



CITY OF LONG BEACH

DEPARTMENT OF DEVELOPMENT SERVICES

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CH-22

333 West Ocean Blvd., 4th Floor Long Beach, CA 90802 Phone: 570.5237

February 10, 2009

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

Receive the supporting documentation, conclude the public hearing, and declare the ordinance amending Chapter 2.63 of the Municipal Code as it relates to the Cultural Heritage Commission read for the first time and laid over to the next regular meeting of the Council for final reading; and

Adopt a resolution authorizing the Director of Development Services to submit amendments to the Cultural Heritage Commission Ordinance to the State Office of Historic Preservation for its review and approval as an implementing ordinance of the Certified Local Government (CLG) program. (Citywide)

DISCUSSION

In February of 2006, the City Council was presented information regarding program issues, improvements, and revisions related to the City's Historic Preservation program. The City Council received the report and provided positive comments on the proposed work program. Many of the suggestions, including the preparation of a Historic Preservation Element of the General Plan, initiation of the first phase of the citywide historic resources survey, and the integration of historic, planning and redevelopment efforts have been made or are underway. A key item of the Historic Preservation Program is the revision of the Cultural Heritage Commission ordinance, Chapter 2.63 of the Municipal Code, in order to provide a more effective decision-making process. The recommended amendments to the Municipal Code include the following:

- 1. Reduce the number of Cultural Heritage Commission (CHC) members from fifteen to seven.** The large commission was established prior to the appointment of a historic preservation officer. Currently, the large membership results in a longer, less effective decision-making process and inconsistent approvals of work scopes. Reducing the number of commissioners would allow for a more efficient and effective process, while still allowing Long Beach to meet the national requirement to be a Certified Local Government for review of historic resources.
- 2. Amend the procedures for administering certificates of appropriateness for alterations to landmark buildings or structures located within historic districts.** The current procedures require that such changes be reviewed and approved by the Cultural Heritage Commission or, in some instances, the department director. This has substantially hindered the permitting process and, at times, has caused the Commission to focus on non-preservation matters rather than on larger policy issues affecting historic resources and the preservation program overall. Therefore, staff

proposes to shift the review of Certificates of Appropriateness for structures in historic districts from the Cultural Heritage Commission (CHC) to staff, with the CHC acting as an appeal body for staff determinations, the approval body for all alterations to historic landmarks, and on preservation policy issues.

- 3. Replace references in Chapter 2.63 to “Planning and Building” with “Development Services” to reflect the new department name.** In December 2007, the Development Services Department was formed from the Department of Planning and Building and the Redevelopment Bureau. These changes will update the code to reflect the new department name.

In developing these recommended changes to the Cultural Heritage Commission ordinance, staff has conducted considerable research on other cities' ordinances and has utilized guidance publications from the State Office of Historic Preservation to propose ordinance appropriate language that reflects “best practices” nationally. Staff reviewed the proposed changes with representatives of Long Beach Heritage. Recommendations were discussed with the Cultural Heritage Commission on June 18, 2008. On October 2, 2008, the Planning Commission considered this matter and recommended that the City Council amend the Cultural Heritage Commission ordinance.

This letter was reviewed by Assistant City Attorney Michael J. Mais on January 27, 2009 and by Budget Management Officer Victoria Bell on January 23, 2009.

TIMING CONSIDERATIONS

Council action is requested on February 10, 2009 to allow for the immediate appointment of Cultural Heritage Commission members and transition of Certificate of Appropriateness review to staff.

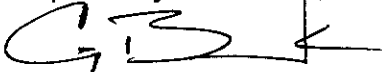
FISCAL IMPACT

There is no fiscal impact associated with the suggested action.

SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,



CRAIG BECK
DIRECTOR OF DEVELOPMENT SERVICES

APPROVED:



PATRICK H. WEST
CITY MANAGER

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Attachment: City Council Ordinance
City Council Resolution

Chapter 2.63 CULTURAL HERITAGE COMMISSION
COMMISSION^[12]

2.63.010 Purpose.

2.63.020 Definitions.

2.63.030 Created--Members.

2.63.040 Duties.

2.63.050 Criteria for designation of landmarks and landmark districts.

2.63.060 Procedures for designation of landmark or landmark district.

2.63.070 Procedures for administering the ~~certificate of appropriateness~~ Certificate of Appropriateness.

2.63.080 Appeals.

2.63.090 Publicly owned resources.

2.63.100 Easements and development rights.

2.63.110 Penalties.

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~~ 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~~ 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 environments for these cultural resources;
- C. To enhance the economic and financial benefits to the ~~city~~ City and its inhabitants by promoting the ~~city~~ City's tourist trade and interest and thereby stimulating community business and industry;
- D. To intensify the visual and aesthetic character and diversity of the ~~city~~ City and thus enhance its identity through the preservation of varied architectural styles which reflect the ~~city~~ City's cultural, social, economic, political and architectural history;

