



Cultural Resource Preservation Application

City of Indian Wells
Community Development Department
44-950 Eldorado Drive
Indian Wells, CA 92210
760.776.0229 (V) 760.346.0407 (F)
www.CityofIndianWells.org

CULTURAL RESOURCE PRESERVATION

CULTURAL RESOURCE PRESERVATION. The purpose of the cultural resources preservation ordinance is to establish a mechanism by which community resources such as buildings, structures and sites within the City of Indian Wells may be identified, protected, enhanced and perpetuated to promote public awareness, education and enjoyment of historic resources within the City of Indian Wells.

Designation Criteria for Cultural Resource. An Individual Resource Designation is an improvement or natural feature that may be designated a cultural resource if it meets any of the following:

1. It exemplifies or reflects special elements of the City's cultural, architectural, aesthetic, social, economic, political, artistic and/or engineering heritage.
2. It is identified with persons, a business use or events significant in local, state or national history.
3. It embodies distinctive characteristics of style, type, period or method of construction or is a valuable example of the use of indigenous materials or craftsmanship.
4. It is representative of the notable work of a builder, designer or architect.
5. Its unique location or singular physical characteristic represents an established and familiar visual feature of a neighborhood, community or the City.

Archeological District. An area can be designated an archeological district, if it meets all of the following:

1. The area is a geographically definable area.
2. The area possesses either significant concentration of continuity of archeological resources; or the area is associated with the prehistory of Indian Wells.
3. The designation of the geographic area as an archeological district is reasonable, appropriate and necessary to protect, promote and further the goals and purposes of the ordinance codified in this chapter and is not inconsistent with the other goals and policies of the City.

This packet is designed to assist you in completing the cultural resources designation application. In addition, a copy of the Cultural Resources Ordinance has been attached for your reference. Please contact the City of Indian Wells Planning Division with any questions you may have at (760) 776-0229.



City of Indian Wells Community Development Department
 44-950 Eldorado Drive
 Indian Wells, CA 92210
 760.776.0229 (Telephone) 760.346.0407 (Fax)
 www.CityofIndianWells.org

Date Received: _____
Case Number(s): _____

1. Property Location

Address of Subject Property: _____
 Zone District: _____ Assessors Parcel Number: _____

2. Project Description

Project Description: _____

3. Applicant

Name: _____ E-mail: _____
 Address: _____ Phone: _____
 City: _____ State: _____ Zip: _____ Fax: _____

4. Property Owner

Name: _____ E-mail: _____
 Address: _____ Phone: _____
 City: _____ State: _____ Zip: _____ Fax: _____

I hereby certify that I am the owner of record of the property described in Box #1 above and that I approve of the requested action herein and that the foregoing statements and answers herein contained and the information herein submitted are in all respects true and correct to the best of my knowledge and belief.

Signature of Owner: _____ Date: _____

City Staff will complete all items below in boxes #5 and #6.

5. Application Type

- | | |
|-----------------------------------------------------|-------------------------------------------------------------------|
| <input type="checkbox"/> Staff ALC Review | <input type="checkbox"/> Parcel Map |
| <input type="checkbox"/> Full ALC Review | <input type="checkbox"/> Planned Sign Program/Sign Permit |
| <input type="checkbox"/> Administrative Relief | <input type="checkbox"/> Tentative Tract Map |
| <input type="checkbox"/> Conditional Use Permit | <input type="checkbox"/> Temporary Use Permit – No Public Hearing |
| <input type="checkbox"/> Environmental Assessment | <input type="checkbox"/> Temporary Use Permit – Public Hearing |
| <input type="checkbox"/> General Plan Amendment | <input type="checkbox"/> Use Determination |
| <input type="checkbox"/> Municipal/Zoning Amendment | <input type="checkbox"/> Variance |
| | <input type="checkbox"/> Other _____ |

Application Fee

Fee(s): \$ _____

Receipt #: _____

6. Needed Action

	Date of Action	Action Taken
ALC		
Planning Commission		
City Council		
Comm. Development Director		
Other		

The project must comply with the requirements of ALL applicable City Codes and Ordinances.

