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 promote the public health, safety, and welfare by providing for the identification, recognition, protection, enhancement, preservation, perpetuation, and appropriate use of historical resources within the City of Lodi that reflect the City's architectural, cultural, archaeological, aesthetic, social, and historical heritage. This Section is intended to implement the goals, policies, and actions of the City of Lodi General Plan and other adopted plans and programs relating to the preservation of historical resources, community character, economic vitality, sustainability, and downtown revitalization.
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 historical, architectural, archaeological, and cultural resources.
    d. Encourage new development, alterations, and improvements that are compatible with the character-defining features of historical resources and historic areas.
    e. Provide clear procedures and standards for the identification, designation, protection, maintenance, rehabilitation, alteration, relocation, demolition, and treatment of historical 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 historical resources.

h. 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.

3. **Applicability**. The provisions of this Section shall apply to all historical resources designated pursuant to this Section and to all activities subject to review under this Section.

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).

Applicant. Any person, property owner, organization, public agency, or authorized representative submitting an application pursuant to this Section.

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 historical resource.

Certificate of Appropriateness. A permit or approval issued pursuant to this Section authorizing work affecting a designated historical resource.

Certified Local Government Program. The federal, state, and local historic preservation partnership established pursuant to the National Historic Preservation Act and administered jointly by the National Park Service and the California Office of Historic Preservation, through which qualifying local governments are certified to participate in the national historic preservation program.

Character-Defining Feature. A distinctive physical feature, material, element, space, spatial relationship, form, setting characteristic, or other tangible aspect of a historical resource that contributes to its historic character and conveys its significance.

Community Development Director. The Community Development Director of the City of Lodi, or the Director's authorized designee.

Contributing Resource. A building, structure, site, object, landscape feature, or other resource located within a designated Historic District that contributes to the district's significance.

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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. The gradual deterioration of a historical resource resulting from a failure to provide ordinary maintenance or repair, resulting in the loss of historic materials, character-defining features, structural integrity, or historic significance.

DPR Form. A form within the California Department of Parks and Recreation 523 series, or any successor form, used to record, describe, document, and evaluate historical resources and, where applicable, to support nomination to a state historical registration program.

The California Office of Historic Preservation identifies the DPR 523 series as the standard forms used to record and evaluate historical resources and to prepare nominations for California registration programs.

Historic District. A geographically definable area designated pursuant to this Section that contains a concentration, linkage, or continuity of historical resources united by past events, physical development, architecture, cultural associations, or other characteristics that contribute to the area's significance.

Historical Resource. Any building, structure, site, object, district, cultural landscape, archaeological resource, or other resource that possesses historical, architectural, archaeological, cultural, aesthetic, engineering, or scientific significance. 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.

Historical Resource Inventory. An organized compilation of information regarding buildings, structures, sites, objects, districts, cultural landscapes, archaeological resources, and other properties that have been identified, documented, surveyed, or evaluated for potential historical significance, whether or not formally designated pursuant to this Section.

Historical Property Contract. A contract entered into pursuant to Article 12 (commencing with Section 50280) of Chapter 1 of Division 1 of Title 5 of the California Government Code, commonly known as the Mills Act.

Integrity. The authenticity of a historical resource's identity, evidenced by the survival of physical characteristics that existed during the resource's period of significance. Integrity may be expressed through location, design, setting, materials, workmanship, feeling, and association.

Local Landmark. A historical resource individually designated by the City Council pursuant to this Section.

Local Register of Historical Resources. The official list maintained by the City of historical resources designated pursuant to this Section, including Local Landmarks, Historic Districts, Contributing Resources within designated Historic Districts, and Structures of Merit.

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Noncontributing Resource. A building, structure, site, object, landscape feature, or other resource located within a designated Historic District that does not contribute to the district's significance.

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. The span of time during which a historical resource attained the characteristics that qualify it for designation.

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

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

Restoration. The act or process of accurately depicting the form, features, and character of a historical 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.

Secretary of the Interior's Standards. The Secretary of the Interior's Standards for the Treatment of Historic Properties, as may be amended from time to time.

Site Plan and Architectural Review Committee (SPARC). The Site Plan and Architectural Review Committee established pursuant to the Lodi Municipal Code.

Structure of Merit. A historical resource designated pursuant to this Section that possesses local historical, architectural, cultural, or community significance but does not qualify for designation as a Local Landmark.