- E. To encourage public understanding and appreciation of the unique architectural and environmental heritage of the ~~city~~City through education programs: and
- F. To strengthen civic pride in the beauty and notable accomplishments of the ~~city~~City's past, and thereby to encourage community involvement in the ~~city~~City's future. (Ord. C-6964 § 4 (part), 1992).

2.63.020 Definitions.

- A. "Alteration" means physical change to a place, building, structure, work of art or similar item subject to the provisions of this ~~chapter~~Chapter.
- B. "Applicant" means a person, persons, association, partnership, corporation, or other business entity who applies for a ~~certificate of appropriateness~~Certificate of Appropriateness in order to undertake any environmental change on property subject to this ~~chapter~~Chapter.
- C. "Archaeology" or "archeology" means the scientific study of the remains of past people and cultures as may be evidenced by artifacts, sites, implements, inscriptions, relics, etc.
- D. "~~Certificate of appropriateness~~Certificate of Appropriateness" means a written authorization issued pursuant to this ~~chapter~~Chapter to accomplish any environmental change to a landmark or affected structure within a landmark district.
- E. "City" means the ~~city~~City of Long Beach.
- ~~F. "Cultural resources" means areas, districts, streets, places, buildings, structures, permanent works of art, natural features and other objects having a special historical, cultural, archeological, architectural, community or aesthetic value.~~
- ~~F. "Director" shall mean the Director of Development Services or designee.~~
- ~~GG. "Environmental change" means any alteration, demolition, removal, or construction of any improvement or natural feature subject to the provisions of this ~~chapter~~Chapter.~~
- ~~HH. "Improvement" means any place, building, structure, work of art or similar object constituting a physical addition to real property or any part of such addition.~~
- ~~II. "Landmark" means any building, structure, permanent work of art, object, site or improvement, manmade or natural, which has special character or special historical, cultural, architectural, community or aesthetic value as part of the heritage of the ~~city~~City, state, or the United States and which has been designated as a landmark pursuant to the provisions of this ~~chapter~~Chapter.~~
- ~~JJ. "Landmark ~~d~~District" means any designated area which contains a number of structures or natural features having a special character or special historical, cultural, architectural, community or aesthetic value.~~
- ~~KK. "Member" means any member of the ~~cultural heritage commission~~Cultural Heritage Commission.~~
- ~~LL. "Natural ~~f~~Feature" means any tree, plant life or geological element subject to provisions of this ~~chapter~~Chapter.~~

- M. "Ordinary ~~r~~Repairs and ~~m~~Maintenance" means any work done on any improvements or replacement of any part of an improvement for which a building permit is not required by law and where the purpose and effect of such work or replacement is to correct any deterioration, decay, or damage to such improvement in order to restore it to original condition prior to the occurrence of such deterioration, decay or damage.
- N. "Owner" means the person, persons, association, partnership, corporation or other business entity appearing as the owner of such improvement, natural feature, or site on the last equalized assessment roll of the county.
- O. "Person" means any individual, association, partnership, firm, corporation, public agency or political division. (~~Ord. C-6961 § 1 (part), 1992~~).

2.63.030 Created--Members.

- A. A ~~cultural heritage commission~~Cultural Heritage Commission is created by this ~~e~~Chapter whose purpose shall be to recognize, protect and promote the retention, maintenance and use of landmarks and landmark districts in the ~~e~~City in accordance with this ~~e~~Chapter. Said ~~e~~Commission shall consist of ~~fifteen-seven~~ (157) members who shall serve without compensation and who are residents of the ~~e~~City who have manifested a knowledge and interest in the ~~e~~City's heritage and landmark preservation.
- B. Commission members shall be appointed from among professionals in the disciplines of architecture, history, architectural history, ~~architectural history~~, ~~planning~~, archeology, or other historic preservation related disciplines, such as urban planning, American studies, American civilization, cultural geography, or cultural anthropology, to the extent that such professionals are available in the community. Commission membership ~~may~~shall also include lay members who have special interest ~~in~~or concern in, or who have demonstrated competence, experience, or knowledge in, historic preservation or other historic preservation related disciplines.
- C. The term of office and the number of terms of office of the members of the ~~e~~Commission shall be in accordance with and pursuant to the provisions of ~~chapter~~Chapter 2.18, as the provisions of ~~chapter~~Chapter 2.18 are presently worded or hereafter amended. (~~Ord. C-6961 § 1 (part), 1992~~).