Please contact Staff with any questions regarding your application.

Information and fees are subject to change.

CULTURAL RESOURCE PRESERVATION SUBMITTAL REQUIREMENTS CHECKLIST

- Application form with owner's and applicant's signature.
- A separate letter with written consent of the property owner as it relates to the cultural resource designation.
- Application fee as per the current fee schedule.
- Location and use of subject site, including physical address and Assessor's Parcel Number (APN).
- A detailed description of the specific building, structure, object or site proposed for designation.
- Current photographs of all aspects of the proposed designation.
- Written approval from any applicable homeowners' association.
- A Phase II Resource Evaluation Study prepared by a qualified professional justifying the designation.
- Environmental application if applicable.
- Information as required for a public meeting contained in Section 21.06.100(a) of the Municipal Code as applicable.
- Other information as required per the request of the Community Development Director.

ORDINANCE NO. 574

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF INDIAN WELLS, CALIFORNIA, PERTAINING TO CULTURAL RESOURCE PRESERVATION

WHEREAS, the City of Indian Wells ("City") has considered adoption of Municipal Code Text Amendment (MTA) No. 2003-07 "(the "Amendment")", an addition of a section to the Municipal Code pertaining to Cultural Resource Preservation within the City of Indian Wells, California; and

WHEREAS, notice of a public hearing of the City Council of the City of Indian Wells to consider the Amendment was given in accordance with applicable law; and

WHEREAS, the City Council held a hearing on June 2, 2005 concerning the Amendment; and

WHEREAS, after careful consideration of the staff report and all of the information, evidence and testimony presented at its public hearing, the City Council finds as follows:

Municipal Text Amendment:

1. The proposed Municipal Code Text Amendment is consistent with the City of Indian Wells General Plan in that the Amendment is necessary to preserve and manage cultural resources within the City of Indian Wells; and
2. The proposed Municipal Code Text Amendment is consistent with the intent and objectives of the Zoning Code by ensuring that any identified cultural resources within the City of Indian Wells are preserved and maintained with the consent of the property owner; and
3. The proposed Municipal Code Text Amendment will be consistent with any applicable area Master Development Plan or Specific Plan approved in the City; and
4. The proposed Municipal Code Text Amendment, being consistent with the City's General Plan and adopted Zoning Code, will not be detrimental to the health, safety and welfare of the community.

NOW, THEREFORE, the City Council of the City of Indian Wells **DOES ORDAIN AS FOLLOWS:**

SECTION 1. Chapter 22.16 is added to the Indian Wells Municipal Code to read as follows:

Chapter 22.16 Cultural Resource Preservation

Sections:

22.16.010	Purpose
22.16.020	Applicability
22.16.030	Definitions
22.16.040	Designation Criteria for Cultural Resources
22.06.045	Archeological District
22.16.050	Cultural Resource Designation Procedures
22.16.060	Procedure for Rescinding a Cultural Resource Designation
22.16.070	Minor Alterations
22.16.080	Certificate of Appropriateness
22.16.090	Minimum Maintenance Requirements
22.16.100	Preservation Incentive(s)
22.16.110	Unsafe or Dangerous Conditions
22.16.120	Violations

22.16.010 Purpose. The purpose of the cultural resource preservation ordinance codified in this chapter is to establish a mechanism by which community resources such as buildings, structures and sites within the City of Indian Wells may be identified, protected, enhanced and perpetuated to promote public awareness, education and enjoyment of historic resources within the City of Indian Wells.

22.16.020 Applicability. The provisions of the cultural resource preservation ordinance are applicable to any cultural and archeological resource, archeological district or historic structure within the City boundaries.

22.16.030 Definitions.

22.16.030(a) Alteration. Any exterior change or modification, through public or private action, on any cultural resource or any designated historic structure, including but not limited to, exterior changes to or modification of a structure, architectural details or visual characteristics such as paint color and surface texture, grading, surface paving, new structures, cutting or removal of trees and other natural features, and the placement or removal of any exterior objects such as signs, plaques, light fixtures, street furniture, walls, fences, steps, plantings, and landscape accessories affecting the exterior visual qualities of the property.

