ORDINANCE NO. 2899

AN ORDINANCE OF THE CITY OF REDLANDS AMENDING CHAPTERS 2.24, 2.62 AND 15.44 OF THE REDLANDS MUNICIPAL CODE RELATING TO THE MAINTENANCE AND REPAIR OF DESIGNATED HISTORIC RESOURCES AND THE DEMOLITION OF HISTORIC BUILDINGS AND STRUCTURES

THE CITY COUNCIL OF THE CITY OF REDLANDS DOES ORDAIN AS FOLLOWS:

Section 1. Section 2.24.080 through and inclusive of Section 2.24.150 of the Redlands Municipal Code related to the demolition of registered historic structures are hereby deleted in their entirety.

“2.24.080: DEMOLITION, ALTERATION OR REMOVAL; GENERALLY:
Provisions regarding the demolition, alteration or removal of historical or scenic property shall be as set forth in sections 2.24.090 through 2.24.140 of this chapter.

2.24.090: DEMOLITION, ALTERATION OR REMOVAL; PERMIT REQUIRED:
It is unlawful for any person to destroy, remove or substantially alter any property recorded in the Register of Historic and Scenic Properties without first notifying the Department of Building and Safety of the property's status as registered historical or scenic property and obtaining a permit for such work from the department pursuant to the provisions of sections 2.24.080 through 2.24.140 of this chapter.

2.24.100: DEMOLITION, ALTERATION OR REMOVAL; COMMISSION REFERRAL:
No permit for the demolition, removal or substantial alteration of any registered property shall be issued without first referring the matter to the Historic and Scenic Preservation Commission, except where the issuing agency determines that demolition, removal or alteration of any building, structure, or site is immediately necessary to protect the public health, safety or general welfare. The issuing board or agency shall notify the commission in writing within five (5) days of receiving any request for any such permit.

2.24.110: DEMOLITION, ALTERATION OR REMOVAL; NOTIFICATION OF OBJECTIONS:
The commission shall have thirty (30) days from the date of receiving notification of a permit application within which to object to the proposed demolition, removal or substantial alteration of a registered historical or scenic property. Upon review of the application, the commission shall file its objections with the City Council, and shall take such steps within the scope of its powers and duties as it determines are necessary for the preservation of the property. Upon the filing of such objections, no permit shall be issued for the demolition, removal or substantial alteration of the registered property for a period of not less than thirty (30) nor more than sixty (60) days. The Council shall notify the appropriate departments of the filing of objections by the commission.
Failure to file objections within the thirty (30) day period shall be deemed a waiver of all objections, and the permit shall be issued in due course.

2.24.120: DEMOLITION, ALTERATION OR REMOVAL; PUBLIC HEARING; COMMISSION RECOMMENDATION:

No less than thirty (30) nor more than sixty (60) days after the filing of its objections, the commission shall report and make its recommendation to the Council regarding the requested permit. Before making its recommendation, the commission shall hold a public hearing on the proposed demolition, removal or substantial alteration. The City Clerk shall cause a notice of the hearing to be published twice, at least ten (10) days before such hearing, in a newspaper of general circulation published and circulated in the City. The notice shall contain the time, place and purpose of the hearing. In addition, one (1) weeks' notice by mail shall be given to the party or parties who have requested the permit. Any interested person or persons shall be allowed to appear in person or by petition at the hearing on the matter, and the commission shall forthwith make its report to the Council recommending the approval, modification or rejection of the proposed demolition, removal or substantial alteration of the registered property.

2.24.130: DEMOLITION, ALTERATION OR REMOVAL; COUNCIL REVIEW:

Upon review of the commission's recommendation, the Council may deny or modify the requested permit, or withdraw and cancel the objections. Upon the withdrawal of the objections, the permit shall be issued in due course.

2.24.140: DEMOLITION, ALTERATION OR REMOVAL; SUBSTANTIAL ALTERATION DEFINED

"Substantial alteration" means any alteration of any registered property or part thereof which so changes the property as to lessen or detract from its historical or scenic value or character, but does not include maintenance and preservation work.

2.24.150: HARDSHIP SHOWING; REMOVAL FROM REGISTER:

The commission or the City Council may remove a property from the Register of Historic and Scenic Properties, or approve a permit for the demolition, alteration, or removal of a registered historical or scenic property if the applicant presents facts clearly demonstrating to the satisfaction of the commission or the Council that the failure to receive such deletion or permit would cause immediate and substantial hardship to the owner of the property which was not reasonably foreseeable at the time the property was placed on the Register of Historic and Scenic Properties.