Substantial Adverse Change. The demolition, destruction, relocation, alteration of a historical resource or its immediate surroundings that materially impairs the significance of the historical resource.

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

C. HISTORICAL RESOURCE TYPES AND PERMITS REQUIRED

This Section is further adopted pursuant to Government Code Sections 37361, 65850, 65852, and 65864 et seq., Public Resources Code Sections 5020.1, 5024.1, 5024.6, and 21000 et seq., and other applicable provisions of state and federal law relating to the identification, protection, preservation, enhancement, and rehabilitation of historical resources.

1. **Historical Resource Types.** The following are categories of historical resources pursuant to this Section:
    a. Local Landmark. A resource may be designated as a Local Landmark if it retains sufficient integrity to convey its significance and satisfies one or more of the following criteria:

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

b. Historic District. A contiguous geographic area may be designated as a Historic District if:
i. The area contains a concentration, linkage, or continuity of sites, buildings, structures, objects, landscapes, or other resources united historically, culturally, architecturally, archaeologically, or aesthetically; and
ii. The area derives significance from one or more themes important to the history and development of the City of Lodi; and
iii. The area retains sufficient overall integrity to convey its significance, although individual resources within the district may vary in integrity.

c. Structure of Merit. A resource may be designated as a Structure of Merit if it:
i. Contributes to the character, history, architecture, identity, or cultural heritage of the City;
ii. Represents an important local historical, cultural, social, architectural, commercial, agricultural, or neighborhood resource;
iii. Reflects special elements of the City's cultural, social, economic, agricultural, commercial, civic, educational, ethnic, religious, industrial, or architectural heritage;
iv. Is a geographically recognizable landmark or visual feature that has become an established and familiar feature of the City; or
v. Possesses a unique location, physical characteristic, or association that contributes to the identity, character, or heritage of the City of Lodi.

d. Resources Less Than Fifty Years of Age. A resource that has achieved significance within the past fifty (50) years may be designated if the City Council finds that the resource possesses exceptional significance and otherwise satisfies the applicable designation criteria established by this Section. In making this determination, the City Council may consider the following:
i. The historical significance of the resource;
ii. The resource's character-defining features;
iii. The applicability of the Secretary of the Interior's Standards; and
iv. Relevant historical documentation supporting the resource's exceptional significance.

2. **Application Required.** The following Permits and processes are required:

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a. Local Register. The City shall maintain a Historical Resource Inventory to identify, document, and evaluate historical resources located within the City. Inclusion in the Historical Resource Inventory is a voluntary process and shall not, by itself, constitute designation as a Local Landmark, Historic District, or Structure of Merit. The Historical Resource Inventory may include information derived from:
    1) Historical resource surveys;
    2) Historic context statements;
    3) Department of Parks and Recreation (DPR) forms;
    4) Environmental review documents;
    5) National Register of Historic Places documentation;
    6) California Register of Historical Resources documentation;
    7) Local landmark evaluations;
    8) Historic district studies; and
    9) Other information deemed relevant by the Community Development Director.

b. Local Landmark, Historic District, or Structure of Merit. Participation in the Program shall be voluntary.

c. Mills Act Request. This voluntary application is intended to involve the preservation, rehabilitation, restoration, maintenance, and continued use of significant historical resources through participation in the Mills Act Program and the use of Historical Property Contracts authorized by California Government Code Section 50280 et seq. To be eligible for a Historical Property Contract, a property shall:
    1) Be designated as a Local Landmark pursuant to this Section; or
    2) Be a Contributing Resource within a designated Historic District.

    The property shall retain sufficient historic integrity to convey its significance and the property owner shall agree to preserve, maintain, rehabilitate, and, where appropriate, restore the resource in accordance with the terms of the Historical Property Contract. Historical Property Contracts may be entered into pursuant to the provisions of the Mills Act and this Section. Participation in the Program shall be voluntary.

d. Certificate of Appropriateness. A Certificate of Appropriateness (CA) is required to review and approve certain work affecting designated historical resources. The CA application shall be used to process the following requests:
    1) Alterations to a designated Structure of Merit
    2) Demolition and Relocation; and
    3) Requests for Economic Hardship Determinations