22.16.030(b) Archeological District. Any associated archeological resources whose composite content affords information about the past.

22.16.030(c) Archeological Resource. Any prehistoric Native American resource situated above ground or in a subsurface context. Archeological resources include, but are not limited to, habitation and material processing sites, rock art and artifact scatters.

22.16.030(d) Certificate of Appropriateness. The permit granted after an approval issued by the Planning Commission, which grants permission for the demolition, relocation or major alterations of a designated cultural resource within the City.

22.16.030(e) Cultural Resource. Improvements, buildings, structures, signs, features and natural objects, features or places including sites, scenic areas, places (including vacant land), trees or other objects of aesthetic, educational, cultural, architectural or historical significance to the citizens of Indian Wells.

22.16.030(f) Demolition. Any act or process that destroys in part or in whole a designated cultural resource within the City.

22.16.030(g) Designated Cultural Resource. Any archeological resource or cultural resource that has been designated in compliance with the ordinance codified in this chapter and placed on a City register of cultural resources.

22.16.030(h) Designated Site. A parcel or part thereof on which a designated cultural resource is or has been situated and which has been designated a cultural resource under the provisions of the ordinance codified in this chapter.

22.16.030(i) Feasible. Capable of being accomplished in a successful manner within a reasonable period of time taking into account economic, environmental, legal, social and technological factors.

22.16.030(j) Historic Preservation District. Any geographic area containing a concentration of cultural resources which have a special character, historical interest or aesthetic value, which possess integrity of location, design, setting, materials, workmanship and feeling, or which represent one or more architectural periods or styles typical to the history of the City and that has been designated a historic preservation district pursuant to the ordinance codified in this chapter and the provisions of the development code.

22.16.030(k) Historic Resource. Any building, structure, object or site that has been in existence more than fifty years and possesses integrity of location, design or setting and is designated as historic by the City.

22.16.030(l) Improvement. Any building, structure, fence, wall, parking facility, work of art or other object constituting a physical man-made improvement or any part of such improvement.

22.16.030(m) Mills Act. A State sponsored legislation designed to provide private property owners the opportunity to actively participate in the restoration of their historic properties while receiving property tax relief subject to City approval.

22.16.030(n) Minor Alteration. The demolition or removal of insignificant features of a cultural resource.

22.16.030(o) Major Alteration. A modification of any designated resource that will have a substantial effect on the defining features or character of an existing structure.

22.16.030(p) Natural Feature. Any tree, plant life, geographical or geological site or feature subject to the provisions of the ordinance codified in this chapter.

22.16.030(q) Ordinary Maintenance and Repair. Any work, for which a building permit is not required, where the purpose of the work is to correct any deterioration of or damage to an improvement and to restore it to its condition prior to the deterioration or damage.

22.16.030(r) Phase II Resource Evaluation Study. A study done by a qualified professional that evaluates the nature and significance of a resource (either historic or prehistoric).

22.16.030(s) Qualified Professional. An individual meeting the Secretary of the Interior Qualification Standards.

22.16.030(t) Register of Cultural Resources. A City working list of designated cultural resources.

22.16.030(u) Rehabilitation. To restore the fabric of a building or structure to its original state.

22.16.030(v) Relocation. To move any archeological resource or cultural resource to a new location.

22.16.030(w) Secretary of the Interior Standards for Rehabilitation. The guidelines prepared by the National Park Service for Rehabilitating Historic Buildings and the Standards for Historic Preservation Projects with guidelines for applying the standards.

22.16.030(x) State Historic Building Code. Title 24, Building Standards, Part 8, California Code of Regulations.

22.16.030(y) Significant Feature. The natural or man-made elements embodying style or type of cultural resource, design or general arrangement and components of an improvement, including, but not limited to, the kind, color and texture of the building materials, and the type and style of windows, doors, lights, signs and other fixtures appurtenant to such improvement.

