

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LONG BEACH AMENDING THE LONG BEACH MUNICIPAL CODE BY AMENDING CHAPTER 2.63 IN ITS ENTIRETY; AND AMENDING SECTION 9.65.060.A, ALL RELATING TO THE CULTURAL HERITAGE COMMISSION

The City Council of the City of Long Beach ordains as follows:

Section 1. Chapter 2.63 of the Long Beach Municipal Code to 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 districts, buildings, structures, natural features, works of art, signs and other similar objects that are reminders of past eras, events and persons important in local, State or national history, or that provide significant examples of architectural styles of the past, or that are unique and irreplaceable assets to the City and its neighborhoods, or that 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 cultural resources;

C. To increase the economic and financial benefits to the City and its inhabitants by promoting the City's tourist trade and thereby stimulating

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1 local business and industry;

2 D. To enhance the visual character of the City through the
3 preservation and rehabilitation of varied building types and styles that reflect
4 the City's cultural, social, economic, political and architectural history;

5 E. To encourage the rehabilitation, restoration and adaptive reuse
6 of cultural resources using the best practices in the field of historic
7 preservation principles;

8 F. To promote public understanding and appreciation of the unique
9 architectural and cultural heritage of the City through educational programs;
10 and

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

14 2.63.020 Definitions.

15 A. "Alteration" means physical change to a district, building,
16 structure, natural feature, work of art, sign or similar object subject to the
17 provisions of this Chapter.

18 B. "Applicant" means a person, persons, association, partnership,
19 corporation, or other business entity who applies for a certificate of
20 appropriateness in order to undertake any modification to property subject to
21 this Chapter.

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

25 D. "Certificate of appropriateness" means a written authorization
26 issued pursuant to this Chapter to accomplish any modification to a Landmark
27 or property within a Landmark District.

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

1 F. "Contributing Property" means a property within a Landmark
2 District that was present during the period of significance and retains its
3 integrity.

4 G. "Cultural resource" means district, building, structure, natural
5 feature, work of art, sign or other similar objects having a special historical,
6 cultural, archaeological, architectural or aesthetic value.

7 H. "Days" means consecutive calendar days unless otherwise
8 specified.

9 I. "Director of Development Services" means the Director of the
10 Development Services Department or his or her designee.

11 J. "Façade Easement" means a voluntary legal agreement
12 between a property owner and qualified organization to protect a significant
13 cultural resource.

14 K. "Improvement" means any building, structure, work of art, sign
15 or similar object constituting a physical addition to real property or any part of
16 such addition.

17 L. "Integrity" means the ability of the cultural resource to convey its
18 significance, defined by a combination of the following qualities: location,
19 design, setting, materials, workmanship, feeling and association.

20 M. "Landmark" means any property or improvement, manmade or
21 natural, that has special historical, cultural, archeological, architectural or
22 aesthetic value as part of the heritage of the City, State, or United States and
23 has been designated as a Landmark pursuant to the provisions of this
24 Chapter.

25 N. "Landmark District" means any grouping of related properties
26 that has a special historical, cultural, archeological, architectural or aesthetic
27 value as part of the heritage of the City, State or United States and has been
28 designated as a Landmark District pursuant to the provisions of this Chapter.

1 O. "Member" means any member of the Cultural Heritage
2 Commission.

3 P. "Mills Act" means the program implemented by the City of Long
4 Beach to provide a financial incentive for property owners to undertake
5 restoration, rehabilitation, or maintenance of a Landmark property.

6 Q. "Modification" means any alteration, demolition, removal,
7 construction, exterior painting, or window replacement, of any improvement or
8 natural feature subject to the provisions of this Chapter.

9 R. "Natural feature" means any tree, plant life or geological element
10 subject to provisions of this Chapter.

11 S. "Ordinary repairs and maintenance" means any work done on
12 any improvements or replacement of any part of an improvement for which a
13 building permit is not required by law and where the purpose and effect of such
14 work or replacement is to correct any deterioration, decay or damage to such
15 improvement in order to restore it to original condition prior to the occurrence
16 of such deterioration, decay or damage.

