

Chapter 2.20 HISTORICAL PRESERVATION¹

2.20.010 Creation—Purpose and intent.

The city finds, determines and declares:

- A. That the state legislature of California, pursuant to Government Code Section 37361, has recognized the value of identifying protecting and preserving places buildings, structures and other objects of historical, aesthetic and cultural importance and has empowered cities to adopt regulations and incentives for the protection, enhancement, perpetuation and use of such places, buildings, structures and other objects.
- B. That the city possesses many distinctive places, structures, neighborhoods, and urban design features (all herein referred to as "resources") that enhance its value as an attractive and delightful community in which to live and work.
- C. That certain of these resources are of cultural, aesthetic or historical significance and value because of age, architectural style, aesthetic appeal or association with local history.
- D. That by preserving these resources Rialto shall contribute to the livability and beauty of the community, stimulate economic revitalization, improve property values in the city, foster architectural creativity, increase neighborhood stability and conservation, foster public appreciation of and civic pride in the beauty of the city and the accomplishments of its past, reinforce the distinctive character of the community, add to the community's understanding of its history and connection with the life and values of the past, and ensure that Rialto's cultural, historical and architectural heritage will be imparted to future generations.
- E. That shifts in population and in the economy changes in the way people live and changes in land use threaten to destroy these irreplaceable and desirable resources. Construction and alterations of inferior quality and appearance are also a threat to these resources.
- F. That the adoption of reasonable and fair regulations is necessary as a means of recognition, documentation, preservation and maintenance of resources of cultural, aesthetic, or historical significance. Such regulation serves as a means to integrate the preservation of resources and the extraction of relevant data from such resources into public and private land management and development process, and to identify as early as possible and resolve conflicts between the preservation of cultural resources and alternative land uses. This chapter is intended to carry out the goals and policies of the Rialto general plan.

(Ord. No. 1545, § 3, 6-24-14)

2.20.020 Reserved.

Ord. No. 1699, § 4A, adopted March 11, 2025, repealed § 2.20.020, which pertained to membership—appointment and derived from Ord. No. 1545, § 3, adopted June 24, 2014.

¹Ord. No. 1699, § 4, adopted March 11, 2025, amended the title of Ch. 2.20 to read as herein set out. The former Ch. 2.20 title pertained to historical preservation commission.

2.20.030 Reserved.

Ord. No. 1699, § 4A, adopted March 11, 2025, repealed § 2.20.030, which pertained to meetings and derived from Ord. No. 1545, § 3, adopted June 24, 2014.

2.20.040 Definitions.

For the purposes of this chapter, the following words and phrases shall have the meanings ascribed to them by this section:

"Alteration" means any exterior change or modification, through public or private action, of any historic resource or of any property located within a historic district. This shall include, but not be limited to, exterior modifications to the structure, architectural details or visual characteristics such as paint color and surface texture of the structure, grading, or surface paving, addition of new structures, cutting or removal of trees and other natural features, or disturbance of archeological sites or areas.

"Adaptive re-use" means converting a building to a use other than that for which it was designed.

"Applicant" is any person who applies for designation of a nominated resource or for certificate of appropriateness or certificate of hardship.

"Archeology" means the study of ancient peoples and customs as shown by monuments, sites, implements, inscriptions, and relics.

"Certificate of appropriateness" means the permit granted after review of the plans or specifications by the historic preservation commission to alter, demolish or move a historic resource, or for new construction on the site of a historic resource or within the boundaries of a historic district.

"Certificate of economic hardship" is a permit to alter, move, demolish or subdivide a historic resource granted by the historic preservation commission because of extreme financial privation or adversity and in accordance with the procedure and findings in this chapter.

"Chief building official" means the chief building official of the building division of the department of development services.

"City landmark" means a building, site or area with exceptional importance or character or exceptional historical or aesthetic interest or value as part of the development, heritage or cultural characteristics of the city, state or nation.

"Commission" refers to the neighborhood beautification and historical preservation commission established by Section 2.27.010 which shall carry out the functions and duties of historical preservation as provided in this Chapter 2.20. Any reference to the historical preservation commission in Chapter 2.20 shall mean the neighborhood beautification and historical preservation commission.

"Day" means a calendar day including all weekend days and holidays.

"Demolition" means the act or process that destroys, in part or in whole a cultural resource, including natural features, trees, agricultural areas, as well as exterior architectural features.

"Design guidelines" are principles contained in a document which illustrate appropriate methods of rehabilitation and construction of historic resources. 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. The design guidelines will be titled "City of Rialto Historic Preservation Design Manual."