2.63.040 Duties.

The ~~cultural heritage commission~~Cultural Heritage Commission shall have the following powers and duties:

- A. To recommend to the ~~e~~City ~~planning commission~~Planning Commission that specific areas, places, buildings, structures, natural features, works of art or similar objects having a significant historical, cultural, architectural, archaeological, community or aesthetic value as part of the heritage of the ~~e~~City, be designated as a landmark, or landmark district; or
- B. To review any proposed substantial alterations ~~modifications~~ to a designated landmark or to a contributing building or structure within a designating historic district, ~~or any improvement within a designated landmark district~~ and to issue or deny a ~~certificate of appropriateness~~Certificate of Appropriateness thereon;
- C. To encourage public interest in cultural preservation in the ~~e~~City;

- D. To compile, maintain and update an informational local register of landmarks and historic districts and to publicize and periodically update the eCity's cultural resource survey;
- ~~E. To advise and assist owners or prospective owners of designated or potential landmarks or structures in landmark districts on technical and financial aspects of preservation, renovation, rehabilitation, and reuse, and to establish standards and guidelines therefor;~~
- E. To review and comment for advisory purposes only upon the conduct of land use, housing, redevelopment, public works and other types of planning and programs undertaken by any agency of the city, county, state or nation, within the eCity of Long Beach, as they relate to the cultural heritage of the eCity;
- F. Upon authorization of the eCity eCouncil, coordinate and cooperate with local, county, state and federal governments in pursuit of the eCommission's purposes;
- G. Subject to the consent of eCity eCouncil, recommend acceptance of by the eCity of gifts, grants and conservation easement donations consistent with the purposes for which the eCommission was established;
- H. To make and adopt, and from time to time periodically amend, rules and procedures governing the conduct of its business and provide for the administration of this chapterChapter consistent with chapterChapter 2.18 of this eCode;
- I. To assume whatever responsibility and duties may be assigned to it by the state under certified local government provisions of the nNational hHistoric pPreservation aAct of 1966, as amended; and
- J. To perform any other functions consistent with the purposes herein that may be directed by the eCity eCouncil. ~~(Ord. C-6961 § 1 (part), 1992).~~

2.63.050 Criteria for designation of landmarks and landmark districts.

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

- A. It possesses a significant character, interest or value attributable to the development, heritage or cultural characteristics of the eCity, the southern California region, the state or the nation; or
- B. It is the site of a historic event with a significant place in history; or
- C. It is associated with the life of a person or persons significant to the community, eCity, region or nation; or
- D. It portrays the environment in an era of history characterized by a distinctive architectural style; or
- E. It embodies those distinguishing characteristics of an architectural type or engineering specimen; or
- F. It is the work of a person or persons whose work has significantly influenced the development of the eCity or the southern California region; or

- G. It contains elements of design, detail, materials, or craftsmanship which represent a significant innovation; or
- H. It is a part of or related to a distinctive area and should be developed or preserved according to a specific historical, cultural or architectural motif; or
- I. It represents an established and familiar visual feature of a neighborhood or community due to its unique location or specific distinguishing characteristic; or
- J. It is, or has been, a valuable information source important to the prehistory or history of the eCity, the southern California region or the state; or
- K. It is one of the few remaining examples in the eCity, region, state or nation possessing distinguishing characteristics of an architectural or historical type; or
- L. In the case of the designation of a tree(s) based on historic significance, that the tree(s) is (are) associated with individuals, places and/or events that are deemed significant based on their importance to national, state and community history; or
- M. In the case of the designation of a tree(s) based on cultural contribution, that the tree(s) is (are) associated with a particular event or adds (add) significant aesthetic or cultural contribution to the community. (~~Ord. ORD-05-0026 § 1, 2005; Ord. C-6961 § 1 (part), 1992).~~