    The CA process is intended to ensure that such work preserves the historical significance, integrity, and character-defining features of those resources while allowing for their reasonable continued use, rehabilitation, and adaptation. No person shall undertake any exterior alteration, construction, reconstruction, rehabilitation, restoration, relocation, demolition, or other work affecting a designated Local Landmark, Structure of Merit, or a Contributing Resource within a designated Historic District without first obtaining a Certificate of Appropriateness.
        1) **Minor Certificate of Appropriateness.** This permit includes:
            a. Minor exterior repairs not included in exempt activities outlined in Section 17.36.260.E.3 (Exemptions);
            b. Minor alterations to windows, doors, roofing, or exterior finishes;
            c. Signage;
            d. Accessibility improvements;

e. Mechanical equipment screening;
f. Minor site improvements;
g. Minor additions or alterations not readily visible from a public right-of-way; and
h. Other similar activities as determined by the Community Development Director.

2) **Major Certificate of Appropriateness.** This permit is required for all work subject to a Certificate of Appropriateness that does not qualify for a Minor Certificate of Appropriateness or an exemption pursuant to Section 17.36.260.E.3 (Exemptions).

D. APPLICATION REQUIREMENTS

1. **Evaluation of Integrity.** When evaluating eligibility for designation, consider the resource's integrity and its ability to convey its significance through location, design, setting, materials, workmanship, feeling, and association. A resource shall not be excluded from designation solely because of alterations if it retains sufficient integrity to convey its significance.
2. **Required Application Items.** The following items shall be required for all application requests in addition to the items required per LMC Section 17.38.040 (Application preparation and filing).
   A. A completed application form;
   B. The name and contact information of the applicant and the owner or owners of record of the subject property;
   C. A proposed work program, if applicable;
   D. Documentation of the property's eligibility for the program based on its historic status;
   E. Photographs of existing conditions;
   F. A maintenance and preservation plan;
   G. Any information required by City policy.
3. **Other Items Required.** Applications for designation of a Local Landmark, Historic District, or Structure of Merit shall be submitted to the Community Development Department on forms provided by the City and may include the following, as determined by the Community Development Director, as applicable:
   A. A map identifying the location and boundaries of the property or area proposed for designation;
   B. Current photographs documenting:
      1) All exterior elevations of the resource;
      2) The interior, when relevant to the evaluation of structural condition or feasibility of preservation;
      3) Character-defining features;
      4) Areas proposed for demolition;
      5) The property's setting; and
      6) The surrounding streetscape and nearby historical resources, where applicable;

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C. 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;

D. The proposed period of significance;

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

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

G. Completed Department of Parks and Recreation forms or equivalent historical-resource documentation, when required by the Community Development Director;

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

I. A proposed district name;

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

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

2) The resource or portions of the resource proposed for demolition;

3) Property lines, streets, alleys, easements, and adjacent improvements; and

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

K. 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:

1) Identifies the nature and extent of deterioration or structural deficiencies;
2) Distinguishes conditions requiring immediate correction from conditions that may be addressed through ordinary repair, stabilization, or rehabilitation;
3) Evaluates whether the resource can reasonably be stabilized, repaired, rehabilitated, restored, or adapted for continued use; and

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

L. 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;

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

1) Retention and continued use of the resource;
2) Stabilization, repair, rehabilitation, or restoration;
3) Adaptive reuse;
4) Modification or redesign of the proposed project;
5) Incorporation of all or a portion of the resource into the proposed project;
6) Relocation of the resource; and
7) Acquisition, sale, lease, or transfer to another party interested in preservation;

N. 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;

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

E. APPLICATION PROCESS AND APPROVAL AUTHORITY

1. **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 approved consistent with this Section 17.36.260 (Historic Resources).
2. **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 historical 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.