"Designation" means the act of selecting in accordance with the criteria in this chapter a historic site or district for official city landmark status by the historic preservation commission and city council.

"Historic district" means a significant neighborhood or an enclave or collection of historical buildings, the majority of which are fifty years or older, that may have been part of one settlement, architectural period or era of development.

"Historic district" refers to areas, districts, streets, places, buildings, structures, outdoor works of art, natural or agricultural features, and other objects that have or may have special historical, cultural, archaeological, architectural, community or aesthetic value.

"Improvement means any building structure, place parking facility fence, gate, wall, work of art or other object constituting a physical betterment of real property, or any part of such betterment.

"Intrusion" means any building or structure that does not fit into and detracts from a historic area because of inappropriate scale, materials, landscaping, age or other such characteristics.

"Minor improvement" means changes to landscaping; repairs, replacements or construction of new fences, repainting of buildings, replacing roofing without change in material replacing of siding without change of material; interior remodeling; construction of accessory buildings (does not include demolition) including garages, tool sheds, cabanas; addition of mechanical equipment; construction of accessory structures including patio covers, planters, patios swimming pools, spas, fountains, and other minor changes similar to those listed herein under minor improvement.

"Nominated resources" are those structures, buildings, places, urban design features and other objects that have been identified in a survey prepared by the commission.

"Object" means a material thing of functional, aesthetic, cultural, symbolic or scientific value; and the object, usually by design or nature, is considered movable.

"Preservation officer" means the director of development services or his/her designee who will serve as staff to the historic preservation commission, and coordinate Rialto's historic preservation programs. The director of development services or his/her designee, may, from time to time, delegate duties as authorized by the city administrator.

"Register of local landmarks" means the official city list of all designated local landmarks.

"Survey" refers to 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.

(Ord. No. 1545, § 3, 6-24-14; Ord. No. 1699, § 4B, 3-11-25)

2.20.050 Powers and duties of historic preservation commission.

The powers and duties of the historic preservation commission are as follows:

- A. Appoint the Rialto historical society to serve in an "ad hoc" advisory capacity to the historic preservation commission on all matters regarding the application of this chapter. The Rialto historical society commission will select and appoint members from the society having appropriate expertise with historic preservation matters, as well as this chapter, to serve as liaison to the historical preservation commission.
- B. Cause to be created a document called "City of Rialto Historic Preservation Design Manual" which will serve as design guidelines for any improvement of a designated resource.
- C. Recommend, in accordance with the criteria set forth in Section 2.20.060, the designation of landmarks, and historic districts to the city council.

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- D. Compile and maintain a list of nominated resources and a current local register of all properties designated as local landmark resources. This list of nominated resources is to be publicized and updated biennially.
 - E. Approve, approve conditionally, or deny applications for certificates of appropriateness and certificates of hardship for designated or nominated resources pursuant to Section 2.20.070.
 - F. Review for appropriateness proposed general plan and zoning text and map changes, specific plans, municipal improvements, and housing and redevelopment plans that have bearing on the protection, maintenance and enhancement of designated or nominated resources.
 - G. Endeavor to promote public interest in and understanding of historic, cultural and aesthetic resources and their preservation.
 - H. Consult with and advise public officials and agencies; civic, educational, professional and other agencies; and with citizens generally in relation to the preservation of these resources and to serve as liaison with the city.
 - I. Undertake education programs and activities in order to teach community members methods to maintain and rehabilitate Rialto's historic resources.
 - J. Advise the city council regarding conservation easements, other less-than-fee interest in property, and the purchase of fee interest in property for purposes of historic preservation, and development agreements of the purpose of preservation of resources.
 - K. Seek out information and advise the city council regarding the availability and utilization of gifts or special funds from federal, state and private sources.
 - L. Make recommendations to the city council in order to provide technical expertise necessary to carry on the functions of the commission.
 - M. From time to time, to issue commendations to owners of historic resources who have rehabilitated their property in an exemplary manner.
 - N. Ensure that historic preservation is coordinated with other city activities.
 - O. Acquire conservation easements and monitor them.
 - P. Preserve, restore, maintain and operate historic properties under the ownership or control of the city as approved by city council.
 - Q. Recommend to the city council to hire staff, retain consultants and conduct studies, as the commission deems desirable or necessary.
 - R. Contract, with prior approval of the city council, with county, state or federal government, or any agency or subdivision of the governments, or with any other organization.
 - S. Perform any other functions that may be designated by resolution or motion by city council.
 - T. Notwithstanding duties delegated to the commission to designate historical buildings, places, etc., the director of development services or his/her designee, is authorized, on an emergency basis, to designate same as having a historic value to be preserved. This action by the director of development services or his/her designee shall be of no further effect unless sustained by a majority vote by the commission within sixty days or by the city council in the commission's absence.