Section 2. Section 2.62.030 of the Redlands Municipal Code, entitled “Definitions,” is hereby amended to read as follows:

“2.62.030: DEFINITIONS:

As used in this chapter:

ADAPTIVE REUSE: Converting a building to a use other than that for which it was designed.
ALTERATION: Any permanent exterior change in a historic resource.

APPLICANT: Any person who applies for designation of a nominated resource or for a certificate of appropriateness or certificate of hardship.

ARCHEOLOGY: The study of ancient peoples and customs as shown by monuments, sites, implements, inscriptions and relics.

CERTIFICATE OF APPROPRIATENESS: The permit granted after review by the historic and scenic preservation commission of applications to alter, demolish, move, or subdivide a historic resource or for new construction on the site of a historic resource.

CERTIFICATE OF HARDSHIP: A permit to alter, move or subdivide granted by the historic and scenic preservation commission because of extreme privation or adversity and in accordance with the procedure and findings in this chapter.

COMMISSION: Refers to the historic and scenic preservation commission.

CONTRIBUTOR means a historic resource in a designated or pending historic district, as defined in this Chapter, which was built within the period of significance and/or retains enough historic integrity to contribute to the overall character and significance of other buildings and structures within the historic district which are unified aesthetically by plan or physical development.

DAY: Calendar day, including all weekend days and holidays.

DEMOLITION: The act or process of wrecking or destroying, specifically destruction of a historic resource or a major portion of a historic resource, including natural features, trees, agricultural areas as well as exterior architectural features.

DESIGN GUIDELINES: Principles contained in a document which illustrate appropriate and inappropriate methods of rehabilitation and construction. The purpose of using design guidelines is to help decision making with regard to retaining the scale, pattern and historical character of a structure or district. Design guidelines are contained in the book entitled, "City Of Redlands Historic And Scenic Preservation Design Manual".

DESIGNATION: The act of selecting in accordance with the criteria in this chapter a historic resource for official city status as significant by the historic and scenic preservation commission and the city council.

DISTRICT: A general term referring to historic and/or scenic and urban conservation districts.

HISTORIC AND/OR SCENIC DISTRICT: A significant neighborhood, agricultural or passive recreational open space, an enclave or collection of historical buildings, the majority of which are fifty (50) years old or older and are contributors to the district, that may have been part of one settlement, architectural period, or era of development. A historic and scenic district has both historic and scenic value.
HISTORIC PROPERTY: A separate structure or site fifty (50) years old or older that has significant historic, architectural, or cultural value but is not a landmark.

HISTORIC RESOURCE: A general term that refers to areas, districts, streets, places, buildings, structures, outdoor works of art, natural or agricultural, cultural, archeological, architectural, community or aesthetic value and are fifty (50) years old or older.

INTRUSION: A building or structure that does not fit into and detracts from a historic area because of inappropriate scale, materials, landscaping or other such characteristics.

LANDMARK: A building, site, or area with exceptional importance or character or exceptional historical or aesthetic interest or value as a part of the development, heritage, or cultural characteristics of the city, state, or nation.

NOMINATED RESOURCES: Those structures, buildings, places, urban design features and other objects that have been identified in a preliminary survey prepared by the commission.

NON-CONTRIBUTOR means a resource in a designated or pending historic district that was either not built within the historic district’s period of significance or does not retain enough historic integrity to contribute to the overall character and significance of the historic district.

PRELIMINARY SURVEY: An informal determination by the commission that a resource is of potential significance as a historic resource. Such resources are to be kept on a list by the historic and scenic preservation commission.

PRESERVATION OFFICER: The person designated by the administrator of the community development department to serve as staff to the historic and scenic preservation commission and to coordinate Redlands' historic preservation programs.

REGISTER OF HISTORIC AND SCENIC RESOURCES: The official city list of all designated historic resources.

SURVEY: The accepted method of systematically studying historic resources. It includes a physical description and a photograph of each historic resource, legal information from title or assessment records, statements of significance according to the criteria in this chapter and a statement of any threat to the integrity or continued existence of the resource. The information for each resource is recorded on a survey sheet.

