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ORDINANCE NO. ORD-09-0003

AN ORDINANCE OF THE CITY COUNCIL  
OF THE CITY OF LONG BEACH AMENDING THE  
LONG BEACH MUNICIPAL CODE CHAPTER 2.63  
RELATING TO THE CULTURAL HERITAGE  
COMMISSION

Section 1. Chapter 2.63 of the Long Beach Municipal Code is amended to read as follows:

Chapter 2.63  
Cultural Heritage Commission

2.63.010 Purpose.

It is declared that the recognition, preservation, protection and use of cultural resources are necessary to the health, property, social and cultural enrichment and general welfare of the people. The purpose of this Chapter is:

- A. To protect, enhance and perpetuate areas, districts, streets, places, buildings, structures, works of art, natural features and other similar objects which are reminders of past eras, events, and persons important in local, state or national history, or which provide significant examples of architectural styles of the past or are landmarks in the history of architecture, or which are unique and irreplaceable assets to the City and its neighborhoods, or which provide for this and future generations significant examples of the physical surroundings in which past generations lived;
- B. To develop and maintain appropriate settings and

1 environments for these cultural resources;

2 C. To enhance the economic and financial benefits to the City  
3 and its inhabitants by promoting the City's tourist trade and interest and  
4 thereby stimulating community business and industry;

5 D. To intensify the visual and aesthetic character and diversity  
6 of the City and thus enhance its identity through the preservation of varied  
7 architectural styles which reflect the City's cultural, social, economic,  
8 political and architectural history;

9 E. To encourage public understanding and appreciation of the  
10 unique architectural and environmental heritage of the City through  
11 education programs: and

12 F. To strengthen civic pride in the beauty and notable  
13 accomplishments of the City's past, and thereby to encourage community  
14 involvement in the City's future.

15 2.63.020 Definitions.

16 A. "Alteration" means physical change to a place, building,  
17 structure, work of art or similar item subject to the provisions of this  
18 Chapter.

19 B. "Applicant" means a person, persons, association,  
20 partnership, corporation, or other business entity who applies for a  
21 Certificate of Appropriateness in order to undertake any environmental  
22 change on property subject to this Chapter.

23 C. "Archaeology" or "archeology" means the scientific study of  
24 the remains of past people and cultures as may be evidenced by artifacts,  
25 sites, implements, inscriptions, relics, etc.

26 D. "Certificate of Appropriateness" means a written  
27 authorization issued pursuant to this Chapter to accomplish any  
28 environmental change to a landmark or affected structure within a

1 landmark district.

2 E. "City" means the City of Long Beach.

3 F. "Director" shall mean the Director of Development Services  
4 or designee.

5 G. "Environmental change" means any alteration, demolition,  
6 removal, or construction of any improvement or natural feature subject to  
7 the provisions of this Chapter.

8 H. "Improvement" means any place, building, structure, work of  
9 art or similar object constituting a physical addition to real property or any  
10 part of such addition.

11 I. "Landmark" means any building, structure, permanent work  
12 of art, object, site or improvement, manmade or natural, which has special  
13 character or special historical, cultural, architectural, community or  
14 aesthetic value as part of the heritage of the City, state, or the United  
15 States and which has been designated as a landmark pursuant to the  
16 provisions of this Chapter.

17 J. "Landmark District" means any designated area which  
18 contains a number of structures or natural features having a special  
19 character or special historical, cultural, architectural, community or  
20 aesthetic value.

21 K. "Member" means any member of the Cultural Heritage  
22 Commission.

23 L. "Natural Feature" means any tree, plant life or geological  
24 element subject to provisions of this Chapter.

25 M. "Ordinary Repairs and Maintenance" means any work done  
26 on any improvements or replacement of any part of an improvement for  
27 which a building permit is not required by law and where the purpose and  
28 effect of such work or replacement is to correct any deterioration, decay,

1 or damage to such improvement in order to restore it to original condition  
2 prior to the occurrence of such deterioration, decay or damage.