2.63.060 Procedures for designation of landmark or landmark district.

The ~~cultural heritage commission~~Cultural Heritage Commission may recommend the designation of a landmark or landmark district either upon its own nomination or upon nomination by any interested group or individual including the owner or occupant of property proposed for such designation. Any nomination which includes a public building shall be submitted to the eCity mManager for his review. Comments and recommendations resulting from that review may be submitted to the ~~cultural heritage commission~~Cultural Heritage Commission. The eCommission shall take no further action on the nomination until receipt of the eCity mManager's comments and recommendations; provided that, if a written report by the eCity mManager is not received within ~~thirty~~ twenty (30~~29~~) days of submittal to him, the ~~cultural heritage commission~~Cultural Heritage Commission may proceed with its review of the nomination and the formulation of a recommendation relating to the designation of a landmark or landmark district pursuant to the following procedures:

- A. The ~~cultural heritage commission~~Cultural Heritage Commission shall, as a part of its review process:
 - 1. Endeavor to eConsult with affected property owners;
 - 2. Prepare a preliminary report on the nomination which shall include, among other things:
 - a. Notification of affected eCity dDepartments including, when public buildings are a part of the nomination, the eCity mManager,
 - b. Confirmation and verification that the nomination conforms to the requirements of section 2.63.050 of this eChapter,
 - c. Preliminary research into the character and history of the structure or area proposed for designation, and
 - d. A recommendation for final action by the eCommission.
If the eCommission approves the nominated designation, then upon direction of the eCommission, preliminary research, appropriate inventory forms and other supporting data as directed shall be completed as necessary to prepare the matter for final determination by the eCommission. Final action recommending

approval or disapproval of the nominated landmark or landmark district shall be by a majority vote of the eCommission.

B. If the ~~cultural heritage commission~~Cultural Heritage Commission recommends approval, the eCommission shall advise the ~~director~~Director of ~~planning and building~~Development Services in writing of the proposed designation of a landmark or landmark district and secure from the ~~director~~Director of ~~planning and building~~Development Services recommendations concerning the relationship of the proposed landmark or landmark district to the gGeneral pPlan of the eCity, its effect on the surrounding neighborhood and any other planning considerations which may be relevant to the proposed designation. If a written report by the ~~director~~Director of ~~planning and building~~Development Services is not received within ~~thirty~~ twenty (~~30~~20) days of receipt of notice of a proposed designation, the Ceultural Heritage eCommission may conclude that the ~~director~~Director of ~~planning and building~~Development Services has no objections to the designation and proceed with its consideration. The Ceultural Heritage eCommission shall acknowledge the recommendations, and incorporate them into their report to be submitted to the eCity ~~planning commission~~Planning Commission. Included in the Ceultural Heritage's Ceommission's report to the eCity ~~planning commission~~Planning Commission shall be the eCommission's recommended guidelines and standards to be applied to the subject property.

C. The eCity ~~planning commission~~Planning Commission shall schedule a public hearing on the proposed designation of a landmark or landmark district as soon as practicable after receiving the proposal from the ~~cultural heritage commission~~Cultural Heritage Commission. Written notice shall be placed in the mail to all owners of record of real property within the boundaries of the area proposed for designation and located within the distance specified in Section 21.21.302.B.4 of this Code or any successor section thereto, three hundred feet (300) of such boundaries. In those instances where the owners petition the eCity for such designation, it shall be the petitioners' obligation to furnish a current list of names and legal mailing addresses to the eCity ~~planning and building~~Development Services dDepartment of all real property owners to be notified and pay such fee as shall be established by separate resolution. When the proposed designation is by eCity initiative, the ~~city planning and building~~Development Services dDepartment shall be responsible for preparing the notification list. The public hearing shall be set for not less than ten (10) days nor more than thirty (30) days subsequent to the date of written notice.

D. Within thirty (30) days after the close of the public hearing, the eCity ~~planning commission~~Planning Commission shall make its recommendation on the proposed landmark or landmark district designation. These recommendations, together with the specific findings of fact constituting the basis for the ~~commission~~Commission's decision shall be transmitted ~~to the eCity eCouncil~~

E. The eCity eCouncil shall consider the matter as soon as practicable after receiving the eCity ~~planning commission~~Planning Commission's recommendation. If the eCity eCouncil approves the landmark or landmark district designation, such approval shall be evidenced by ordinance.

The eCity eClerk shall then notify the ~~director~~Director of ~~planning and building~~Development Services of its action in order to ensure compliance with this eChapter.

F. The ordinance designating a landmark or landmark district shall include a description of the particular characteristics which justify the designation and which should therefore be preserved; shall set forth ~~stipulate~~ the reasons relative to section 2.63.050 for the designation; shall develop a set of general guidelines to establish standards for future

proposed changes, and shall delineate the location and boundaries of the landmark site or landmark district. A certified copy of such ordinance shall be recorded in the office of the eCounty rRecorder of the eCounty of Los Angeles by the eCity eClerk immediately following its effective date.