3. **Exemptions.** 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. **Preliminary Review.** LMC Section 17.38.040 (Application preparation and filing) identifies the items and process for a prospective applicant or agent that may have a project subject to this Section 17.36.260 (Historic Resources). An applicant is strongly encouraged to request a pre-application review with the department before completion of project design and the formal submittal of a permit application.
5. **Application Review.** LMC Section 17.38.040 (Application preparation and filing) identifies the items and process for a prospective applicant or agent that may have a project subject to this Section 17.36.260 (Historic Resources).
6. **Approving Authority.** LMC Section 17.38.030 TABLE 4-1 (Review Authority) identifies the approving authority for the establishment and/or amendment of Historic Resources identified in this Section.
   A. **Community Development Director.** The Community Development Director shall review applications for completeness and compliance with this Section, with duties consisting of the following:
      i. Determinations on whether the request involves a Historic Resource as defined by this Section;
      ii. The significance of the resource and its character-defining features;
      iii. The proposed preservation, maintenance, rehabilitation, or restoration work;
      iv. Consistency with the Secretary of the Interior's Standards;
      v. The public benefits of the proposed contract; and
      vi. Any other factor deemed relevant.
   B. **SPARC Review.** SPARC shall conduct a public hearing to consider the proposed designation and project reviews. Consistent with LMC 17.38.030 Table 4-1 (Review Authority), SPARC will approve requests and forward recommendations to the City Council for consideration. Considerations for review of historic resources include the following:
      i. Recommendations of the Community Development Director;
      ii. The designation criteria established by this Section;
      iii. Available historical documentation and research;
      iv. Historical resource surveys and inventories;
      v. Applicable historic contexts;
      vi. Testimony and evidence presented during the public hearing;

vii. Independent evaluations, financial analyses, market studies, appraisals, engineering reports, or other information relevant to the application.

C. **City Council.** The City Council shall conduct a public hearing to consider the proposed designation following receipt of the recommendation from SPARC. Consistent with LMC 17.38.030 Table 4-1 (Review Authority), the Lodi City Council will review Director and SPARC appeals and approve Citywide designations.

D. Public Notice. LMC Chapter 17.74 (Public Hearings) identifies the items and process for conducting Public Hearings for projects subject to this Section 17.36.260 (Historic Resources).

7. Conditions of Approval. The City may impose reasonable conditions upon approval, including but not limited to the following:

A. Preparation of archival documentation;
B. Photographic recordation;
C. Salvage and preservation of significant architectural features;
D. Documentation on Department of Parks and Recreation forms;
E. Interpretation or commemoration measures;
F. Allow periodic inspections by the City upon reasonable notice;
G. Comply with all applicable provisions of the contract; and
H. Rehabilitation and preservation work undertaken pursuant to a Historical Property Contract shall be consistent with the Secretary of the Interior's Standards.

8. **Findings for Approval.** In addition to the Findings per LMC Section 17.72.070 (Findings and Decision), applications involving Historic Resources per this Section may be approved only upon making all of the following findings:

A. The proposed work will not harm the historical resource's significance, integrity, or defining features. The proposed application fits the resource and its surroundings and follows the Secretary of the Interior's Standards for the Treatment of Historic Properties. Meeting those Standards is substantial evidence that the work will not cause a substantial adverse change under environmental review, to the extent allowed by law.
B. Demolition may be justified when 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.

9. Economic Hardship Determinations. An applicant seeking approval of work involving a designated historical 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. Economic Hardship Determinations shall be reviewed by SPARC, 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 historical resource. All other applicable permits and approvals shall be required.

10. Appeals. LMC Chapter 17.70 (Appeals) identifies the items and process for appealing decisions made for projects subject to this Section 17.36.260 (Historic Resources).

11. 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 17.36.260 (Historic Resources).

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 17.36.260 (Historic Resources).

F. ENFORCEMENT AND REMEDIES

1. **Purpose**. The purpose of this section is to establish procedures for the administration and enforcement of this Section; to prevent, correct, and remedy violations affecting historical resources; to authorize stop-work orders, corrective actions, penalties, and judicial remedies; and to provide a fair and orderly process for appealing administrative and discretionary decisions made pursuant to this Section.

2. Enforcement Authority.

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

b. The Community Development Director may investigate alleged violations, issue notices of violation, require corrective action, and pursue enforcement remedies authorized by this Section and the Lodi Municipal Code.

c. The City may utilize any enforcement procedure authorized by law to enforce the provisions of this Section.

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

a. Performing work requiring a Certificate of Appropriateness without obtaining the required approval;

b. Demolishing, relocating, altering, or otherwise affecting a designated historical 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 Historical Property 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.

a. The Community Development Director may issue a stop work order whenever work is being performed in violation of this Section.
b. Work shall immediately cease upon issuance of a stop work order and shall not resume until authorized by the Community Development Director.

5. **Remedies**. 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. **Severability**. If any section, 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.

G. ONGOING MONITORING AND ANNUAL REVIEWS

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

1. **Establishment of Local Register.** The City will establish the Local Register of Historical Resources, which shall serve as the official listing of historical resources designated pursuant to this Section. The Local Register shall be maintained by the Community Development Department and can include:

a. Local Landmarks;

b. Historic Districts;

c. Contributing resources within designated Historic Districts;

d. Structures of Merit; and

e. Such other information as determined appropriate by the Community Development Director.