3 N. "Owner" means the person, persons, association,  
4 partnership, corporation or other business entity appearing as the owner  
5 of such improvement, natural feature, or site on the last equalized  
6 assessment roll of the county.

7 O. "Person" means any individual, association, partnership,  
8 firm, corporation, public agency or political division.

9 2.63.030 Created-Members.

10 A. A Cultural Heritage Commission is created by this Chapter  
11 whose purpose shall be to recognize, protect and promote the retention,  
12 maintenance and use of landmarks and landmark districts in the City in  
13 accordance with this Chapter. Said Commission shall consist of seven (7)  
14 members who shall serve without compensation and who are residents of  
15 the City who have manifested a knowledge and interest in the City's  
16 heritage and landmark preservation.

17 B. Commission members shall be appointed from among  
18 professionals in the disciplines of architecture, history, architectural  
19 history, archeology, or other historic preservation related disciplines, such  
20 as urban planning, American studies, American civilization, cultural  
21 geography, or cultural anthropology, to the extent that such professionals  
22 are available in the community. Commission membership may also  
23 include lay members who have special interest in, or who have  
24 demonstrated competence, experience, or knowledge in historic  
25 preservation or other historic preservation related disciplines.

26 C. The term of office and the number of terms of office of the  
27 members of the Commission shall be in accordance with and pursuant to  
28 the provisions of Chapter 2.18, as the provisions of Chapter 2.18 are

1 presently worded or hereafter amended.

2 2.63.040 Duties.

3 The Cultural Heritage Commission shall have the following powers  
4 and duties:

5 A. To recommend to the City Planning Commission that  
6 specific areas, places, buildings, structures, natural features, works of art  
7 or similar objects having a significant historical, cultural, architectural,  
8 archaeological, community or aesthetic value as part of the heritage of the  
9 City, be designated as a landmark, or landmark district; or

10 B. To review proposed substantial alterations to a designated  
11 landmark or to a contributing building or structure within a designated  
12 historic district, and to issue or deny a Certificate of Appropriateness  
13 thereon;

14 C. To encourage public interest in cultural preservation in the  
15 City;

16 D. To compile, maintain and update an informational local  
17 register of landmarks and historic districts and to publicize and periodically  
18 update the City's cultural resource survey;

19 E. To review and comment for advisory purposes only upon the  
20 conduct of land use, housing, redevelopment, public works and other  
21 types of planning and programs undertaken by any agency of the city,  
22 county, state or nation, within the City of Long Beach, as they relate to the  
23 cultural heritage of the City;

24 F. Upon authorization of the City Council, coordinate and  
25 cooperate with local, county, state and federal governments in pursuit of  
26 the Commission's purposes;

27 G. Subject to the consent of City Council, recommend  
28 acceptance by the City of gifts, grants and conservation easement

1 donations consistent with the purposes for which the Commission was  
2 established;

3 H. To make and adopt, and periodically amend, rules and  
4 procedures governing the conduct of its business and provide for the  
5 administration of this Chapter consistent with Chapter 2.18 of this Code;

6 I. To assume whatever responsibility and duties may be  
7 assigned to it by the state under certified local government provisions of  
8 the National Historic Preservation Act of 1966, as amended; and

9 J. To perform any other functions consistent with the purposes  
10 herein that may be directed by the City Council.

11 2.63.050 Criteria for designation of landmarks and landmark districts.