(Ord. No. 1545, § 3, 6-24-14)

2.20.060 Nomination and designation program for historic resources.

The commission shall undertake to establish and maintain a list of nominated resources that have been identified during the survey. An individual who presents documentation equal to that collected in the survey may request that a resource be placed on the list. This list may include single structures or site, portions of structures, urban design features, man-made or natural landscape elements, or works of art. Districts may not be placed on the list. A nominated resource may be designated a landmark and a district may be designated a historic district by the city council after public hearings and a recommendation by the historic preservation commission.

- A. Any one of the following findings may be used to determine a local landmark designation.
 - 1. It has character, interest or value as part of the development, heritage, or cultural characteristics of the city, state of California or the United States.
 - 2. It is the site of a documented historic event.
 - 3. It is strongly identified with a person or person who significantly contributed to the culture, history or development of the city.
 - 4. It is one of the few remaining examples in the city possessing distinguishing characteristics of an architectural type or specimen.
 - 5. It is notable work of an architect or master builder.
 - 6. It embodies elements of architectural design, detail, materials or craftsmanship.
 - 7. It has be unique location or singular physical characteristics representing an established and familiar visual feature in the city.
 - 8. It has unique design or detailing.
 - 9. It is a particularly good example of a period or style.
 - 10. It is located within a historic district, contributes to the overall feeling of the district, and which individually may lack significance.
- B. Designation of historic resources and designation of districts shall take place in accordance with the procedures in this section.
 - 1. No nominated resource shall be altered, moved, demolished, subdivided or otherwise permanently changed until eligibility for designation has been determined or the designation process has been initiated in accordance with this section and a certificate of appropriateness, if applicable, has been secured.
 - 2. Any person or group may request the designation of a historic resource, or ten percent of the property owners in a potential district may request the designation of a historic district by submitting an application for such designation to the commission on forms prescribed by the commission. The commission or city council may also initiate such proceedings on their own motion.
 - 3. The commission shall have staff prepare a written report regarding the proposed designation including a physical description of the resource, reasons for its significance, criteria used to determine eligibility, and other appropriate data.
 - 4. The commission shall schedule a public hearing as soon as feasible but not less than twenty-one days after the filing of the application. Notice shall be published in a newspaper of general circulation in Rialto not less than ten days before the date set for the commission hearing. The notice shall be filed with the city clerk and mailed to the applicant and owner.

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5. The notice shall include the date, place time and purpose of the hearing and shall a given by first class mail to the applicants, owners or occupants of the improvement at least ten days prior to the date of the public hearing, using the name and address of such owners as shown on the latest equalized assessment rolls.
 6. In the case of a proposed historic district, notice of the date, place, time and purpose of the hearing shall be given by first class mail to the applicant and owners of all properties within the proposed district at least ten days prior to the date of the public hearing, using the name and address of such owners as shown on the latest equalized assessment rolls, and shall be advertised in a newspaper of general circulation in Rialto.
 7. At the conclusion of the public hearing for the designation of a local landmark or historic district, the commission shall recommend to the city council either approval, in whole in part, or disapproval, in whole or in part, of the proposed designation stating the findings of fact and the reasons for its recommendation based on the report and information brought out at the public hearing. This shall in no event occur more than thirty days from the date of the conclusion of the public hearing process.
 8. Following receipt of such report, the city council shall within forty-five days consider, at a noticed public hearing, the designation of each property recommended for designation by the commission. Designation of historic resources and districts shall be by resolution of the city council.
 9. Following such designation by the city council, the city clerk shall within thirty days cause to be recorded in the office of the county recorder notice that such property has been designated and placed on the city's register of local landmarks. Following the recordation of such notice, such property shall be subject to all the provisions of the Rialto historic preservation ordinance. If the city council decides not to designate a property, it may review the proposed designation again after one year, or sooner if there is substantial additional information or changes in the application.
 10. The amendment or rescission of any designation shall be in the same manner and procedures as was followed in the original designation.
 11. Failure to send any notice by mail to any property owner where the address of such owner is not a matter of public record shall not invalidate any proceedings in connection with the proposed designation.
- C. Following designation, the provisions of Rialto's design guidelines shall apply to landmarks, and historic districts. The design guidelines shall contain approved recommendations for making exterior changes to local landmarks. Thereafter, any alteration, improvement, land division, change of use, demolition or moving of any historic resource or sign associated with a historic resource shall be subject to the review of the city in accordance with this chapter.