22.16.030(z) Unreasonable Economic Hardship. Facts and circumstances which establish that there are no feasible measures that can be taken which will enable the property owner to make a reasonable beneficial use of the property or derive a reasonable economic return from the property in its current form.

22.16.040 Designation Criteria for Cultural Resource. An Individual Resource Designation is an improvement or natural feature that may be designated a cultural resource if meets any of the following criteria:

22.16.040(a). It exemplifies or reflects special elements of the City's cultural, architectural, aesthetic, social, economic, political, artistic and/or engineering heritage.

22.16.040(b). It is identified with persons, a business use or events significant in local, state or national history.

22.16.040(c). It embodies distinctive characteristics of style, type, period or method of construction or is a valuable example of the use of indigenous materials or craftsmanship.

22.16.040(d). It is representative of the notable work of a builder, designer or architect.

22.16.040(e). Its unique location or singular physical characteristic represents an established and familiar visual feature of a neighborhood, community or the City.

22.16.045 Archeological District. An area can be designated an archeological district, if it meets all of the following:

22.16.040(a). The area is a geographically definable area.

22.16.040(b). The area possesses either a significant concentration or continuity of archeological resources; or the area is associated with the prehistory of Indian Wells.

22.16.040(c). The designation of the geographic area as an archeological district is reasonable, appropriate and necessary to protect, promote and further the goals and purposes of the ordinance codified in this chapter and is not inconsistent with other goals and policies of the City.

22.16.050 Cultural Resource Designation Procedures. An individual historic resource designation or archeological district shall be established by the Planning Commission as follows:

22.16.050(a). A property owner or designated representative can propose the designation of any cultural resource in the City on his/her property by submitting a written request on the form provided by the Planning Department. In no case shall a designation be made without the written consent of the property owner.

22.16.050(b) Submittal Requirements. The following information shall be submitted to the Planning Department:

22.16.050(b)(1). The Assessor's parcel number for the property containing the building, structure, object or site proposed for designation along with a written authorization from the current owner of record requesting the designation.

22.16.050(b)(2). A Phase II Resource Evaluation Study prepared by a qualified professional justifying the designation.

22.16.050(b)(3). A detailed description of the specific building, structure, object or site proposed for designation.

22.16.050(b)(4). Current photographs of all aspects of the proposed designation.

22.16.050(b)(5). Any other information determined necessary by the Planning Department for a complete application.

22.16.050(c). The Planning Director shall set the matter for a public hearing when it is determined that the application is adequate and complete or as soon thereafter as is practical.

22.16.050(d). The Planning Commission shall hold a public hearing on the matter. Written notice of the public hearing shall be sent by certified mail to the property owner at least 10 days prior to the hearing date. Written notice shall be sent to owners of property within three hundred (300') feet of the proposed designation.

22.16.050(e). The Planning Commission shall review the application and designation report and approve or deny the designation. The decision of the Planning Commission shall be made by resolution. A designated cultural resource shall thereafter be subject to the regulations set forth in this in this chapter.

22.16.050(f). If the Planning Commission approves the designation, the Planning Department shall send a notice of the designation to the property owner of record of the designated property. The City Clerk shall record the notice of the designation with the Office of the County Recorder.

22.16.050(g). Notice of the designation shall be transmitted to the Planning and Building Departments and any other interested governmental agencies including the Indian Wells Historic Preservation Foundation. Each City department shall incorporate the notice of designation into its records.

22.16.050(h). The property owner shall also be provided with a copy of this chapter.

22.16.050(i). The decision of the designation of a cultural resource by the Planning Commission may be appealed to the City Council pursuant to Section 21.06.110 (Appeals).

22.16.050(j). Nothing in this chapter shall be construed as a prohibition or infringement on the legal use of properties pending consideration by the Planning Commission.

22.16.060 Procedure For Rescinding a Cultural Resource Designation. Rescission of a designation of an individual cultural resource designation or an archeological district shall follow the same procedure as for designation of a cultural resource as outlined in Section 22.16.50. The application shall be made only by the property owner or designee.