12 A resource may be recommended for designation as a landmark  
13 or landmark district if it manifests one or more of the following criteria:

14 A. It possesses a significant character, interest or value  
15 attributable to the development, heritage or cultural characteristics of the  
16 City, the southern California region, the state or the nation; or

17 B. It is the site of a historic event with a significant place in  
18 history; or

19 C. It is associated with the life of a person or persons  
20 significant to the community, City, region or nation; or

21 D. It portrays the environment in an era of history characterized  
22 by a distinctive architectural style; or

23 E. It embodies those distinguishing characteristics of an  
24 architectural type or engineering specimen; or

25 F. It is the work of a person or persons whose work has  
26 significantly influenced the development of the City or the southern  
27 California region; or

28 G. It contains elements of design, detail, materials, or

1 craftsmanship which represent a significant innovation; or

2 H. It is a part of or related to a distinctive area and should be  
3 developed or preserved according to a specific historical, cultural or  
4 architectural motif; or

5 I. It represents an established and familiar visual feature of a  
6 neighborhood or community due to its unique location or specific  
7 distinguishing characteristic; or

8 J. It is, or has been, a valuable information source important to  
9 the prehistory or history of the City, the southern California region or the  
10 state; or

11 K. It is one of the few remaining examples in the City, region,  
12 state or nation possessing distinguishing characteristics of an  
13 architectural or historical type; or

14 L. In the case of the designation of a tree(s) based on historic  
15 significance, that the tree(s) is (are) associated with individuals, places  
16 and/or events that are deemed significant based on their importance to  
17 national, state and community history; or

18 M. In the case of the designation of a tree(s) based on cultural  
19 contribution, that the tree(s) is (are) associated with a particular event or  
20 adds (add) significant aesthetic or cultural contribution to the community.

21 2.63.060 Procedures for designation of landmark or landmark district.

22 The Cultural Heritage Commission may recommend the  
23 designation of a landmark or landmark district either upon its own  
24 nomination or upon nomination by any interested group or individual  
25 including the owner or occupant of property proposed for such  
26 designation. Any nomination which includes a public building shall be  
27 submitted to the City Manager for his review. Comments and  
28 recommendations resulting from that review may be submitted to the

1 Cultural Heritage Commission. The Commission shall take no further  
2 action on the nomination until receipt of the City Manager's comments  
3 and recommendations; provided that, if a written report by the City  
4 Manager is not received within thirty (30) days of submittal to him, the  
5 Cultural Heritage Commission may proceed with its review of the  
6 nomination and the formulation of a recommendation relating to the  
7 designation of a landmark or landmark district pursuant to the following  
8 procedures:

9 A. The Cultural Heritage Commission shall, as a part of its  
10 review process:

- 11 1. Consult with affected property owners;
- 12 2. Prepare a preliminary report on the nomination which  
13 shall include, among other things:
  - 14 a. Notification of affected City departments including,  
15 when public buildings are a part of the nomination, the City Manager;
  - 16 b. Confirmation and verification that the nomination  
17 conforms to the requirements of Section 2.63.050 of this Chapter,
  - 18 c. Preliminary research into the character and history  
19 of the structure or area proposed for designation, and
  - 20 d. A recommendation for final action by the  
21 Commission. If the Commission approves the nominated designation,  
22 then upon direction of the Commission, preliminary research, appropriate  
23 inventory forms and other supporting data as directed shall be completed  
24 as necessary to prepare the matter for final determination by the  
25 Commission. Final action recommending approval or disapproval of the  
26 nominated landmark or landmark district shall be by a majority vote of the  
27 Commission.

28 B. If the Cultural Heritage Commission recommends approval,



1 the Commission shall advise the Director of Development Services in  
2 writing of the proposed designation of a landmark or landmark district and  
3 secure from the Director of Development Services recommendations  
4 concerning the relationship of the proposed landmark or landmark district  
5 to the General Plan of the City, its effect on the surrounding neighborhood  
6 and any other planning considerations which may be relevant to the  
7 proposed designation. If a written report by the Director of Development  
8 Services is not received within thirty (30) days of receipt of notice of a  
9 proposed designation, the Cultural Heritage Commission may conclude  
10 that the Director of Development Services has no objections to the  
11 designation and proceed with its consideration. The Cultural Heritage  
12 Commission shall acknowledge the recommendations, and incorporate  
13 them into their report to be submitted to the City Planning Commission.  
14 Included in the Cultural Heritage's Commission's report to the City  
15 Planning Commission shall be the Commission's recommended  
16 guidelines and standards to be applied to the subject property.

