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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

OFFICE OF THE CITY ATTORNEY
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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, archeology, or
19 other historic preservation related disciplines, such as urban planning,
20 American studies, American civilization, cultural geography, or cultural
21 anthropology, to the extent that such professionals are available in the
22 community. Commission membership shall also include lay members
23 who have special interest in, or who have demonstrated competence,
24 experience, or knowledge in historic preservation or other historic
25 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 any proposed modifications to a designated
11 landmark and to issue or deny a Certificate of Appropriateness thereon;

12 C. To encourage public interest in cultural preservation in the
13 City;

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

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

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

25 G. Subject to the consent of City Council, recommend
26 acceptance by the City of gifts, grants and conservation easement
27 donations consistent with the purposes for which the Commission was
28 established;

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

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

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

9 2.63.050 Criteria for designation of landmarks and landmark districts.

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

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

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

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

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

21 E. It embodies those distinguishing characteristics of an
22 architectural type or engineering specimen; or

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

26 G. It contains elements of design, detail, materials, or
27 craftsmanship which represent a significant innovation; or

28 H. It is a part of or related to a distinctive area and should be

1 developed or preserved according to a specific historical, cultural or
2 architectural motif; or

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

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

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

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

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

19 2.63.060 Procedures for designation of landmark or landmark district.

20 The Cultural Heritage Commission may recommend the
21 designation of a landmark or landmark district either upon its own
22 nomination or upon nomination by any interested group or individual
23 including the owner or occupant of property proposed for such
24 designation. Any nomination which includes a public building shall be
25 submitted to the City Manager for his review. Comments and
26 recommendations resulting from that review may be submitted to the
27 Cultural Heritage Commission. The Commission shall take no further
28 action on the nomination until receipt of the City Manager's comments

1 and recommendations; provided that, if a written report by the City
2 Manager is not received within thirty (30) days of submittal to him, the
3 Cultural Heritage Commission may proceed with its review of the
4 nomination and the formulation of a recommendation relating to the
5 designation of a landmark or landmark district pursuant to the following
6 procedures:

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

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

26 B. If the Cultural Heritage Commission recommends approval,
27 the Commission shall advise the Director of Development Services in
28 writing of the proposed designation of a landmark or landmark district and

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

15 C. The City Planning Commission shall schedule a public
16 hearing on the proposed designation of a landmark or landmark district as
17 soon as practicable after receiving the proposal from the Cultural Heritage
18 Commission. Written notice shall be placed in the mail to all owners of
19 record of real property within the boundaries of the area proposed for
20 designation and located within the distance specified in Section
21 21.21.302.B.4 of this Code or any successor section thereto. In those
22 instances where the owners petition the City for such designation, it shall
23 be the petitioners' obligation to furnish a current list of names and legal
24 mailing addresses to the City Development Services Department of all
25 real property owners to be notified and pay such fee as shall be
26 established by separate resolution. When the proposed designation is by
27 City initiative, the Development Services Department shall be responsible
28 for preparing the notification list. The public hearing shall be set for not

1 less than ten (10) days nor more than thirty (30) days subsequent to the
2 date of written notice.

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

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

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

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

27 H. The record owner of real property designated as a landmark
28 or the record owner of a historically significant contributing property within

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

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

24 J. If the Cultural Heritage Commission fails to transmit a
25 recommendation for landmark designation of any kind to the Planning
26 Commission within sixty (60) days of its action to recommend such
27 designation, any aggrieved or interested party may petition the Cultural
28 Heritage Commission to do so within twenty (20) days of the expiration of

1 said sixty (60) day period. If the recommendation is not transmitted within
2 thirty (30) days after such petition, the nomination for designation shall be
3 deemed null and void and of no further force and effect.

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

12 2.63.070 Procedures for administering the Certificate of
13 Appropriateness.

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

23 B. The Cultural Heritage Commission shall be responsible for
24 considering and issuing Certificates of Appropriateness for those sites or
25 improvements which have been designated as landmarks pursuant to the
26 provisions of this Chapter; and also for substantial alterations made to
27 contributing structures/buildings or sites within a designated Historic
28 District. For the purpose of this Section, the term "substantial alteration"

1 shall mean an alteration which jeopardizes a structure's individual
2 eligibility as a contributing structure in the National Register of Historic
3 Places, or its status as a contributing structure within a designated City
4 Historic District or in the California Register of Historical Resources, such
5 as, but not limited to:

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

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

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

20 The Director of Development Services shall be responsible for
21 considering and issuing Certificates of Appropriateness for
22 buildings/structures within designated Landmark Districts in all other
23 instances, including, but not limited to: replacement of windows and doors
24 (including screen doors) with like materials (e.g., wood window changed
25 with wood or wood clad window of similar aesthetics); replacement/repair
26 of siding with siding similar in size and appearance; replacement/repair of
27 a porch or primary entry to the building/structure; replacement/repair of
28 garage doors that are visible from the public right of way; or

1 installation/repair of rain gutters.