(Ord. No. 1545, § 3, 6-24-14)

2.20.070 Certificate of appropriateness and certificate of hardship.

- A. Certificate of appropriateness for alterations, new construction, land divisions, changes of use and signs.
1. A certificate of appropriateness issued by the commission, the preservation officer or his/her designee, is required for any exterior alterations or additions to any designated historic resource, for new construction on the site of a designated historic resource for any change of use, and for a lot split or subdivision of a 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 a designated structure. New construction in a historic district shall also require a certificate of appropriateness. The chief building official shall direct applicants for building permits and sign permits for designated landmarks and nominated resources to apply for a certificate of appropriateness from the commission through the preservation officer or his/her designee. A nominated resource need not be designated before a certificate of appropriateness can be granted. No building, alteration land division, demolition, change of use, or removal permits for any exterior improvement, sign, building or structure within a proposed district or relative to a nominated resource shall be issued while the public hearing for designation or any appeal related thereto is pending except where a certificate of appropriateness has been secured.

2. Applicants are encouraged first to consult with the planning division staff about using the design guidelines before submitting a formal application. Any application for a certificate of appropriateness shall be made on a form prescribed by the preservation officer or his/her designee and shall be accompanied by a fee set by resolution of the city council. The application shall include the information required by the preservation officer or his/her designee, including but not limited to elevation drawings of the proposed alterations samples or proposed colors and materials, plan view for new construction, and color photographs of all sides of any existing structures on the site.
3. The preservation officer or his/her designee, shall use the design guidelines to determine if the proposal is compatible with the existing resource and surrounding resources. All requests for new construction, subdivision, lot splits, change of use, demolitions or moving of a historic resource shall be considered major. Applications for a certificate of appropriateness for major alterations shall be reviewed by the commission.
4. A certificate of appropriateness for minor improvement where proposed work does not adversely affect the exterior architectural features of the historic resource nor adversely affect the character of historical, architectural or aesthetic interest or value of the resource and its site, may be approved by the preservation officer or his/her designee. The minor improvements, subject to the prior concerns, are as follows:
 - a. Changes to landscaping;
 - b. Repairs, replacements or construction of new fences;
 - c. Repainting of buildings;
 - d. Replacing roofing without change in material;
 - e. Replacing of siding without change of material;
 - f. Interior remodeling;
 - g. Construction of accessory buildings (does not include demolition) including garages, tool sheds, cabanas;
 - h. Addition of mechanical equipment;
 - i. Construction of accessory structures including patio covers planters, patios, swimming pools, spas, fountains;
 - j. Minor changes of nature similar to those listed in subdivisions in this subsection.
5. Any person aggrieved by the denial of a certificate of appropriateness for a minor improvement may appeal such denial to the historic preservation commission. A written appeal accompanied by any required appeal fee shall be submitted to the planning division within fifteen calendar days after denial of the application for certificate of appropriateness by the preservation officer or his/her designee. The appeal shall be heard by the historic preservation commission. Upon receipt of the appeal, the action

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- of the preservation officer or his/her designee shall forthwith be void and of no force or effect. No permit shall be issued until the outcome of the appeal is determined by the commission.
6. The commission shall hold a public hearing on all applications for certificates of appropriateness referred to it after notice is given in the same manner as set forth in Section 2.20.060(B)(4) and (5).
 7. Using the Rialto design guidelines the survey, the designation report, and the preservation officer's report, the commission shall review any major alterations, appeals of staff determinations, land divisions, change of use, and new construction within historic districts and make a determination with due speed to approve, approve conditionally, or deny the certificate of appropriateness. Approval requires a finding that the action proposed is consistent with this chapter and will not be detrimental to the historic resource, or that the action is necessary to correct an unsafe or dangerous condition pursuant to Section 2.20.100(A). In case of hardship, the applicant may apply for a certificate of hardship pursuant of subsection of this section.
 8. A report of the action taken or determination made shall be forwarded to the city council, and a copy of the decision sent to the applicant by mail and, if appropriate, to the city departments responsible for issuing necessary permits. The commission's decision shall be in writing and shall state the findings of fact and reasons relied upon in reaching its decision.
 9. After the commission's approval the chief building official shall issue the permit applied for provided that all requirements of city and state codes, including the historical building code, are met. If the commission fails to consider an application for a certificate of appropriateness with sixty days of the date of submission of the application, the chief building official shall issue the building permit. Any person not satisfied with a determination by the historical preservation commission may appeal to the city council. Such appeal shall be filed within fifteen days from the date of a commission decision on an application. Such appeal shall be submitted in writing together with any required appeal fee to the office of the director of development services. No permit shall be issued until the outcome of the appeal is determined by the city council.
 10. After the permit has been issued, the preservation officer or his/her designee shall, from time to time, inspect the work approved by the commission in order to assure compliance. If the work is not being performed in accordance with the certificate of appropriateness, a stop work order shall be issued by the chief building official and all work shall cease.
 11. A certificate of appropriateness shall become null and void unless construction is commenced within eighteen months of the date of issuance. Certificates of appropriateness may be renewed for a thirty-six month period by applying to the preservation officer or his/her designee. If the project is not completed within thirty-six months after the expiration of the last building permit, a new certificate of appropriateness shall be required to complete work.
 12. Any change in the scope of the work is determined by the preservation officer or his/her designee to be a major alteration which occurs subsequent to the issuance of a certificate of appropriateness shall require issuance of a new certificate of appropriateness. Certificates of appropriateness for minor alterations shall be issued at the discretion of the preservation officer or his/her designee upon the request of the applicant.
- B. A certificate of appropriateness for moving of a nominated resource shall be granted if the applicant produces evidence to the satisfaction of the commission that the following findings may be made:
1. The moving will not have significant effect on the applicable goals and objectives of Rialto's general plan and on the implementation of this chapter.
 2. The structure in its original setting is not of such interest or quality that it would reasonably meet federal or state criteria of designation as a historic landmark and thus should be retained in that setting.