17 C. The City Planning Commission shall schedule a public  
18 hearing on the proposed designation of a landmark or landmark district as  
19 soon as practicable after receiving the proposal from the Cultural Heritage  
20 Commission. Written notice shall be placed in the mail to all owners of  
21 record of real property within the boundaries of the area proposed for  
22 designation and located within the distance specified in Section  
23 21.21.302.B.4 of this Code or any successor section thereto. In those  
24 instances where the owners petition the City for such designation, it shall  
25 be the petitioners' obligation to furnish a current list of names and legal  
26 mailing addresses to the City Development Services Department of all  
27 real property owners to be notified and pay such fee as shall be  
28 established by separate resolution. When the proposed designation is by

1 City initiative, the Development Services Department shall be responsible  
2 for preparing the notification list. The public hearing shall be set for not  
3 less than ten (10) days nor more than thirty (30) days subsequent to the  
4 date of written notice.

5 D. Within thirty (30) days after the close of the public hearing,  
6 the City Planning Commission shall make its recommendation on the  
7 proposed landmark or landmark district designation. These  
8 recommendations, together with the specific findings of fact constituting  
9 the basis for the Commission's decision shall be transmitted to the City  
10 Council.

11 E. The City Council shall consider the matter as soon as  
12 practicable after receiving the City Planning Commission's  
13 recommendation. If the City Council approves the landmark or landmark  
14 district designation, such approval shall be evidenced by ordinance. The  
15 City Clerk shall then notify the Director of Development Services of its  
16 action in order to ensure compliance with this Chapter.

17 F. The ordinance designating a landmark or landmark district  
18 shall include a description of the particular characteristics which justify the  
19 designation and which should therefore be preserved; shall set forth the  
20 reasons relative to Section 2.63.050 for the designation; shall develop a  
21 set of general guidelines to establish standards for future proposed  
22 changes, and shall delineate the location and boundaries of the landmark  
23 site or landmark district. A certified copy of such ordinance shall be  
24 recorded in the office of the County Recorder of the County of Los  
25 Angeles by the City Clerk immediately following its effective date.

26 G. The property included in the designation ordinance shall  
27 upon designation be subject to the controls and standards set forth in this  
28 Chapter.

1           H.     The record owner of real property designated as a landmark  
2           or the record owner of a historically significant contributing property within  
3           a landmark district, or the City, on its own initiative, may petition to  
4           withdraw from designated status provided the same procedure described  
5           above to cause such designation is followed. Any owner of designated  
6           property that petitions for withdrawal from designated status shall furnish  
7           the materials required in Subsection C of this Section and shall pay such  
8           fee as established by the City Council by resolution; provided, that in no  
9           case may real property be withdrawn from designated status unless it has  
10          lost those contributing qualities that led to its initial designation and the  
11          City Council, upon recommendation of the Cultural Heritage Commission  
12          and the Planning Commission, by resolution so finds.

13           I.     Once the Cultural Heritage Commission has approved a  
14          nomination for designation proceedings, no permits for the alteration,  
15          remodel, enlarging, demolition or removal of a structure or improvement  
16          nominated for landmark status as provided in this section shall be issued  
17          during the pendency of a review related thereto; provided, that the  
18          prohibition shall terminate on the one hundred eighty first day following  
19          approval of the nomination for designation proceedings, and provided  
20          that, notwithstanding the provisions of this Subsection I, requests for  
21          building permits which the Director of Development Services determines  
22          will have no adverse effect on the architectural character of the nominated  
23          property, and which meet the guidelines for approval of Certificates of  
24          Appropriateness set forth in Section 2.63.070, may be approved during  
25          the pendency of review for nomination.