URBAN CONSERVATION DISTRICT: A residential or commercial neighborhood, a majority of whose buildings are fifty (50) years old or older and which are contributors to the district, which the city wishes to maintain and revitalize although it contains a significant proportion of non-contributor historic properties.

Section 3. Section 2.62.200A of the Redlands Municipal Code, entitled “Certificate of Appropriateness; Alternations, New Construction, Subdivisions, Lot Splits, Lot Line Adjustments and Signs,” is hereby amended to read as follows:
“A. A certificate of appropriateness issued by the commission or the preservation officer is required for any exterior alteration to any designated historic resource, for new construction on the site of a designated historic resource, and for a lot split, lot line adjustment or subdivision (whether tentative or parcel map) relating to property which is, or has thereon, a designated historic resource. A certificate of appropriateness shall be required to erect, alter or relocate any sign which is in a designated district or associated with property which is, or has thereon, a designated historic resource. New construction in a historic and/or scenic district shall also require a certificate of appropriateness. The community development department shall direct applicants for building permits and sign permits for designated and nominated resources to apply for a certificate of appropriateness from the commission. A nominated historic resource need not be designated before a certificate of appropriateness can be granted. No building, alteration, lot split, lot line adjustment, subdivision (whether tentative or parcel map), demolition or removal shall occur, nor shall any permits be issued therefor, for any exterior improvement, sign, building, structure or property within the proposed district, or relative to a proposed historic resource, while the public hearing for designation or any appeal related thereto is pending, except after a certificate of appropriateness has been secured. In the event any contributing or non-contributing building in a designated or pending historic district is completely demolished or partially demolished without approval of a demolition permit pursuant to Chapter 15.44 of this Code, all provisions of Section 15.44.120 of this Code may apply. In the case of a property in a pending historic district for which a historic resource survey has not been submitted by a consultant retained by the City and meeting the Secretary of the Interior’s Professional Qualification Standards, the Director of Development Services shall, as required to establish the applicability of the various enforcement provisions of Section 15.44.120, determine whether the property is a contributor or a non-contributor to the pending historic district and, for a property determined to be a contributor, identify its character defining features. These determinations are rebuttable presumptions and shall be based on the information included in the historic district application under consideration by the City and any additional information or materials as may be necessary for a complete review.”

Section 4. Section 2.62.270 of the Redlands Municipal Code, entitled “Maintenance and Repair,” is hereby amended to read as follows:

“2.62.270: MAINTENANCE AND REPAIR:

A. This chapter shall not be construed to prevent the ordinary maintenance or repair of exterior architectural features, walls, landscapes, etc., in or on any designated property that does not involve a change in design, materials or external appearance thereof, nor does this chapter prevent the construction, reconstruction, alteration, restoration, demolition or removal of any such feature when the planning and community development department certifies to the council that such action is required for the public safety due to unsafe or dangerous conditions which cannot be rectified through the use of the California historical building code.

B. Every owner of a designated historic resource shall maintain and keep such resource in a manner that ensures the continued availability of such premises for lawful and reasonable uses, its continued eligibility for listing on the City’s Register of Historic Resources, does not constitute
“demolition by neglect” and prevents deterioration, dilapidation and decay of any portion of such resource. Specifically, it shall be the responsibility of the owner of a designated resource to maintain in good repair the building, walls, and landscaping in order to prevent deterioration of exterior architectural and scenic features. In order to prevent demolition by neglect the City may repair a historic resource and treat the cost of repairs as a lien against the property.”

Section 5. Chapter 15.44 of the Redlands Municipal Code, entitled “Demolition of Buildings and Structures” is hereby deleted in its entirety and rewritten to read as follows:

“Chapter 15.44
DEMOLITION OF BUILDINGS AND STRUCTURES

15.44.010: Title
15.44.020: Purpose and Intent
15.44.030: Applicability
15.44.040: Definitions
15.44.050: Demolition Permit Application
15.44.060: Director Determination; Structures Less Than Fifty Years Old
15.44.070: Historic and Scenic Preservation Commission Review
15.44.080: Appeal of Commission Decision
15.44.090: Mitigation Measures and Conditions of Approval
15.44.100: Issuance of Permit
15.44.110: Dangerous Buildings
15.44.120: Premature Demolition; Violation; Penalties

15.44.010: TITLE:

The ordinances codified in this chapter shall be collectively known as the CITY BUILDING AND STRUCTURE DEMOLITION ORDINANCE.