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- C. A certificate of appropriateness for demolition of a designated structure shall be granted if the applicant produces evidence to the satisfaction of the commission that the following findings may be made:
1. The demolition will not have a significant effect on the applicable goals and objectives of Rialto's general plan and on the implementation of this chapter:
 2. The structure is not of such unusual design, texture or materials that it could not be reproduced or could be reproduced only with great difficulty and expense.
 3. The structure does not meet federal or state criteria for designation as a historic landmark.
 4. Conversion to a new use (adaptive re-use) permitted by right under current zoning, rehabilitation, or some other alternatives for preserving the structure is not economically feasible. A delay of up to one hundred eighty days may be permitted to determine the feasibility of alternatives. During this time the commission may consult with civic groups, public agencies and interested citizens.
- D. A certificate of appropriateness for a new structure within a historic or urban conservation district shall take effect upon approval of the precise plan of design by the community development director or planning commission, as applicable. Existing structures identified as intrusions into historic or urban conservation districts do not need a certificate of appropriateness for demolition or moving.
- E. A certificate of hardship permitting demolition, moving, a land division, new construction or alteration may be granted by the commission at the tune of consideration of the certificate of appropriateness only if the owner(s) of the designated property in question can produce evidence to show that:
1. Reasonable use or return on the property is not possible under the conditions of the certificate of appropriateness; and
- Alternative plans which would be in keeping with the interest of this chapter are not feasible.

The commission may delay the decision on granting the certificate of hardship for a period not to exceed ninety days to investigate plans to allow for a reasonable use of or return from the property or other measures to preserve the property, including selling the property to an individual or group that would preserve it. The commission shall review the evidence and make a written finding, stating the facts and reasons behind the decision. The applicant shall be notified by mail of the acceptance or denial of the certificate of hardship.

(Ord. No. 1545, § 3, 6-24-14; Ord. No. 1645, § 3, 7-14-20)

2.20.080 Historical building code.

Alternative building regulations may be used for the rehabilitation, preservation, restoration, or relocation of nominated resources. The State Historical Building Code (Part 8 of Title 24 of the California Administrative Code) shall be used for any historic resource through the city's building permit procedure.

(Ord. No. 1545, § 3, 6-24-14)

2.20.090 Conservation easements.

Conservation easements on the facades of buildings designated as historic resource may be acquired by the city or non-profit group through purchase, donation or condemnation pursuant to California Civil Code 815.

(Ord. No. 1545, § 3, 6-24-14)

2.20.100 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 designate 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 chief building official certifies to the historic preservation commission that such action is required for the public safety due to unsafe or dangerous conditions which cannot be rectified through the use of the State Historical Building Code.
- B. 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.
- C. All such unsafe buildings, structures or appendages are declared to be public nuisances and shall be abated by repair, rehabilitation, demolition or removal in accordance with the procedures, as may have been or as may be adopted by this jurisdiction. As an alternative, the chief building official or other employee, or official of this jurisdiction as designated by the governing body, may institute any other appropriate action to prevent, restrain, correct or abate the violation.

(Ord. No. 1545, § 3, 6-24-14)