26           J.     If the Cultural Heritage Commission fails to transmit a  
27          recommendation for landmark designation of any kind to the Planning  
28          Commission within sixty (60) days of its action to recommend such

1 designation, any aggrieved or interested party may petition the Cultural  
2 Heritage Commission to do so within twenty (20) days of the expiration of  
3 said sixty (60) day period. If the recommendation is not transmitted within  
4 thirty (30) days after such petition, the nomination for designation shall be  
5 deemed null and void and of no further force and effect.

6 K. Recordation of landmarks and historic districts. All buildings  
7 or structures or areas designated as landmarks or landmark districts by  
8 the City Council pursuant to this Chapter shall be so recorded by the City  
9 in the office of the Los Angeles County Recorder. The document to be  
10 recorded shall contain a legal description of the property or properties, the  
11 date and substance of the designation, a statement explaining that the  
12 demolition, alteration, or relocation of the structure is restricted, and a  
13 reference to this section authorizing the recordation.

14 2.63.070 Procedures for administering the Certificate of  
15 Appropriateness.

16 A. No person owning, renting or occupying property which has  
17 been designated a landmark or which is situated in a designated  
18 landmark district, shall make any environmental change to such property  
19 unless a Certificate of Appropriateness has been issued authorizing such  
20 environmental change. Except as otherwise set forth in this Chapter, all  
21 environmental changes made to designated landmarks, or historically  
22 significant properties within landmark districts within the City, require a  
23 Certificate of Appropriateness whether or not the alteration, demolition,  
24 removal or construction of such property requires a City permit.

25 B. The Cultural Heritage Commission shall be responsible for  
26 considering and issuing Certificates of Appropriateness for those sites or  
27 improvements which have been designated as landmarks pursuant to the  
28 provisions of this Chapter; and also for substantial alterations made to

1 contributing structures/buildings or sites within a designated Historic  
2 District. For the purpose of this Section, the term “substantial alteration”  
3 shall mean an alteration which jeopardizes a structure’s individual  
4 eligibility as a contributing structure in the National Register of Historic  
5 Places, or its status as a contributing structure within a designated City  
6 Historic District or in the California Register of Historical Resources, such  
7 as, but not limited to:

8 1. The addition, removal, alteration or substitution of  
9 defining architectural features, such that the building/structure is  
10 incapable of yielding important historical information about its period,  
11 including changes to the following: exterior siding (unless siding is  
12 replaced with siding of similar size and appearance), roof pitch,  
13 fenestration, and the compatibility of additions in terms of general scale,  
14 massing and materials;

15 2. Isolation of a property or alteration of its setting such that  
16 the historic character and integrity are no longer reflected in the site.  
17 Examples may include the following: introduction of parking lots, removal  
18 of subsidiary buildings or relocation of a structure from its original site;

19 3. Use of surface cleaning or maintenance methods which  
20 endanger the building/structure, or object’s historic building materials,  
21 such as sandblasting and improper masonry repointing.

22 The Director of Development Services shall be responsible for  
23 considering and issuing Certificates of Appropriateness for  
24 buildings/structures within designated Landmark Districts in all other  
25 instances, including, but not limited to: replacement of windows and doors  
26 (including screen doors) with like materials (e.g., wood window changed  
27 with wood or wood clad window of similar aesthetics); replacement/repair  
28 of siding with siding similar in size and appearance; replacement/repair of

1 a porch or primary entry to the building/structure; replacement/repair of  
2 garage doors that are visible from the public right of way; or  
3 installation/repair of rain gutters.

4 C. An applicant for a Certificate of Appropriateness shall file an  
5 application with the Cultural Heritage Commission or Director of  
6 Development Services, as appropriate. The application shall contain all  
7 facts and information necessary to properly consider the matter. The  
8 applicant shall also pay such fee as is established by resolution of the City  
9 Council.