15.44.020: PURPOSE AND INTENT:

The city council finds that historically significant structures situated within the city constitute a cultural treasure for the entire community to enjoy, and that the preservation of these structures will promote the general welfare by maintaining an invaluable link to the City's rich and distinguished past. The city's permit procedures for demolishing structures therefore recognize that the city's historic structures should be preserved and, that if a structure is approved for demolition, mitigation measures and conditions should be considered and imposed prior to the demolition which provide the opportunity for persons to rescue potentially historic structures from destruction by purchasing the structure's site, relocating the structure, or otherwise preserving for posterity the historic and cultural significance of the structure.

15.44.030: APPLICABILITY:

This chapter shall apply to any structure for which an application for a demolition permit is made.
No structure shall be demolished until a demolition permit is issued by the city's community development department in accordance with this chapter.

15.44.040: DEFINITIONS:

The following words, as used in this chapter, still have the meanings herein prescribed for them:

CEQA: The California environmental quality act, contained in California Public Resources Code section 21000 et seq., as amended from time to time.

CHARACTER DEFINING FEATURES means the distinctive physical forms, elements, material, details, and/or characteristics that convey the significance of a designated historic resource.

COMPLETE DEMOLITION means removal of all above-grade portions of a building, structure or object that is a designated historic resource, or of a resource that is pending designation as a historic resource.

CONTRIBUTOR means a historic resource in a designated or pending historic district, as defined in Chapter 2.62 of this Code, which was built within the period of significance and/or retains enough historic integrity to contribute to the overall character and significance of other buildings and structures within the historic district which are unified aesthetically by plan or physical development.

DEMOLITION means the act or process of destroying, knocking down, pulling down, tearing down, flattening, razing, or leveling a building, structure, or object. For purposes of this Chapter, demolition can be either complete or partial.

DEMOLITION BY NEGLECT means the process by which the owner, or his or her designee, of a designated historic resource, or a resource that is pending designation as a historic resource, a potential historic resource, as a result of lack of maintenance, failure to protect it from pests or vandals, and/or failure to take reasonable measures to prevent ingress of water or wind through the roof, walls, or apertures, leading to deterioration and/or structural failure that results in complete or partial demolition, the loss of character-defining features, and/or that constitutes a threat to public health and safety.

DIRECTOR: Shall mean the City’s Development Services Director, or his or her designee.

ELIGIBLE HISTORIC RESOURCE means a resource that is either: (1) on the register of properties compiled and maintained by the City’s Historic and Scenic Preservation Commission as described in Section 2.24.060 D of this Code; or (2) is determined by the City to be a historic resource pursuant to Public Resources Code section 21084.1, or (3) otherwise satisfies the definition of a Historic Resource as described in this Chapter.

HISTORICAL RESOURCE: All buildings or structures listed in, or determined to be eligible for listing in, the California Register of Historical Resources. Buildings or structures actually designated as historically significant in any local register of historic resources, or identified as
significant in a historical resource survey meeting the requirements of the state historical resources law, are presumed to be historically or culturally significant. The city shall treat any such resource as significant unless the preponderance of evidence demonstrates that this resource is not historically or culturally significant.

HISTORICAL SIGNIFICANCE: A building or structure shall be determined to be of "historical significance" if it satisfies any of the following criteria:

A. The building or structure is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage;

B. The building or structure is associated with the lives and persons important in our past;

C. The building or structure embodies the distinctive characteristics of a type, period, region or method of construction, or represents the work of an important creative individual, or possesses high artistic values;

D. The building or structure has yielded, or may be likely to yield, information important in prehistory or history;

E. The building or structure is significant in the "cultural annals of California" as demonstrated by substantial evidence in light of the whole record presented to the city regarding an application for a demolition permit; or

F. The building or structure qualifies as a historical resource.

NON-CONTRIBUTOR means a resource in a designated or pending historic district that was either not built within the historic district’s period of significance or does not retain enough historic integrity to contribute to the overall character and significance of the historic district.

PARTIAL DEMOLITION means the removal, alteration, or destruction of one or more character-defining features of a designated historic resource, of a resource that is pending designation as a historic resource, or of an eligible historic resource, that have been identified as character-defining in a property-specific historic assessment, in a historic resource assessment prepared by a person meeting the Secretary of the Interior’s Professional Qualification Standards in Historic Architecture or Architectural History, or by the Director.