17 T. "Owner" means the person, persons, association, partnership,
18 corporation or other business entity appearing as the owner of such
19 improvement, natural feature or property on the last equalized assessment roll
20 of the County.

21 U. "Period of Significance" means the period of time in which the
22 resource achieved significance.

23 V. "Person" means any individual, association, partnership, firm,
24 corporation, public agency or political division.

25 W. "Relocation" means moving a building, structure, work of art,
26 sign or similar object from one site to another.

27 2.63.030 Created—Members.

28 A. A Cultural Heritage Commission is created by this Chapter

1 whose purpose shall be to recognize, protect and promote the retention,
2 maintenance and use of Landmarks and Landmark Districts in the City in
3 accordance with this Chapter. Said Commission shall consist of seven (7)
4 members who shall serve without compensation and who are residents of the
5 City who have manifested a knowledge and interest in the preservation of the
6 City's cultural heritage.

7 B. Commission members shall be appointed from the disciplines of
8 architecture, urban design, history, architectural history, urban planning,
9 archeology or other historic preservation related disciplines, such as American
10 studies, American civilization, cultural geography or cultural anthropology, to
11 the extent that such professionals are available in the community. Commission
12 membership shall also include lay members who have special interest or
13 concern in, or who have demonstrated competence, experience or knowledge
14 in historic preservation or related disciplines.

15 C. The term of office and the number of terms of office of the
16 members of the Commission shall be in accordance with and pursuant to the
17 provisions of Chapter 2.18, as the provisions of Chapter 2.18 are presently
18 worded or hereafter amended.

19 2.63.040 Duties.

20 The Cultural Heritage Commission shall have the following powers and
21 duties:

22 A. To recommend to the City Council that specific districts,
23 buildings, structures, natural features, works of art, signs or similar objects
24 having a special historical, cultural, archaeological, architectural, or aesthetic
25 value as part of the heritage of the City, be designated as a Landmark or
26 Landmark District;

27 B. To review any proposed modifications to Landmarks or to a
28 contributing building or structure within a Landmark District, and to issue or

1 deny a certificate of appropriateness thereon;

2 C. To encourage public interest in the preservation of cultural
3 resources in the City;

4 D. To compile, maintain and update a local register of Landmarks
5 and Landmark Districts and to publicize and periodically update the City's
6 cultural resource survey;

7 E. To review and comment for advisory purposes only upon the
8 conduct of land use, housing, redevelopment, public works and other types of
9 planning and programs undertaken by any agency or department of the City,
10 County, State or nation, as they relate to the cultural heritage of the City;

11 F. Upon authorization of the City Council, coordinate and
12 cooperate with local, County, State and federal governments in pursuit of the
13 Commission's purposes;

14 G. Subject to the consent of the City Council, recommend
15 acceptance of gifts, grants and facade easement donations consistent with
16 the purposes for which the Commission was established;

17 H. To make and adopt, and from time to time amend, rules and
18 procedures governing the conduct of its business and provide for the
19 administration of this Chapter consistent with Chapter 2.18 of this Code;

20 I. To assume whatever responsibilities and duties may be
21 assigned to it by the State under certified local government provisions of the
22 National Historic Preservation Act of 1966, as amended; and

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

25 2.63.050 Criteria for designation of Landmarks and Landmark Districts.

26 Landmarks.

27 A cultural resource qualifies for designation as a Landmark if it retains
28 integrity and manifests one (1) or more of the following criteria:

1 A. It is associated with events that have made a significant
2 contribution to the broad patterns of the City's history; or

3 B. It is associated with the lives of persons significant in the City's
4 past; or

5 C. It embodies the distinctive characteristics of a type, period or
6 method of construction, or it represents the work of a master or it possesses
7 high artistic values; or

8 D. It has yielded, or may be likely to yield, information important in
9 prehistory or history.

10 Landmark Districts.

11 A group of cultural resources qualify for designation as a Landmark
12 District if it retains integrity as a whole and meets the following criteria:

13 A. The grouping represents a significant and distinguishable entity
14 that is significant within a historic context.

15 B. A minimum of sixty percent (60%) of the properties within the
16 boundaries of the proposed landmark district qualify as a contributing property.