10 D. The Cultural Heritage Commission or, as appropriate, the  
11 Director of Development Services, shall only issue a Certificate of  
12 Appropriateness if it is determined that the proposed environmental  
13 change:

14 1. Will not adversely affect any significant historical, cultural,  
15 architectural or aesthetic feature of the concerned property or of the  
16 landmark district in which it is located and that issuance of the Certificate  
17 is consistent with the spirit and intent of this Chapter;

18 2. Will remedy any condition determined to be imminently  
19 dangerous or unsafe by the Fire Department or the Development Services  
20 Department;

21 3. The proposed change is consistent with or compatible  
22 with the architectural period of the building;

23 4. The proposed change is compatible in architectural style  
24 with existing adjacent contributing structures in a historic landmark district;

25 5. The scale, massing, proportions, materials, colors,  
26 textures, fenestration, decorative features and details proposed are  
27 consistent with the period and/or compatible with adjacent structures;

28 6. The proposed change is consistent with the Secretary of

1 the Interior's Standards for Rehabilitation and Guidelines for  
2 Rehabilitating Historic Buildings of the U.S. Department of the Interior.

3 E. If the Commission, or if authorized, the Director of  
4 Development Services, determines that the proposed environmental  
5 change will adversely affect any significant historical, cultural, architectural  
6 or aesthetic feature of the concerned property or of the landmark district in  
7 which it is located, the Certificate of Appropriateness shall be denied. If  
8 the Commission or the Director of Development Services finds that the  
9 adverse effects can be overcome by minor modifications to the  
10 application, a Certificate of Appropriateness with conditions may be  
11 issued.

12 F. Once a Certificate of Appropriateness is issued, the  
13 applicant may proceed with the proposed environmental change provided  
14 all other requirements of the City are met.

15 G. The California State Historical Building Code provides  
16 alternative building regulations for the rehabilitation, preservation,  
17 restoration or relocation of qualified historic buildings or structures. This  
18 shall include structures on national, state or local historical registers or  
19 official inventories, such as the National Register of Historic Places, state  
20 historical landmarks, state points of historical interest, and city or county  
21 registers or inventories of historical or architecturally significant sites,  
22 places, historic districts, or landmarks. The California State Historical  
23 Building Code, Part 8 of the Uniform Building Code, shall be used for any  
24 designated City landmark or contributing historic structure in a designated  
25 historic district through the City's building permit procedure.

26 H. The provisions of this Section shall not be construed so as  
27 to prevent the ordinary maintenance and repair of any exterior feature of a  
28 landmark, or building/structure of historic or contributing historical

1 significance within a landmark district; or to prevent the construction,  
2 reconstruction, alteration, restoration or demolition of any feature which is  
3 necessary to remedy an immediately unsafe or dangerous condition as  
4 determined by the Fire Department and/or Development Services  
5 Department, excluding orders issued pursuant to Chapter 18.68 of this  
6 Code. In such cases, the work must be approved by the Director of  
7 Development Services, and no Certificate of Appropriateness shall be  
8 required. Examples of this work shall include, but not be limited to, the  
9 following:

- 10 1. Construction, demolition or alteration of side and rear  
11 yard fences that does not alter the historical appearance or historical  
12 integrity of the structure;
- 13 2. Construction, demolition or alteration of front yard fences  
14 that does not alter the historical appearance or historical integrity of the  
15 structure;
- 16 3. Repairing or repaving of flat concrete work in the side  
17 and rear yard that does not alter the historical appearance or historical  
18 integrity of the structure;
- 19 4. Repaving of existing front yard paving, concrete work,  
20 and walkways that does not alter the historical appearance or historical  
21 integrity of the structure;
- 22 5. Roofing work that does not alter the historical  
23 appearance or historical integrity of the structure;
- 24 6. Foundation work that does not alter the historical  
25 appearance or historical integrity of the structure;
- 26 7. Chimney work that does not alter the historical  
27 appearance or historical integrity of the structure;
- 28 8. Landscaping that does not alter the historical appearance



1 or historical integrity of the structure

2 9. Installation of water heaters, electrical box, air  
3 conditioning units, or other utility items provided they are not visible from  
4 the public right-of-way.

