionary finding shall be imposed under this Section.

4. Benefit or independent restriction. If a financial benefit was received, withdrawal is not available under the streamlined procedure in this subsection. The owner may request removal by Council resolution following SPARC recommendation, subject to applicable law and any contractual obligations. Nothing in this Section cancels a Mills Act Contract, recorded preservation easement, repayment obligation, or other independent restriction. The City shall provide a written explanation identifying the applicable restriction and available process.

5. Effect. Upon administrative removal, the City's designation-based review requirements under this Section cease prospectively. Removal does not determine whether the property is a historic resource under CEQA or any state or federal program and does not invalidate obligations arising independently of this Section.

J. ADMINISTRATION, FEES, AND APPEALS.

1. Administration. The Director shall administer this Section, maintain the Register and certificates, conduct completeness review, decide Minor Certificates of Appropriateness, process streamlined withdrawals, and coordinate Mills Act applications. HPC shall provide recommendations on designation and SPARC shall decide Major Certificates of Appropriateness. The Council shall make final designation and economic hardship determinations and approve Mills Act Contracts.

2. Fees. The city may establish reasonable application, processing and inspection fees as authorized by law.

3. Appeals. Appeals shall be processed under Chapter 17.70, to the extent applicable. Nothing herein changes the jurisdiction of the Planning Commission, SPARC or Council established elsewhere in the Development Code unless expressly amended.

K. MONITORING AND REVIEWS

The following items pertain to the review of certain permits and the monitoring of Historic Resources identified in this Section.

1. Survey and Evaluation.

a. The City may undertake, sponsor, or participate in surveys, historic context studies, and related efforts for the identification and evaluation of historic resources.

b. Survey efforts may be conducted on a citywide basis or within specific geographic areas.

c. SPARC may review and make recommendations regarding survey methodologies, historic contexts, survey findings, and related preservation planning efforts.

2. Inspections and Monitoring.

a. The City shall periodically inspect the character-defining features of properties subject to Mills Act Contracts to verify compliance.

b. Property owners shall provide reasonable access to the exterior of the premises for inspections upon prior notice by the City.

c. The City may require periodic status reports regarding completion of approved work programs.

3. Demolition by Neglect. No owner of a designated historic resource shall intentionally permit the resource to deteriorate through neglect to the extent that its historic significance, integrity, or

character-defining features are threatened. Conditions constituting demolition by neglect may include, but are not limited to:

a. Deterioration of roofs, walls, foundations, or structural systems;

b. Failure to protect a resource from weather intrusion;

c. Failure to secure a resource from vandalism or unauthorized entry;

d. Deterioration of significant architectural features; or

e. Other conditions resulting in substantial deterioration of the resource.

f. Upon determination that demolition by neglect may be occurring, the Community Development Director may initiate enforcement proceedings pursuant to this Section and other applicable provisions of the Municipal Code.

4. Amendments to Records. Amendments to approved projects shall be subject to LMC Chapter 17.72 (Amendments), as applicable. The Community Development Director may periodically update the Historic Resource Inventory and Local Register to reflect new information, survey results, approved designations, amendments, rescissions, and other relevant actions. The Director shall provide a summary of updates to SPARC and the City Council for their information.

L. ENFORCEMENT AND REMEDIES

1. Purpose. The purpose of this subsection is to establish procedures for the administration and enforcement of this Section; to prevent, correct, and remedy violations affecting historic resources; and to provide a fair and orderly process for appealing administrative and discretionary decisions made pursuant to this Section.

2. Enforcement Authority. The Community Development Director shall have authority to administer and enforce the provisions of this Section.

a. Investigation. The Community Development Director may investigate alleged violations and issue notices of violation.

b. Enforcement. The City may require corrective action, and pursue enforcement remedies authorized by this Section, the Lodi Municipal Code and authorized by law.

3. Violations. The following shall constitute violations of this Section:

a. Work performed on a designated historic resource that is not exempt and does not receive a required Certificate of Appropriateness;

b. Demolishing, relocating, altering, or otherwise affecting a designated historic resource in violation of this Section;

c. Failure to comply with conditions of approval imposed pursuant to this Section;

d. Failure to comply with the terms of a Mills Act Contract;

e. Demolition by neglect; and

f. Providing materially false or misleading information in connection with an application submitted pursuant to this Section.