17 2.63.060 Procedures for designation of a Landmark.

18 The Cultural Heritage Commission may recommend the designation of
19 a Landmark either upon its own nomination or upon nomination by any
20 interested group or individual including the owner or occupant of the property
21 proposed for such designation..

22 A. Nomination for the designation of a Landmark. Nomination of a
23 resource for Landmark designation shall be submitted to the Development
24 Services Department for review in the manner prescribed in this Section.

25 1. Nomination application. A nomination shall be filed by
26 submitting a completed application on a form provided by the Development
27 Services Department.

28 2. Application Fee. A filing fee shall accompany each

1 application in the amount set forth in the fee schedule adopted by the City
2 Council by resolution.

3 3. Application review. Staff reviews the application for
4 completeness:

5 a. If the application is deemed incomplete, Staff
6 contacts the applicant for additional information.

7 b. If the application is deemed complete, Staff:

8 i. Schedules the nomination for a public
9 hearing on the next available agenda of the Cultural Heritage Commission, but
10 no more than sixty (60) days after the application is deemed complete;

11 ii. Notifies the affected property owner and the
12 occupants of the property consistent with the City noticing requirements; and

13 iii. Prepares a recommendation report for final
14 action. The report shall include a discussion of the relationship of the
15 proposed Landmark to the General Plan, its effect on the surrounding
16 neighborhood and any other planning or historic preservation considerations
17 that may be relevant to the proposed designation.

18 iv. At least thirty (30) days before the date set
19 for a hearing to consider a landmark nomination before the Cultural Heritage
20 Commission, the Director of Development Services shall mail, by certified
21 mail, postage prepaid, notice of the hearing to the affected property
22 owner(s). Such mailing shall include a summary statement of the anticipated
23 impacts and effects of a landmark designation as it relates to the future
24 property and development rights, benefits, and constraints incumbent with a
25 landmark designation. The notice shall also provide the owner the opportunity
26 to meet with staff for further information regarding the designation process.
27 The failure to mail the notice to the property owner or the failure of the property
28 owner to receive the notice shall not affect the validity of any proceedings

1 taken under this Chapter.

2 B. Review of the Landmark nomination.

3 1. The Cultural Heritage Commission shall review the
4 nomination at a duly noticed public hearing and make a recommendation to
5 the City Council based upon findings of fact pertaining to the designation
6 criteria in this Chapter.

7 2. Final action recommending approval or disapproval of a
8 nominated Landmark shall be by a majority vote of the Commission.

9 3. The City Council shall consider the nomination as soon
10 as practical after receiving the Cultural Heritage Commission's
11 recommendation, and shall approve by ordinance (in whole or in part) or
12 disapprove the nomination. The ordinance designating a Landmark shall
13 include a description of the particular characteristics that justify the
14 designation; set forth the reasons relative to the designation criteria; and
15 delineate the location and boundaries of the Landmark.

16 4. Notice of the City Council's decision shall be sent to the
17 Cultural Heritage Commission, the applicant, and the owner of the subject
18 property.

19 C. Declaration of a Landmark designation.

20 1. A certified copy of such ordinance shall be recorded in the
21 Office of the County Recorder by the City Clerk immediately following its
22 effective date. The ordinance to be recorded shall contain a legal description
23 of the property, the date and substance of the designation, a statement
24 explaining that the demolition, alteration or relocation of the property is
25 restricted, and a reference to this Section authorizing the recordation.

26 2. 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 D. Interim protection for properties while nomination is under
2 review. Once a nomination has been deemed complete, and while the Cultural
3 Heritage Commission's public hearing and the decision by the City Council on
4 their recommendation is pending, no permits for the alteration, demolition or
5 removal of improvements on the property nominated for Landmark status may
6 be issued, provided that the prohibitions shall terminate on the one hundred
7 eighty first day following the application being deemed complete, and provided
8 that, notwithstanding the provisions of this Subsection D, requests for building
9 permits which the Director of Development Services determines will have no
10 adverse effect on the architectural character of the nominated property, and
11 which meets the criteria for approval of certificates of appropriateness and the
12 procedure set forth in Section 2.63.070, may be approved during the pendency
13 of review of the subject nomination.