- G. The property included in the designation ordinance shall upon designation be subject to the controls and standards set forth in this eChapter.
- H. The record owner of real property designated as a landmark or ~~the record owner of a historically significant contributing cultural property resource~~ within a landmark district, or the eCity, on its own initiative, may petition to withdraw from designated status provided the same procedure described above to cause such designation is followed. Any owner of designated property that petitions for withdrawal from designated status shall furnish the materials required in sSubsection C of this section and shall pay such fee as established by the City Council by separate resolution; provided, that in no case may real property be withdrawn from designated status unless it has lost those contributing qualities that led to its initial designation and the eCity eCouncil, upon recommendation of the ~~cultural heritage commission~~Cultural Heritage Commission and the ~~planning commission~~Planning Commission, by resolution so finds.
- I. Once the ~~cultural heritage commission~~Cultural Heritage Commission has approved a nomination for designation proceedings, no permits for the alteration, remodel, enlarging, demolition or removal of a structure or improvement nominated for landmark status as provided in this section shall be issued during the pendency of a review related thereto; provided, that the prohibition shall terminate on the one hundred eighty first day following approval of the nomination for designation proceedings, and provided that, notwithstanding the provisions of this subsection I, requests for building permits which the Director of Development Services neighborhood and historic preservation officer determines will have no adverse effect on the architectural character of the nominated property, and which meets the guidelines for approval of eCertificates of aAppropriateness set forth in sSection 2.63.070, may be approved during the pendency of review for nomination.
- J. If the ~~cultural heritage commission~~Cultural Heritage Commission fails to transmit a recommendation for landmark designation of any kind to the ~~planning commission~~Planning Commission within sixty (60) days of its action to recommend such designation, any aggrieved or interested party may petition the ~~cultural heritage commission~~Cultural Heritage Commission to do so within twenty (20) days of the expiration of said sixty (60) day period forthwith. If the recommendation is not transmitted within ~~thirty (30) five (5) days~~ after such petition, the nomination for designation shall be deemed null and void and of no further force and effect.
- K. Recordation of landmarks and historic districts. All buildings or structures or areas designated as landmarks or landmark districts by the eCity eCouncil pursuant to this eChapter shall be so recorded by the eCity in the office of the Los Angeles County rRecorder. The document to be recorded shall contain a legal description of the property or properties, the date and substance of the designation, a statement explaining that the demolition, alteration, or relocation of the structure is restricted, and a reference to this section authorizing the recordation. ~~(Ord. C-7760 § 1, 2001; Ord. C-6961 § 1 (part), 1992).~~

2.63.070 Procedures for administering the certificate of appropriatenessCertificate of Appropriateness.

A. ~~No person owning, renting or occupying a property, or building/structure which has been designated a landmark or which is situated in a designated Landmark District, shall make any environmental change to such property unless a certificate of appropriateness~~Certificate of Appropriateness has been issued authorizing such environmental change. ~~Except as otherwise set forth in this Chapter, A~~all environmental changes made to designated landmarks, or historically significant or historically contributing properties within landmark districts within the city, require a certificate of appropriatenessCertificate of Appropriateness whether or not the alteration, demolition, removal or construction of such property requires a e~~C~~ity permit.

B. ~~The Cultural Heritage Commission shall be responsible for considering and issuing Certificates of Appropriateness for those sites or improvements which have been designated as landmarks pursuant to the provisions of this Chapter, and also for substantial alterations made to contributing structures/buildings or sites within a designated Historic District. For the purpose of this Section, the term "substantial alteration" shall mean an alteration which jeopardizes a structure's individual eligibility as a contributing structure in the National Register of Historic Places, or its status as a contributing structure within a designated Historic District or in the California Register of Historical Resources, such as, but not limited to:~~

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

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

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

~~The Director of Development Services shall be responsible for considering and issuing Certificates of Appropriateness for buildings/structures within designated Landmark Districts in all other instances, including, but not limited to: replacement of windows and doors (including screen doors) with like materials (e.g., wood window changed with wood or wood clad window of similar aesthetics); replacement/repair of siding with siding similar in size and appearance; replacement/repair of a porch or primary entry to the building/structure; replacement/repair of garage doors that are visible from the public right of way; or installation/repair of rain gutters. While the primary authority and responsibility for consideration of applications for certificates of appropriateness for historic landmarks resides with the Cultural Heritage Commission, the authority and responsibility for all other requests for certificates of appropriateness rests with the Director of Development Services or designee.~~