4. Stop Work Orders. The Community Development Director may issue a stop work order whenever work is being performed in violation of this Section. Work shall immediately cease

upon issuance of a stop work order and shall not resume until authorized by the Community Development Director.

5. Remedies. Remedies shall be proportionate to the violation and shall not apply to a lawful withdrawal under this Section. In addition to any other remedy authorized by law, the City may require:

a. Correction of unauthorized work;

b. Restoration or reconstruction of damaged historic features where feasible;

c. Compliance with previously approved plans or conditions;

d. Completion of mitigation measures;

e. Documentation of affected resources; and

f. Other corrective actions necessary to remedy a violation.

The remedies provided herein shall be cumulative and not exclusive. Nothing in this Section shall limit the City's authority to pursue injunctive relief, civil remedies, or other judicial actions authorized by law.

6. Penalties. Violations of this Section shall be subject to the enforcement provisions, administrative remedies, penalties, fines, and other enforcement procedures established elsewhere in the Lodi Municipal Code.

7. Removal of Designation. Removal of historic resource designations shall be subject to LMC Chapter 17.72 (Amendments), as applicable, and shall be subject to the following:

a. Removal of a designation from the Local Register shall require City Council approval, following a recommendation from SPARC, and findings demonstrating that:

i. The resource no longer possesses the historical significance for which it was designated; or

ii. The resource no longer retains sufficient integrity to convey its historical significance.

b. Demolition or alteration undertaken in violation of this Section shall not constitute grounds for removal of a designation.

M. RELATIONSHIP WITH OTHER LAWS.

The provisions of this Section are intended to supplement and shall be interpreted in a manner consistent with applicable federal, state, and local laws governing historic resources. Nothing in this Section shall be construed to limit the authority of the City to regulate land use, development, demolition, alteration, relocation, maintenance, or rehabilitation activities pursuant to other provisions of the Lodi Municipal Code, the California Environmental Quality Act (CEQA), the California Historical Building Code, or other applicable laws and regulations.

N. SEVERABILITY.

If any subsection, sentence, clause, phrase, or portion of this Section is held invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Section. The City Council declares that it would have adopted this Section and each section, subsection, sentence, clause, phrase, and portion thereof irrespective of the fact that any one or more portions may be declared invalid.

SECTION 2. Amendment to Section 17.38.030.

Section 17.38.030 and Table 4-1 (Review Authority) shall be amended to add the following historic preservation review entries, subject to conforming edits to the existing table and appeal hierarchy:

Application	Director	HPC	SPARC(2)	City Council
Historic Designation	Administer	Recommend(1)		Decision
Minor Certificate of Appropriateness	Decision(3)	—	Appeal as provided by Chapter 17.70	Appeal as provided by Chapter 17.70
Major Certificate of Appropriateness	Review / Recommend	—	Decision	Appeal as provided by Chapter 17.70
Mills Act Contract	Review / Recommend	—	—	Decision
Economic Hardship Determination	Review / Recommend	—	—	Decision
Withdrawal with No-benefit	Ministerial Decision	—	—	Appeal as provided by Chapter 17.70
Withdrawal with Benefit	Administer	—	Recommend	Decision
Removal	Administer	—	Recommend	Decision
Amendment to Local Register and Historic Resource Inventory	Ministerial Decision	—	—	Appeal as provided by Chapter 17.70

Notes:

(1) "Recommend" means that the review authority makes a recommendation to a higher decision-making body; "Decision" means that the review authority makes the final decision on the matter; "Appeal" means that the review authority may consider and decide upon appeals to the decision of an earlier decision-making body, in compliance with Chapter 17.70 (Appeals).

(2) SPARC means the Site Plan and Architectural Approval Committee. (See Section 17.66.050)

(3) The Director may defer action on permit applications and refer the items to SPARC for the final decision.

PASSED AND ADOPTED this ____ day of _____, 2026.

Mayor: _____ ATTEST — City Clerk: _____

APPROVED AS TO FORM — City Attorney: _____