14 E. Rescinding or amending a Landmark designation.

15 1. The procedures for rescinding or amending the
16 designation of a Landmark shall comply with the provisions of Section
17 2.63.060 (A) through (C) to designate a Landmark.

18 2. In rescinding or amending the designation of a Landmark,
19 the Cultural Heritage Commission shall determine if one or more provisions of
20 Subsection 2.a through 2.c, inclusive, of this Section are applicable to the
21 designated Landmark.

22 a. The information in the Landmark nomination was
23 erroneous and the property is not significant or does not retain its integrity.

24 b. New information contradicts the information in the
25 Landmark nomination and the property is not significant or does not retain its
26 integrity.

27 c. The Landmark has been altered since it was
28 designated and no longer retains its integrity.

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d. The Landmark has been demolished.

3. Notice of the rescission of or amendment to a designation shall be mailed to the owner of record of the subject property. The City Clerk shall file for removal of the recordation with the Office of the County Recorder.

2.63.070 Procedures for designation of a Landmark District.

The Cultural Heritage Commission may recommend the designation of a Landmark District either upon nomination by a neighborhood group or owner of property in the proposed historic district. Nominations for Landmark Districts are processed as set forth in Subsection A through C of this Section.

A. Nomination for the designation of a Landmark District.

Nomination of a resource for Landmark District designation shall be submitted to the Development Services Department for processing as prescribed below.

1. Nomination application. The nomination for a Landmark District shall be filed with the Development Services Department on an application form provided by the Department. The application shall include:

a. A petition that a simple majority of the property owners within the boundaries of the proposed Landmark District support the designation.

b. A map with the boundaries of the proposed Landmark District.

c. Evidence that the proposed Landmark District meets the designation criteria.

2. Application Fee. A filing fee shall accompany each application in the amount set forth in the fee schedule adopted by the City Council by resolution.

3. Application review. Staff reviews the application for completeness.

1 a. If the application is deemed incomplete, the Staff
2 contacts the applicant for additional information.

3 b. If the application is deemed complete, the Staff:

4 i. Conducts a workshop for the affected
5 property owners and the occupants of the properties on Landmark District
6 designation;

7 ii. Makes a preliminary determination
8 regarding the eligibility of the proposed Landmark District;

9 iii. If the proposed Landmark District appears
10 to meet the designation criteria in this Chapter, the Director of Development
11 Services authorizes the Staff to prepare a historic resources survey. The
12 survey shall be conducted according to the methodology established by the
13 State Office of Historic Preservation.

14 iv. Schedules the nomination, including the
15 historic resources survey, for a public hearing on the next available agenda of
16 the Cultural Heritage Commission, but no more than 60 days after the
17 application is deemed complete;

18 v. Notifies the affected property owners and
19 occupants of the public hearing consistent with City noticing requirements.

20 vi. Prepares a recommendation report for final
21 action. The report shall include a discussion of the relationship of the proposed
22 Landmark District to the General Plan, its effect on the surrounding
23 neighborhood and any other planning or historic preservation considerations
24 that may be relevant to the proposed designation.

25 B. Review of Landmark District nomination.

26 1. Upon completion of the historic resources survey, the
27 Cultural Heritage Commission shall conduct a public hearing to review the
28 nomination and make a recommendation to the City Council based upon

1 findings of fact pertaining to the designation criteria in this Chapter.

2 2. Final action recommending approval or disapproval of a
3 nominated Landmark District shall be by a majority vote of the Cultural
4 Heritage Commission.