~~CB. An applicant for a certificate of appropriateness~~Certificate of Appropriateness shall file an application with the ~~cultural heritage commission~~Cultural Heritage Commission or Director of Development Services, as appropriate, on forms provided by the office of neighborhood and historic preservation. The application shall contain all facts and information necessary to properly consider the matter. The applicant shall also ~~pay~~pay provide such fee as ~~is~~is established by separate resolution of the City Council. ~~Upon determination by the neighborhood and historic preservation officer that the application is complete, it will be forwarded to the cultural heritage commission~~Cultural Heritage Commission.

CD. ~~The cultural heritage commission~~Cultural Heritage Commission or, as appropriate, the ~~director~~Director of ~~planning and building~~Development Services or ~~designee~~ shall only issue a ~~certificate of appropriateness~~Certificate of Appropriateness if it is determined that the proposed environmental change:

1. Will not adversely affect any significant historical, cultural, architectural or aesthetic feature of the concerned property or of the landmark district in which it is located and that issuance of the Certificate, is consistent with the spirit and intent of this Chapter; ~~or~~
2. Will remedy any condition determined to be imminently dangerous or unsafe by the Fire Department or the ~~planning and building~~Development Services ~~Department~~;
3. The proposed change is consistent with or ~~not incompatible~~ with the architectural period of the building;
4. The proposed change is compatible in architectural style with existing adjacent contributing structures in a historic landmark district;
5. The scale, massing, proportions, materials, colors, textures, fenestration, decorative features and details proposed are consistent with the period and/or compatible with adjacent structures;
6. The proposed change is consistent with the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings of the U.S. Department of the Interior.

ED. If the Commission, or if authorized, the ~~neighborhood and historic preservation officer~~Director of Development Services, or ~~designee~~, determines that the proposed environmental change will adversely affect any significant historical, cultural, architectural or aesthetic feature of the concerned property or of the landmark district in which it is located, the ~~certificate of appropriateness~~Certificate of Appropriateness shall be denied. If the Commission or the Director of Development Services ~~neighborhood and historic preservation officer~~ finds that the adverse effects can be overcome by minor modifications to of the application, a ~~certificate of appropriateness~~Certificate of Appropriateness with conditions may be issued.

FE. Once a ~~certificate of appropriateness~~Certificate of Appropriateness is issued, finally approved, the applicant may proceed with the proposed environmental change provided all other requirements of the City are met.

F. ~~In the instance of denial of a certificate of appropriateness for demolition of a designated historic landmark, or for demolition of any contributing building or structure in a designated historic district, or for demolition of any other designated historic resource, the applicant shall not proceed with the proposed demolition to the landmark, or historic resource within a designated landmark district, for six (6) months from the date of such denial, and no city permits therefor shall be issued within the six (6) month period. If, prior to the expiration of the six (6) month period, the cultural heritage commission determines that the preservation of the historic resource requires an additional six (6) months, it may so advise the city planning commission which may extend the period of time not to exceed an additional six (6) month period. The city planning commission shall give written notice of the extension of time to the original applicant and to the director of planning and building. During the prescribed period of time and any extension thereof, the cultural heritage commission shall investigate the feasibility of all available means of preserving the designated landmark or contributing structure in a designated landmark district. At the expiration of the prescribed~~

waiting period or extensions thereof, provided all appropriate environmental review has been completed, and provided further that all other city regulations are met, the applicant may proceed with the proposed demolition.

~~GF. While the primary authority and responsibility for consideration of applications for certificates of appropriateness resides in the cultural heritage commission, the commission may delegate its authority and responsibility to the director of planning and building in the case of minor environmental changes which have no adverse affect on the character defining features of a designated landmark of the following kind:~~

- ~~1. Minor changes to landscaping;~~
- ~~2. Repairs, replacements or construction of new fences of materials other than chainlink or untreated concrete block;~~
- ~~3. Reroofing with no change in material;~~
- ~~4. Resurfacing of exterior with no change in material;~~
- ~~5. Interior remodeling to residential properties;~~
- ~~6. Construction of accessory buildings not visible from the public right-of-way;~~
- ~~7. Addition of mechanical equipment;~~
- ~~8. Minor environmental changes of a nature similar to those set forth in subsections 2.63.070.G.1 through 2.63.070.G.7 of this section.~~

GH. The California sState hHistorical bBuilding eCode provides alternative building regulations for the rehabilitation, preservation, restoration or relocation of qualified historic buildings or structures. This shall include structures on national, state or local historical registers or official inventories, such as the National Register of Historic Places, state historical landmarks, state points of historical interest, and city or county registers or inventories of historical or architecturally significant sites, places, historic districts, or landmarks. The California State ~~hHistorical bBuilding eCode~~, pPart 8 of the uUniform bBuilding eCode, shall be used for any designated eCity landmark or contributing historic structure in a designated historic district through the eCity's building permit procedure.