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

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

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

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

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

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

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

26 6. The proposed change is consistent with the Secretary of
27 the Interior's Standards for Rehabilitation and Guidelines for
28 Rehabilitating Historic Buildings of the U.S. Department of the Interior.

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

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

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

24 H. The provisions of this Section shall not be construed so as
25 to prevent the ordinary maintenance and repair of any exterior feature of a
26 landmark, or building/structure of historic or contributing historical
27 significance within a landmark district. In such cases, the work must be
28 approved by the Director of Development Services, and no Certificate of

1 Appropriateness shall be required. Examples of this work shall include,
2 but not be limited to, the following:

- 3 1. Construction, demolition or alteration of side and rear
4 yard fences;
- 5 2. Construction, demolition or alteration of front yard fences,
6 if no change in appearance occurs;
- 7 3. Repairing or repaving of flat concrete work in the side
8 and rear yards;
- 9 4. Repaving of existing front yard paving, concrete work,
10 and walkways, if no change in appearance occurs;
- 11 5. Roofing work, if no change in appearance occurs;
- 12 6. Foundation work, if no change in appearance occurs;
- 13 7. Chimney work, if no change in appearance occurs;
- 14 8. Landscaping, unless the landmark designation
15 specifically identifies the landscape layout, features, or elements as
16 having particular historical, architectural, or cultural merit;
- 17 9. Installation of water heaters, electrical box, air
18 conditioning units, or other utility items provided they are not visible from
19 the public right-of-way.
- 20 10. Repainting, unless the repainting would alter the
21 historical appearance or integrity of the structure.

22 I. Notwithstanding any other provisions of this Chapter, a
23 Certificate of Appropriateness shall become void unless construction
24 relating to the environmental change is commenced within twelve (12)
25 months of the date of issuance. Certificates of Appropriateness may be
26 renewed for a twelve (12) month period by applying to the Commission
27 staff or to the Director of Development Services. If the environmental
28 change is not completed within twelve (12) months after the expiration of

1 the last building permit, a new Certificate of Appropriateness shall be
2 required.

3 2.63.075 Hearings and Determinations.

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

8 A. For hearings to be conducted by the Cultural Heritage
9 Commission, notice shall be given not less than fourteen (14) days nor
10 more than forty-five (45) days prior to the hearing. Notice of hearing shall
11 be mailed or personally delivered to the applicant and to the owner(s) of
12 the subject property or their authorized agent. Notice shall also be mailed
13 or delivered to all owners of real property as shown on the latest
14 equalized assessment roll located within the distance specified in Section
15 21.21.302.B.4 of this Code or any successor section thereto. Notice of
16 hearing shall also be posted at the landmark site at least fourteen (14)
17 days prior to the hearing in a form and manner deemed appropriate by the
18 Director of Development Services.

19 B. The Director of Development Services shall consider all
20 applications for Certificates of Appropriateness within his/her jurisdiction
21 as set forth in Section 2.63.070. Determinations shall be made within
22 forty five (45) days after the applicant has submitted an application and
23 the Director determines it to be complete. The Director has authority to
24 approve, conditionally approve or deny an application. Determinations
25 made pursuant to this Subsection shall not require a formal hearing or
26 notice. In making his/her determination the Director shall make written
27 findings in accordance with the criteria set forth in Section 2.63.070.D and

28 E. Rather than act on an application for a Certificate of Appropriateness

1 within his/her jurisdiction, the Director of Development Services may, in
2 his/her sole discretion, refer the application to the Cultural Heritage
3 Commission for its determination. In such case the procedures set forth
4 in Section 2.63.075.A shall apply.

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

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

21 2.63.080 Appeals.

22 Any person aggrieved by the denial or approval of a Certificate of
23 Appropriateness may appeal such denial or approval in the following
24 manner:

25 A. The appellant may file a notice of appeal, in writing, with the
26 Department of Development Services within ten (10) calendar days after
27 issuance of the written decision to deny or approve the application for a
28 Certificate of Appropriateness. The appeal shall, in the case of a decision

1 of the Cultural Heritage Commission, be heard by the Planning
2 Commission, or in the case of a determination by the Director of
3 Development Services, by the Cultural Heritage Commission. The appeal
4 hearing shall be conducted no later than forty five (45) days after the
5 notice of appeal has been filed and deemed complete. Notice of the
6 appeal hearing shall be provided to the appellant, the applicant, and to
7 any person who has requested in writing that such notice be provided.
8 Notice of the appeal hearing shall also be posted at the subject site at
9 least fourteen (14) days prior to the hearing in a form and manner
10 deemed appropriate by the Director of Development Services.

11 B. The appeal body may affirm, reverse or modify the action of
12 the Cultural Heritage Commission or the Director of Development
13 Services and may affix whatever conditions of approval as it deems
14 reasonably necessary.

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

21 2.63.090 Publicly owned resources.