22.16.060(a). In rescinding the designation of a cultural resource, the Planning Commission shall determine that the designation no longer meets one of the designation criteria as follows:

22.16.060(a)(1). New information compromises the significance of the property; or there exists a discovery of earlier misinformation or change of original circumstances, conditions or factors which justified the designation of the cultural resource.

22.16.060(a)(2). Destruction of the cultural resource due to a catastrophic event has rendered the structure a hazard to the public health, safety or welfare.

22.16.060(a)(3). The cultural resource has been relocated, demolished or removed.

22.16.060(a)(4). A taking would result unless the status of the property is changed.

22.16.060(b). Notice of the rescission of a cultural resource designation shall be mailed to the owner of record of the property. The city clerk shall record the rescission of the designation with the Office of the County Recorder.

22.16.060(c). No property shall cease to be a designated cultural resource if the property has received economic benefits or regulatory relief from the City by virtue of its status as a designated property.

22.16.070 Minor Alterations. A minor alteration is any demolition or removal of insignificant features of a cultural resource, including but not limited to, garages, accessory structures or an addition on the side or rear elevations that is not visible from the public right-of-way, replacement windows, re-roofing with material that has a similar appearance to the existing or original roofing material, replacement of windows and doors if the replacements match the existing or original windows and doors or any work required by or related to health and safety needs.

22.16.070(a). The Planning Director may require that any proposed minor alteration be reviewed by a qualified consultant to determine if the proposed work does not alter the historic credibility of the structure. Minor alterations shall not require a certificate of appropriateness, but may require a building permit, provided the work is determined by the Planning Director to not change the exterior character-defining features of a resource.

22.16.080 Certificate of Appropriateness. A certificate of appropriateness shall be required prior to the demolition, major alteration or relocation of any designated cultural resource. Any demolition, major alteration or relocation of a designated resource shall comply with the California Environmental Quality Act. The following process shall occur:

22.16.080(a). Application for a certificate of appropriateness shall be made on forms provided by the Planning Department and shall contain whatever information is determined by the Planning Department to be necessary to act on the request.

22.16.080(b). The Planning Commission shall have the authority to approve, approve with conditions or deny a certificate of appropriateness for the demolition, major alteration or relocation of a designated cultural resource or contributing resource. The decision of the Planning Commission may be appealed to the City Council pursuant to the requirements of Section 21.06.110 (Appeals).

22.16.080(c). A certificate of appropriateness for the demolition of a designated cultural resource or contributing resource may be approved if the Planning Commission finds that one or more of the following conditions exist:

22.16.080(c)(1). The structure/site is a hazard to public health or safety and repair or stabilization is not physically possible (as ascertained by the building official);

22.16.080(c)(2). The site is required for a public use which will be of more benefit to the public than the cultural resource and there is no feasible alternative location for the public use;

22.16.080(c)(3). It is not feasible to preserve or restore the structure, taking into consideration the economic feasibility of alternatives to the proposal.

22.16.080(d). A certificate of appropriateness shall lapse and become void one year following the date on which it was approved unless the conditions of the approval specify a lesser or greater time or unless, prior to the expiration date, a demolition/relocation permit is issued and work is commenced and diligently and continuously pursued to completion. A certificate may be renewed once for an additional period of up to one year provided that prior to the expiration of the time period granted, an application for renewal of the permit is filed with the Planning Department and processed in the same manner as the original application.

22.16.090 Minimum Maintenance Requirements. The owner, lessee or other person legally in possession of a designated cultural resource shall comply with all applicable codes, laws and regulations governing the maintenance of a subject property. Additionally, it is the intent of the ordinance codified in this chapter to preserve from deliberate or inadvertent neglect the exterior features of designated cultural resources and the interior portions thereof when such maintenance is necessary to prevent deterioration and decay of the exterior. Designated cultural resources shall be preserved against such decay and deterioration and shall remain free from structural defects through prompt corrections of any of the following:

22.16.090(a). Facades which could fall and cause injury to people or property.

22.16.090(b). Deteriorated or inadequate foundations, defective or deteriorated flooring or floor supports, deteriorated wall or other vertical structural supports.