2. **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.

3. Inspections and Monitoring.

a. The City shall periodically inspect properties subject to Historical Property Contracts to verify compliance.

b. Property owners shall provide reasonable access to the interior and 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.

4. Cancellation

a. Historical Property Contracts may be canceled or nonrenewed in accordance with the Mills Act and applicable state law.

b. Failure to comply with the terms of a Historical Property Contract or this Section may constitute grounds for cancellation or nonrenewal.

5. Amendments or Removal of Designation. Amendments to approved projects shall be subject to LMC Chapter 17.72 (Amendments), as applicable. Amendments to or removal of historical resource designations 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.
c. The Community Development Director may periodically update the Historical Resource Inventory and Local Register to reflect new information, survey results, approved designations, amendments, rescissions, and other relevant actions. Such updates shall not independently authorize the removal of a designation. The Director shall provide a summary of updates to SPARC and the City Council for their information.

6. Survey and Evaluation Program.

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

SECTION 2. Lodi Municipal Code Title 17 – Development Code – Article 4 "Land Use and Development Code Procedures", Chapter 17.38 "Application filing and processing", is hereby amended as follows:

ARTICLE 4. LAND USE AND DEVELOPMENT PERMIT PROCEDURES

Chapter 17.38 - APPLICATION FILING AND PROCESSING

17.38.030 - Concurrent permit processing.

When a single project incorporates different land uses or features so that this development code requires multiple land use permit applications, the applicable review authority may choose to require that all applications be reviewed and approved or disapproved by the highest level review authority assigned by Table 4-1 to any of the required applications.

TABLE 4-1
Review Authority

Type of Decision	See Section	Role of Review Authority (1)			
		Director	SPARC (2)	Planning Commission	City Council
Administrative and Amendments					

TABLE 4-1
Review Authority

Type of Decision	See Section	Role of Review Authority (1)			
		Director	**SPARC (2)**	**Planning Commission**	**City Council**
General Plan amendments	17.70			Recommend	Decision
Interpretations	17.02	Decision (3)		Appeal	Appeal
Zoning text amendments	17.70			Recommend	Decision
Zoning Map amendments	17.70			Recommend	Decision
Land Use Permits and other Development Approvals					
Administrative Deviations	17.40.050	Decision (3)		Appeal	Appeal
Certificate of Appropriateness-Minor	17.36.260	Decision (3)	Appeal	Appeal	Appeal
Certificate of Appropriateness-Major	17.36.260	Recommend	Decision	Appeal	Appeal
Economic Hardship Determination	17.36.260	Recommend	Recommend	-	Decision

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TABLE 4-1
Review Authority

Type of Decision	See Section	Role of Review Authority (1)			
		Director	**SPARC (2)**	**Planning Commission**	**City Council**
Certificates of Occupancy	17.40.070	Decision (3)		Appeal	Appeal
Home Occupation Permits	17.36.060	Decision (3)		Appeal	Appeal
Local Register	17.36.260	-	Recommend	-	Decision
Local Landmark, Historic District, or Structure of Merit	17.36.260	-	Recommend	-	Decision
Mills Act Permits	17.36.260	Recommend	Decision	Appeal	Appeal
Planned Development Permit	17.40.060			Decision	Appeal
Sign Permits	17.34.030	Decision (3)	Decision		
Density Bonus	17.36.050	Recommend		Decision	Appeal
Site Plan and Architectural Approval for multiple single family homes	17.40.020	Recommend	Decision	Appeal	Appeal

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TABLE 4-1
Review Authority

Type of Decision	See Section	Role of Review Authority (1)			
		Director	**SPARC (2)**	**Planning Commission**	**City Council**
Site Plan and Architectural Approval, for Commercial and Industrial buildings	17.40.020	Recommend	Decision	Appeal	Appeal
Temporary Use Permits	17.40.030	Decision (3)		Appeal	Appeal
Minor Use Permits	17.40.040	Decision (3)		Appeal	Appeal
Use Permits	17.40.040	Recommend		Decision	Appeal
Variances	17.40.050	Recommend		Decision	Appeal

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 the Commission for the final decision.

(Ord. No. 1869, § 2, 2-20-2013)