5 10. Repainting, unless the repainting would alter the  
6 historical appearance or historical integrity of the structure.

7 The Director of Development Services shall determine whether or  
8 not the proposed work, alteration, construction or improvement constitutes  
9 ordinary maintenance and repair and is therefore exempt from the  
10 Certificate of Appropriateness requirement established by this Chapter.

11 I. Notwithstanding any other provisions of this Chapter, a  
12 Certificate of Appropriateness shall become void unless construction  
13 relating to the environmental change is commenced within twelve (12)  
14 months of the date of issuance. Certificates of Appropriateness may be  
15 renewed for a twelve (12) month period by applying to the Commission  
16 staff or to the Director of Development Services. If the environmental  
17 change is not completed within twelve (12) months after the expiration of  
18 the last building permit, a new Certificate of Appropriateness shall be  
19 required.

20 2.63.075 Hearings and Determinations.

21 All hearings conducted by the Cultural Heritage Commission and  
22 determinations by the Director of Development Services shall be  
23 conducted in accordance with the provisions of this Chapter and in the  
24 following manner:

25 A. For hearings to be conducted by the Cultural Heritage  
26 Commission, notice shall be given not less than fourteen (14) days nor  
27 more than forty-five (45) days prior to the hearing. Notice of hearing shall  
28 be mailed or personally delivered to the applicant and to the owner(s) of

1 the subject property or their authorized agent. Notice shall also be mailed  
2 or delivered to all owners of real property as shown on the latest  
3 equalized assessment roll located within the distance specified in Section  
4 21.21.302.B.4 of this Code or any successor section thereto. Notice of  
5 hearing shall also be posted at the landmark site at least fourteen (14)  
6 days prior to the hearing in a form and manner deemed appropriate by the  
7 Director of Development Services.

8 B. The Director of Development Services shall consider all  
9 applications for Certificates of Appropriateness within his/her jurisdiction  
10 as set forth in Section 2.63.070. Determinations shall be made within  
11 forty five (45) days after the applicant has submitted an application and  
12 the Director determines it to be complete. The Director has authority to  
13 approve, conditionally approve or deny an application. Determinations  
14 made pursuant to this Subsection shall not require a formal hearing or  
15 notice. In making his/her determination the Director shall make written  
16 findings in accordance with the criteria set forth in Section 2.63.070.D and  
17 E. Rather than act on an application for a Certificate of Appropriateness  
18 within his/her jurisdiction, the Director of Development Services may, in  
19 his/her sole discretion, refer the application to the Cultural Heritage  
20 Commission for its determination. In such case the procedures set forth  
21 in Section 2.63.075.A shall apply.

22 C. Hearings conducted by the Cultural Heritage Commission need  
23 not be conducted according to the technical rules of evidence. Any  
24 relevant evidence shall be admitted if it is the sort of evidence on which  
25 responsible persons are accustomed to rely in the conduct of serious  
26 affairs, regardless of the existence of any common law or statutory rule  
27 which might make improper the admission of such evidence over  
28 objection in civil actions.

1 D. After considering all of the testimony and evidence submitted,  
2 the Cultural Heritage Commission shall render its decision within fifteen  
3 (15) calendar days of the hearing. The decision shall be in writing and  
4 shall include findings of fact, a summary of the relevant evidence, a  
5 statement of issues and a decision. A copy of the decision shall be  
6 provided to the applicant and to any other person who has requested it.  
7 All hearings shall be conducted and decisions rendered no later than  
8 ninety (90) days from the date that an application has been deemed  
9 complete by the Director of Development Services.

10 2.63.080 Appeals.