SECRETARY OF THE INTERIOR’S PROFESSIONAL QUALIFICATION STANDARDS is the set of requirements issued by the US Department of the Interior, National Park Service (36 CFR Part 61) that define minimum education and experience required to perform identification, evaluation, registration, and treatment activities.

SECRETARY OF THE INTERIOR’S STANDARDS FOR REHABILITATION is the set of standards issued by the US Department of the Interior, National Park Service (36 CFR Part 67) and the publications of the National Park Service (NPS), Preservation Assistance Division, Guidelines for Rehabilitation Historic Buildings (1992, NPS) and the Secretary of the Interior’s
Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings (1995, NPS), and any subsequent publication on the Secretary’s Standards by the NPS.

STATE HISTORICAL RESOURCES LAW: The state laws governing historical structures contained in Public Resources Code sections 5020 et seq., as amended from time to time.

15.44.050: DEMOLITION PERMIT APPLICATION:

An application for a demolition permit shall:

A. Be completed by the owner of the structure proposed for demolition, or the owner's authorized representative, and submitted to the development services department with payment of all applicable fees. Concurrent with the filing of an application for a demolition permit, if the Director determines the application is not exempt under CEQA, application shall also be made for any required environmental review pursuant to CEQA.

B. The application shall identify the structure to be demolished by providing a description of the structure, its address, legal description and tax assessor's parcel number.

C. The applicant shall specify whether the structure is listed as a historic or cultural resource or has been determined to have historical significance, by any federal, state, regional or local listing or designation, or as that term is defined in this chapter.

D. The application shall specify the date that construction of the structure was completed, and include documentation verifying that date to the satisfaction of the city. If documentation is unavailable to reasonably establish the date of completed construction, the applicant shall write "age of structure unknown no documentation available" on the permit application.

15.44.060: DIRECTOR DETERMINATION; STRUCTURES LESS THAN FIFTY YEARS OLD:

A. Permit Application: Demolition permit applications for structures less than fifty (50) years of age shall be scheduled for review by the city's Director who shall determine whether the application is exempt under CEQA or whether an initial study shall be prepared, in accordance with CEQA, by city staff.

B. Director Determination: The Director shall review any initial study that has been prepared, the staff report, the documentation supporting the application, and any testimony from the applicant, and make a determination of the historical significance of the structure proposed to be demolished.

1. If the Director determines that the structure has no historical significance and demolition of the structure is determined to be exempt from the preparation of a negative declaration or environmental impact report under CEQA, the Director shall thereafter issue the demolition permit in accordance with this code.
2. If the Director determines that the structure may have historical significance and/or that its demolition requires the preparation of a negative declaration or an environmental impact report under CEQA, the demolition permit application shall be referred to the city's historic and scenic preservation commission for further review and action.

15.44.070: HISTORIC AND SCENIC PRESERVATION COMMISSION REVIEW:

A. Demolition permit applications for structures fifty (50) years of age and older shall be scheduled for review by the historic and scenic preservation commission, and an initial study shall be prepared in accordance with CEQA by city staff. Notice of the commission's meeting shall be given to the applicant and the public in accordance with the city's guidelines implementing CEQA. Review of such applications shall occur in accordance with subsections B and C of this section.

B. Upon referral of a demolition permit application from the Director, the historic and scenic preservation commission shall schedule the application for review, with at least ten (10) days' prior written notice provided to the applicant and the public. A report shall be prepared by the city's historic preservation officer regarding the application and, if the structure proposed for demolition is part of a fire department training exercise, a representative of the fire department shall also review and sign the report as "concuring" with its contents prior to its distribution to the historic and scenic preservation commission. A copy of the report shall be provided to the applicant.

C. The historic and scenic preservation commission shall determine the potential historical significance of the structure and the need for any further environmental review, and make its own determinations whether the structure is historically significant and/or subject to further environmental review under CEQA. The commission may then subsequently approve, condition or deny the permit application after completion of any required environmental review. Following action by the commission, the historic preservation officer shall notify the applicant (and in the case of a fire training exercise, the fire chief) in writing of the determination of the commission and the applicant's right of appeal pursuant to section 15.44.080 of this chapter.