22 The provisions of this Chapter shall also apply to any plans to alter,
23 redecorate or refurbish the exterior or interior features, or make any
24 environmental change, to any designated cultural resources owned by the
25 City or other public entities. The Director of Development Services shall
26 notify the Cultural Heritage Commission of such plans, allowing adequate
27 time for the Commission to study and make recommendations on the
28 plan.

1 2.63.100 Easements and development rights.

2 This Chapter shall empower the City to acquire facade easements
3 or development rights to landmarks, or other cultural resources within a
4 landmark district, through purchase, donation or condemnation. The
5 easement or development rights shall be designed to run with the land in
6 order to preserve or maintain the significant features of the landmark or
7 cultural resource within the landmark district.

8 2.63.110 Penalties.

9 A. Any person who knowingly violates a requirement of this
10 Chapter or knowingly fails to obey a lawful order issued by the
11 Commission or the Director of Development Services, or to comply with a
12 condition of approval of any certificate or permit issued under this Chapter
13 shall be guilty of a misdemeanor and subject to provisions of Section
14 1.32.010 of this Code.

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

22
23 Section 2. The City Clerk shall certify to the passage of this ordinance by
24 the City Council and cause it to be posted in three (3) conspicuous places in the City of
25 Long Beach, and it shall take effect on the thirty-first (31st) day after it is approved by the
26 Mayor.

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

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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following vote:

Ayes: Councilmembers: _____

Noes: Councilmembers: _____

Absent: Councilmembers: _____

City Clerk

Approved: _____
(Date)

Mayor

Chapter 2.63 CULTURAL HERITAGE COMMISSION

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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 6961 § 1 (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~~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~~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.
- K.K. "Member" means any member of the ~~cultural heritage commission~~Cultural Heritage Commission.
- L.L. "Natural ~~f~~Feature" means any tree, plant life or geological element subject to provisions of this ~~chapter~~Chapter.

- M.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, 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 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 modifications to a designated landmark ~~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 ~~e~~City'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 ~~eommission~~Commission'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 ~~echapter~~Chapter consistent with ~~echapter~~Chapter 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 ~~m~~Manager 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 ~~m~~Manager's comments and recommendations; provided that, if a written report by the eCity ~~m~~Manager is not received within ~~thirty twenty~~ (3020) 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 eDepartments including, when public buildings are a part of the nomination, the eCity ~~m~~Manager,
 - 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 ~~e~~ommissionACommission. 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 ~~eGeneral 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 hHeritage 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 HHeritage eCommission~~ shall acknowledge the recommendations, and incorporate them into their report to be submitted to the ~~eCity planning commission~~Planning Commission. Included in the ~~Cultural 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 ~~city~~City 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 ~~city~~City 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 ~~eommission~~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 a~~ Appropriateness 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, All environmental changes made to designated landmarks, or historically significant or historically contributing properties within landmark districts within the city, require a certificate of appropriateness~~Certificate of Appropriateness whether or not the alteration, demolition, removal or construction of such property requires a City 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~~provide such fee as ~~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.

GD. ~~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 eChapter; or
2. Will remedy any condition determined to be imminently dangerous or unsafe by the fFire dDepartment or the ~~planning and building~~Development Services dDepartment;
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 sSecretary of the iInterior's sStandards for rRehabilitation and gGuidelines for rRehabilitating hHistoric bBuildings of the U.S. dDepartment of the iInterior.

ED. If the eCommission, 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 eCommission 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 eCity 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. 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.
- (b)2. Construction, demolition or alteration of front yard fences, if no change in appearance occurs.
- (e)3. Repairing or repaving of flat concrete work in the side and rear yards.
- (d)4. Repaving of existing front yard paving, concrete work, and walkways, if no change in appearance occurs.
- (e)5. Roofing work, if no change in appearance occurs.
- (f)6. Foundation work, if no change in appearance occurs.
- (g)7. Chimney work, if no change in appearance occurs.
- (h)8. Landscaping, unless the Llandmark Ddesignation 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.
- (j)10. Repainting, unless the repainting would alter the historical appearance or integrity of the structure.

~~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 eChapter, 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 aAppropriateness 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 appropriatenessCertificate 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 approve 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 6961 § 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 ~~e~~Chapter 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 ~~e~~City or other public entities. The ~~director~~Director of ~~planning and building~~Development Services shall notify the ~~cultural heritage commission~~Cultural Heritage Commission of such plans, allowing adequate time for the ~~e~~Commission to study and make recommendations on the plan. ~~(Ord. C 6961 § 1 (part), 1992).~~

2.63.100 Easements and development rights.

This ~~e~~Chapter shall empower the ~~e~~City 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 ~~e~~Chapter or knowingly fails to obey a lawful order issued by the Commission or the Director of Development Services, ~~C~~ommission or to comply with a condition of approval of any certificate or permit issued under this ~~e~~Chapter shall be guilty of a misdemeanor and subject to provisions of ~~s~~Section 1.32.010 of this ~~e~~Code.
- B. ~~_____~~ Any person who constructs, alters, removes or demolishes a cultural resource ~~cultural resource~~ in violation of this ~~e~~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 ~~e~~City 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).~~