HI. The provisions of this sSection shall not be construed so as to prevent the ordinary maintenance and repair of any exterior feature of a landmark, or building structure of historic or contributing historical significance cultural resource within a landmark district, or to prevent the construction, reconstruction, alteration, restoration or demolition of any feature which is necessary to remedy an immediately unsafe or dangerous condition as determined by the Fire Department and/or Development Services Department, excluding orders issued pursuant to Chapter 18.68 of this Code. In such cases, the work must be approved by the Director of Development Services, ~~or designee~~, and no Certificate of Appropriateness shall be required. Examples of this work shall include, but not be limited to, the following:

- ~~(a)1. Construction, demolition or alteration of side and rear yard fences that does not alter the historical appearance or historical integrity of the structure.~~
- ~~(b)2. Construction, demolition or alteration of front yard fences that does not alter the historical appearance or historical integrity of the structure, if no change in appearance occurs.~~
- ~~(c)3. Repairing or repaving of flat concrete work in the side and rear yards that does not alter the historical appearance or historical integrity of the structure.~~
- ~~(d)4. Repaving of existing front yard paving, concrete work, and walkways that does not alter the historical appearance or historical integrity of the structure, if no change in appearance occurs.~~
- ~~(e)5. Roofing work that does not alter the historical appearance or historical integrity of the structure, if no change in appearance occurs.~~
- ~~(f)6. Foundation work that does not alter the historical appearance or historical integrity of the structure, if no change in appearance occurs.~~
- ~~(g)7. Chimney work that does not alter the historical appearance or historical integrity of the structure, if no change in appearance occurs.~~
- ~~(h)8. Landscaping that does not alter the historical appearance or historical integrity of the structure, unless the Landmark Designation specifically identifies the landscape~~

~~layout, features, or elements as having particular historical, architectural, or cultural merit.~~

~~(i)9. Installation of water heaters, electrical box, air conditioning units, or other utility items provided they are not visible from the public right-of-way.~~

~~(i)10. Repainting, unless the repainting would alter the historical appearance or historical integrity of the structure.~~

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

~~that does not involve a change in design, material, color or exterior appearance. The provisions of this section shall not prevent the construction, reconstruction, alteration, restoration or demolition of any such feature which is necessary to remedy an immediately unsafe or dangerous condition as determined by the fire department and/or planning and building department, excluding orders issued pursuant to chapter 18.68 by this code.~~

J. Notwithstanding any other provisions of this Chapter, a ~~certificate of appropriateness~~ Certificate of Appropriateness shall become void unless construction relating to the environmental change is commenced within twelve (12) months of the date of issuance. Certificates of a ~~Appropriateness~~ Appropriateness may be renewed for a twelve (12) month period by applying to the ~~eCommission staff or to the Director of Development Services.~~ If the environmental change is not completed within twelve (12) months after the expiration of the last building permit, a new ~~certificate of appropriateness~~ Certificate of Appropriateness shall be required. (Ord. C-7836 § 1, 2002; Ord. C-6971 § 1, 1992; Ord. C-6961 § 1 (part), 1992).

2.63.075 Hearings and Determinations.

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

A. For hearings to be conducted by the Cultural Heritage Commission notice shall be given not less than fourteen (14) days nor more than forty-five days prior to the hearing. Notice of hearing shall be mailed or personally delivered to the applicant and to the owner(s) of the subject property or their authorized agent. Notice shall also be mailed or delivered to all owners of real property as shown on the latest equalized assessment roll located within the distance specified in Section 21.21.302.B.4 of this Code or any successor section thereto. Notice of hearing shall also be posted at the landmark site at least fourteen (14) days prior to the hearing in a form and manner deemed appropriate by the Director of Development Services.