1. If the commission determines that the structure has no historical significance and the permit application is approved, the application shall be exempt from further review by the city under this chapter unless an appeal is made to the city council. If no appeal is filed within the time provided for by this chapter, the community development department shall thereafter issue the demolition permit in accordance with this code.

2. If the commission determines that the structure has historical significance, the commission shall conduct the appropriate environmental review and subsequently approve, condition or deny the application.

15.44.080: APPEAL OF COMMISSION DECISION:
A. Any person may appeal a decision of the historic and scenic preservation commission to the city council. The person making the appeal shall file the same within ten (10) days of the date of the commission's decision with the city clerk. The appeal shall be in writing, on the form provided by the city clerk, and shall be accompanied by payment of the applicable fees. Upon receiving a request for an appeal to the city council, the city clerk shall notify the applicant for the demolition permit, in writing, and shall place the appeal on the agenda for the next regular council meeting scheduled to be held at least ten (10) days after the date on which the appeal is received.

B. At the appeal, the city council shall hear testimony from the applicant, staff and the public concerning the historical, architectural or cultural significance of the structure. After considering the determination by the commission, together with all testimony from interested persons, the city council shall confirm, modify or reject the decision of the commission.

C. After hearing testimony at the public hearing, if the city council determines that the demolition of the structure is justified, the permit to demolish the structure shall be issued in accordance with this code. If the city council determines, after hearing evidence at the public hearing, that the demolition shall be postponed as ordered by the commission, the demolition permit shall not be issued until expiration of the period for delay imposed by the commission. The decision of the city council shall be final.

15.44.090: MITIGATION MEASURES AND CONDITIONS OF APPROVAL:

A. The city shall identify potentially feasible measures to mitigate significant adverse changes in the significance of a historical resource. The city shall ensure that any adopted mitigation measures to mitigate or avoid significant adverse changes are fully enforceable through permit conditions, agreements or other measures. In rendering any decision under this chapter, the city recognizes that a project which is mitigated or conditioned to follow 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 Rehabilitation And Guidelines For Rehabilitating Historic Buildings" (1995), Weeks and Grimmer, shall be considered as mitigated to a level of less than a significant impact on the historical resource.

B. In addition to any mitigation measures that might be imposed pursuant to the authority of CEQA, the city shall have the right to reasonably condition the issuance of a demolition permit to further the goals of this chapter and to protect the public health, safety and welfare interests of its citizens.

C. If a demolition permit application is conditioned by the imposition of a delay of its issuance, the city shall reasonably cooperate with the applicant and the owner of the structure for the purposes of saving the structure through purchase of the property, relocating the structure, or by any other means to rescue the structure from demolition, in the shortest time possible. The city shall make every reasonable effort to provide for the preservation of the structure, but nothing in this chapter shall require the city to purchase, relocate or otherwise expend city funds in connection with the efforts to save the structure.
15.44.100: ISSUANCE OF PERMIT:

A. On or after the eligible date for demolition to occur, the applicant may obtain the demolition permit from the development services department. After verifying that the demolition permit process has occurred in compliance with this code, the development services department shall issue a demolition permit.

B. In the event demolition of the structure is part of a fire department training exercise, the fire department shall obtain a copy of the demolition permit from the owner of the structure. Prior to the training exercise, a copy of the demolition permit shall be affixed to the structure. The city's fire chief shall personally inspect and verify that a copy of the demolition permit is affixed to the structure prior to initiating the training exercise.

15.44.110: DANGEROUS BUILDINGS:

Nothing in this chapter shall prevent the alteration, repair or demolition of any structure to remedy a condition determined dangerous to the general public by the city's development services department.

A. Structures Having Historical Significance: In the event a structure has been damaged by fire, flood, earthquake or other calamity to such an extent that, in the opinion of the city, the structure cannot be reasonably repaired or restored, the structure may be demolished or removed in accordance with state and city laws governing dangerous structures.

B. Structures Having Historical Significance: In the event a structure has been damaged by fire, flood, earthquake or other calamity to such an extent that, in the opinion of the city, the structure cannot be reasonably repaired or restored, the structure may be demolished in accordance with state and city laws governing the emergency demolition of dangerous buildings having historical significance. Such city laws shall be adopted by resolution of the city council and shall be incorporated into the city's disaster management plans adopted pursuant to title 2, chapter 2.52 of this code.