22.16.090(c). Members of ceilings, roofs, ceiling and roof supports or other horizontal members which sag, split or buckle due to defective materials or deterioration.

22.16.090(d). Deteriorated or ineffective waterproofing of exterior walls, roofs, foundations or floors, including broken windows or doors.

22.16.090(e). Defective or insufficient weather protection for exterior wall coverings, including lack of paint or other protective coverings and/or defect in the building material.

22.16.100 Preservation Incentive(s). The Planning Commission is authorized to develop and implement preservation incentive(s) program(s) that are consistent with this chapter.

22.16.100(a). The Building and Safety Department is authorized to use and shall use the State historical building Code for projects involving designated cultural resources. The Planning Commission is authorized and shall use the State historical building code for projects subject to review under the ordinance codified in this chapter.

22.16.100(b). Mills Act contracts granting property tax relief shall be made available by the City of Indian Wells only to owners of locally designated cultural resources or contributing resources, as well as properties that are listed in the California Register of Historic Places or the National Register of Historic Places. Properties that have been previously listed on the above-named registers that have been removed and are no longer listed shall not be eligible for a Mills Act contract with the city. Mills Act contracts shall be made available pursuant to California law. The Planning Department shall make available appropriate Mills Act application

materials. Mills Act contract applications shall be submitted to the Planning Department, which shall upon receipt of a completed application, prepare and make recommendations on the content of the contract for consideration by the Planning Commission. A fee for the application to cover all or portions of the costs of the preparation of the contract in the amounts set by resolution of the City Council may be charged. The Planning Commission shall, in public hearing, resolve to approve, approve with conditions, or deny the proposed contract.

22.16.110 Unsafe or Dangerous Conditions. This chapter shall not be construed to prevent any measures of construction, alteration, restoration, removal or demolition necessary to correct or abate the unsafe or dangerous condition of a structure that has been declared unsafe or dangerous by the Building Official or the Fire Marshal. Only such work as is reasonably necessary to correct the unsafe or dangerous condition may be performed.

22.16.120 Violations. Any person who constructs, alters, removes or demolishes a historically significant resource, a heritage resource or a contributing property in a historic district in violation of this chapter, shall be required to restore the resource to its appearance prior to the violation to the extent such restoration is physically possible as approved by the City Council.

SECTION 2. CEQA. The amendment reflected in this Ordinance is not a project; nor will they have a significant effect on the environment. Therefore this Amendment is exempt from the provisions of the California Environmental Quality Act ("CEQA"). No further environmental review is necessary.

SECTION 3. SEVERABILITY. If any section, subsection or clause of this Ordinance shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections and clauses shall not be affected thereby.

SECTION 4. CONFLICT. All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

SECTION 5. The Mayor shall sign and the City Clerk shall certify to the passage and adoption of this Ordinance. The City Clerk shall post and publish this Ordinance within the time and in the manner prescribed by law and it shall take effect thirty (30) days after the date of its adoption, and henceforth and thereafter, the same shall be in full force and effect.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Indian Wells, California, at a regular meeting held on the 16th day of June.



PERCY L. BYRD
MAYOR

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE)ss.
CITY OF INDIAN WELLS)

I, Greg Johnson, City Clerk of the City Council of the City of Indian Wells, California, **DO HEREBY CERTIFY** that Ordinance No. 574, having been regularly introduced at the meeting of June 2, 2005, was again introduced, the reading in full thereafter unanimously waived, and duly passed and adopted at the regular meeting of the City Council, held on the 16th day of June 2005, and said Ordinance was passed and adopted by the following vote, to wit:

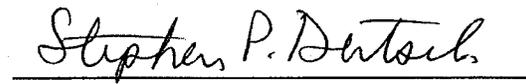
AYES: Bernheimer, Byrd, Negron, Roche
NOES: None
EXCUSED: Monarch

And was thereafter on said date signed by the Mayor of said City.

ATTEST:

APPROVED AS TO FORM:


GREG JOHNSON
CITY MANAGER/CITY CLERK


STEPHEN P. DEITSCH
CITY ATTORNEY