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

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

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

2.63.080 Appeals.

Any person aggrieved by the denial or approval of a ~~certificate of appropriateness~~Certificate of Appropriateness may appeal such denial or approval in the following manner:

A. _____ The appellant may file a notice of appeal, an appeal, in writing, with the ~~d~~Department of planning and building Development Services within ten (10) calendar days after issuance of the written decision to deny ~~denial or approval~~ al of the application for a ~~certificate of appropriateness~~Certificate of Appropriateness. The appeal shall be accompanied by a list of all property owners of record within three hundred feet (300') of the boundaries of the subject property and such fee as shall be established by separate resolution. The appeal shall, in the case of a decision of the ~~cultural heritage commission~~Cultural Heritage Commission, be heard by the ~~city planning commission~~Planning Commission, or in the case of a ~~determination~~ decision by the ~~director~~Director of planning and building Development Services, ~~or designee~~ shall be heard by the ~~cultural heritage commission~~Cultural Heritage Commission. The appeal hearing shall be conducted no later than ~~in public hearing~~ within forty five (45) days after the notice of appeal has been filed and deemed complete of receipt of a complete appeal by the ~~d~~Department of planning and building Development Services. Written ~~n~~ Notice of the appeal hearing shall be provided to the appellant, the applicant, and to any person who has requested in writing that such notice be provided such hearing shall be sent by the ~~d~~Department of planning and building Development Services in accordance with the noticing provisions in Section 21.21 of the Municipal Code. to all property owners of record within three hundred feet (300') of the boundaries of the subject property not less than ten (10) days prior to that hearing. Notice of the appeal hearing shall also be posted at the subject site at least fourteen (14) days prior to the hearing in a form and manner deemed appropriate by the Director of Development Services. Only one appeal shall be allowed on any application, and the decision on appeal shall be deemed final.

B. _____ The appeal body may affirm, reverse or modify the action of the ~~cultural heritage commission~~Cultural Heritage Commission or the ~~director~~Director of planning and building Development Services and may affix whatever conditions of approval as it deems reasonably necessary. (Ord. C-7521 § 1, 1998; Ord. C-6964 § 1 (part), 1992).

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

2.63.090 Publicly owned resources.

The provisions of this eChapter shall also apply to any plans to alter, redecorate or refurbish the exterior or interior features, or make any environmental change, to any designated cultural resources owned by the eCity or other public entities. The ~~director~~Director of planning and building~~Development Services~~ shall notify the ~~cultural heritage commission~~Cultural Heritage Commission at least sixty (60) days in advance of such plans, allowing adequate time for the eCommission to study and make recommendations on the plan. ~~(Ord. C 6961 § 1 (part), 1992).~~

2.63.100 Easements and development rights.

This eChapter shall empower the eCity to acquire facade easements or development rights to landmarks, or other cultural resources within a landmark district, through purchase, donation or condemnation. The easement or development rights shall be designed to run with the land in order to preserve or maintain the significant features of the landmark or cultural resource within the landmark district. ~~(Ord. C 6961 § 1 (part), 1992).~~

2.63.110 Penalties.

A. _____ Any person who knowingly violates a requirement of this eChapter or knowingly fails to obey a lawful order issued by the Commission or the Director of Development Services, ~~Commission~~ or to comply with a condition of approval of any certificate or permit issued under this eChapter shall be guilty of a misdemeanor and subject to provisions of sSection 1.32.010 of this eCode.

B. _____ Any person who constructs, alters, removes or demolishes a cultural resource ~~cultural resource~~ in violation of this eChapter 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 eCity or any other interested party. ~~The~~The civil remedy may be in addition to, and not in lieu of, any criminal prosecution and penalty and other remedy provided by law.

~~(Ord. C 6961 § 1 (part), 1992).~~

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ORDINANCE NO.

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

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landmark district.

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

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

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

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

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

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

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

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

M.. "Ordinary Repairs and Maintenance" means any work done on any improvements or replacement of any part of an improvement for which a building permit is not required by law and where the purpose and 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

1 condition of approval of any certificate or permit issued under this Chapter
2 shall be guilty of a misdemeanor and subject to provisions of Section
3 1.32.010 of this Code.

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

11
12 Section 2. The City Clerk shall certify to the passage of this ordinance by
13 the City Council and cause it to be posted in three (3) conspicuous places in the City of
14 Long Beach, and it shall take effect on the thirty-first (31st) day after it is approved by the
15 Mayor.

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

Ayes: Councilmembers: _____

Noes: Councilmembers: _____

Absent: Councilmembers: _____

City Clerk

Approved: _____
(Date)

Mayor

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