11 Any person aggrieved by the denial or approval of a Certificate of  
12 Appropriateness may appeal such denial or approval in the following  
13 manner:

14 A. The appellant may file a notice of appeal, in writing, with the  
15 Department of Development Services within ten (10) calendar days after  
16 issuance of the written decision to deny or approve the application for a  
17 Certificate of Appropriateness. The appeal shall, in the case of a decision  
18 of the Cultural Heritage Commission, be heard by the Planning  
19 Commission, or in the case of a determination by the Director of  
20 Development Services, by the Cultural Heritage Commission. The appeal  
21 hearing shall be conducted no later than forty five (45) days after the  
22 notice of appeal has been filed and deemed complete. Notice of the  
23 appeal hearing shall be provided to the appellant, the applicant, and to  
24 any person who has requested in writing that such notice be provided.  
25 Notice of the appeal hearing shall also be posted at the subject site at  
26 least fourteen (14) days prior to the hearing in a form and manner  
27 deemed appropriate by the Director of Development Services.

28 B. The appeal body may affirm, reverse or modify the action of

1 the Cultural Heritage Commission or the Director of Development  
2 Services and may affix whatever conditions of approval as it deems  
3 reasonably necessary.

4 C. The decision of the Cultural Heritage Commission or the  
5 Planning Commission on appeal shall be final. Pursuant to California  
6 Code of Civil Procedure Section 1094.6, the time within which to seek  
7 judicial review of the final decision is ninety (90) days after the date the  
8 decision becomes final. The decision becomes final as of the date the  
9 appeal hearing is conducted and a decision is rendered.

10 2.63.090 Publicly owned resources.

11 The provisions of this Chapter shall also apply to any plans to alter,  
12 redecorate or refurbish the exterior or interior features, or make any  
13 environmental change, to any designated cultural resources owned by the  
14 City or other public entities. The Director of Development Services shall  
15 notify the Cultural Heritage Commission at least sixty (60) days in  
16 advance of such plans, allowing adequate time for the Commission to  
17 study and make recommendations on the plan.

18 2.63.100 Easements and development rights.

19 This Chapter shall empower the City to acquire facade easements  
20 or development rights to landmarks, or other cultural resources within a  
21 landmark district, through purchase, donation or condemnation. The  
22 easement or development rights shall be designed to run with the land in  
23 order to preserve or maintain the significant features of the landmark or  
24 cultural resource within the landmark district.

25 2.63.110 Penalties.

26 A. Any person who knowingly violates a requirement of this  
27 Chapter or knowingly fails to obey a lawful order issued by the  
28 Commission or the Director of Development Services, or to comply with a

OFFICE OF THE CITY ATTORNEY  
ROBERT E. SHANNON, City Attorney  
333 West Ocean Boulevard, 11th Floor  
Long Beach, CA 90802-4664

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condition of approval of any certificate or permit issued under this Chapter shall be guilty of a misdemeanor and subject to provisions of Section 1.32.010 of this Code.

B. Any person who constructs, alters, removes or demolishes a cultural resource in violation of this Chapter shall be required to restore the building, object, site, or structure to its appearance or setting prior to the violation. Any action to enforce this provision may be brought by the City or any other interested party. The civil remedy may be in addition to, and not in lieu of, any criminal prosecution and penalty and other remedy provided by law.

Section 2. The City Clerk shall certify to the passage of this ordinance by the City Council and cause it to be posted in three (3) conspicuous places in the City of Long Beach, and it shall take effect on the thirty-first (31st) day after it is approved by the Mayor.

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OFFICE OF THE CITY ATTORNEY  
ROBERT E. SHANNON, City Attorney  
333 West Ocean Boulevard, 11th Floor  
Long Beach, CA 90802-4664

1 I hereby certify that the foregoing ordinance was adopted by the City  
2 Council of the City of Long Beach at its meeting of March 3, 2009, by the  
3 following vote:

4 Ayes: Councilmembers: S. Lowenthal, DeLong, O'Donnell,  
5 Schipske, Andrews, Reyes Uranga,  
6 Gabelich, Lerch.

7  
8 Noes: Councilmembers: None.

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10 Absent: Councilmembers: None.

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14 City Clerk

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16 Approved: 3/9/09  
17 (Date)

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Mayor