15.44.120: PREMATURE DEMOLITION; VIOLATION; PENALTIES:

“A. Demolition of any structure prior to the issuance of a demolition permit is unlawful and a violation of this chapter. Any person, firm or corporation committing such an unlawful act, or allowing such an unlawful act to occur, shall be subject to the penalties as prescribed by law and this code.

B. In addition to any other remedies provided herein, any violation of this Chapter may be enforced by civil action brought by the City. Remedies under this chapter are in addition to, and do not supersede or limit, any and all other civil or criminal remedies. The remedies provided for herein are cumulative and not exclusive. In any such action, the City may seek as appropriate, any or all of the following remedies:

1. A temporary or permanent injunction, or both;
2. Assessment of the violator for the costs of any investigation, inspection or monitoring survey that led to the establishment of the violation, and for the reasonable costs of preparing and bringing legal action under this subsection; and

3. Assessment of the violator of civil penalties pursuant to Chapter 1.22 of this Code.

C. In addition to any other remedies provided herein, in the event a designated historic resource, a resource pending designation as a historic resource, or an eligible historic resource, is completely or partially demolished in violation of this Chapter, as a penalty no building or construction related permits shall be issued for the property upon which the demolition took place for a period of three (3) years from the date of demolition. Said penalty shall be issued and enforced either by the City Council following a public hearing, or by a civil action filed by the City Attorney and adjudicated by a court of competent jurisdiction. The City shall also record an instrument imposing covenants on real property with the county of San Bernardino that memorializes the time period during which permit issuance is prohibited. A demolition shall be presumed to have occurred on the date the City had actual knowledge of the demolition.

D. In addition to any other remedies provided herein, any property that remains undeveloped pursuant to this Section shall be maintained in such a manner so as to not constitute a public or private nuisance, or otherwise violate this Code. The property shall be maintained in a clean and orderly manner free of junk, trash, debris, litter, abandoned or inoperable vehicles, stagnant water, abandoned excavations, appliances and furniture, storage containers, vegetation that is not in a healthy or living state, and overgrown vegetation. Living vegetation, including trees and shrubs, shall be retained and fully maintained, including necessary watering and trimming, during the construction prohibition period. Living grasses and groundcovers shall also be retained and fully maintained and new grass and/or groundcover shall be planted at any areas of bare soil to control dust and erosion. All grasses and groundcovers shall not exceed an overall height of six (6) inches. Additionally, vehicles of any type shall not be parked or stored on the property and no remunerative use of any kind shall be allowed.

E. In addition to any other remedies provided herein, in the event a designated historic resource, a resource pending designation as a historic resource, or an eligible historic resource is completely demolished in violation of this Chapter, any new buildings or structures proposed for construction on the site after the expiration of the construction permit ban set forth in this Section shall be limited to the same footprint, height, and square footage as the demolished buildings or structures. The foregoing notwithstanding, the City’s Director shall have discretion to allow deviations from this provision to cure prior non-conforming conditions and to make changes that would benefit the community in order to achieve compliance with the design review guidelines described in Chapter 2.62 of this Code, and with this Chapter. In the event the owner of a designated historic resource, a resource pending designation as a historic resource, or an eligible historic resource that was completely demolished applies to subdivide the property into two or more lots, and proposes to build two or more buildings or structures, after the expiration of the construction permit ban set forth in this Section, the application shall be considered under Title 17 of this Code. Provided, however, at least one of the structures shall be limited to the same footprint, height and square footage as the demolished buildings or
structures. The design of the remaining one or more structures shall be considered based on the City's design review standards and guidelines.

F. In addition to any other remedies provided herein, in the event a designated historic resource, a resource pending designation as a historic resource, or an eligible historic resource is partially demolished through removal of one or more character defining features in violation of this chapter, the missing features shall be reconstructed and/or replaced in kind to match the original in terms of size, proportions, design, details, materials, and overall appearance. In the event that aspects of the original features cannot be discerned through documentary and/or physical evidence, the City’s Director shall determine the preferred method of reconstruction or replacement.”

Section 6. The Mayor shall sign this ordinance and the City Clerk shall certify to the adoption of this ordinance and shall cause it, or a summary of it, to be published once in the Redlands Daily Facts, a newspaper of general circulation within the City, and thereafter, this ordinance shall take effect as provided by law.

ATTEST: _________________________

Paul W. Foster, Mayor

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Jeanne Donaldson, City Clerk