5 3. Within sixty (60) days of receipt of the Cultural Heritage
6 Commission's recommendation, the City Council shall consider the
7 recommendation at a public hearing, and by ordinance approve (in whole or
8 in part) or disapprove the nomination. The ordinance designating a Landmark
9 District shall include a description of the unifying characteristics that justify the
10 designation; set forth the reasons for the designation relative to the
11 designation criteria; establish the period of significance; delineate the
12 boundaries of the District; and identify the contributing and noncontributing
13 properties.

14 4. Notice of the City Council's decision shall be sent to the
15 Cultural Heritage Commission, the applicant, and the owners of the properties
16 within the Landmark District.

17 C. Declaration of Landmark District designation.

18 1. A certified copy of the ordinance shall be recorded in the
19 Office of the County Recorder by the City Clerk immediately following its
20 effective date. The ordinance to be recorded shall contain a legal description
21 of the subject properties, the date and substance of the designation, a
22 statement explaining that the demolition, alteration or relocation of cultural
23 resources within the Landmark District is restricted, and a reference to this
24 Section authorizing the recordation.

25 2. The properties included in the designation ordinance shall
26 upon designation be subject to the controls and standards set forth in this
27 Chapter.

28 D. Interim protection for properties while a nomination is under

1 review.

2 Once a nomination has been deemed complete, and while the Cultural
3 Heritage Commission's public hearing and the decision by the City Council on
4 their recommendation is pending, no permits for the alteration, demolition or
5 removal of improvements on the property nominated for Landmark status may
6 be issued, provided that the prohibitions shall terminate on the one hundred
7 eighty first day following the application being deemed complete, and provided
8 that, notwithstanding the provisions of this Subsection D, requests for building
9 permits which the Director of Development Services determines will have no
10 adverse effect on the architectural character of the nominated property, and
11 which meets the criteria for approval of certificates of appropriateness and the
12 procedure set forth in Section 2.63.070, may be approved during the pendency
13 of review of the subject nomination.

14 E. Rescinding or amending a Landmark District designation.

15 1. The procedures for rescinding or amending the
16 designation of a Landmark District shall comply with Section 2.63.065 A
17 through C.

18 2. In rescinding or amending the designation of a Landmark
19 District, the Cultural Heritage Commission shall determine if one or more of
20 the provisions of Subsections a through g, inclusive of this Section are
21 applicable:

22 a. The information in the historic resource survey of
23 the Landmark District was erroneous or the area is not significant and does
24 not retain its integrity.

25 b. New information contradicts the information in the
26 Landmark District nomination or the area is not significant and does not retain
27 its integrity.

28 c. The boundaries of the Landmark District should be

1 changed so that a minimum of 60 percent (60%) of the properties within the
2 boundaries qualify as contributing properties.

3 d. The period of significance of the Landmark District
4 should be changed to accurately reflect the reasons that justified its
5 designation.

6 e. A property has been altered since it was
7 designated and no longer retains its integrity. Therefore the status of the
8 property should be changed from contributing to noncontributing.

9 f. The historic character of a property has been
10 restored since it was designated. Therefore the status should be changed from
11 noncontributing to contributing.

12 g. A contributing property has been demolished.
13 Therefore the status of that structure should be changed to noncontributing.

14 3. Notice of the rescission of or amendment to a designation
15 shall be mailed to the owner of record of the subject property. The City Clerk
16 shall file for the revision of the ordinance recorded with the Office of the County
17 Recorder.

18 2.63.080 Procedures for certificate of appropriateness.

19 A. No person owning, renting or occupying property that has been
20 designated a Landmark or situated in a Landmark District, shall make any
21 modification to such property unless a certificate of appropriateness has been
22 issued authorizing such modification. All modifications made to Landmarks or
23 properties within Landmark Districts require a certificate of appropriateness
24 whether or not the alteration, demolition, removal or construction of such
25 property requires a City permit.

26 B. The Cultural Heritage Commission shall be responsible for
27 considering and issuing certificates of appropriateness for substantial
28 alterations made to City designated Landmarks or to contributing structures,

1 buildings or sites within a Landmark District. For the purpose of this Section,
2 "substantial alterations" shall mean an alteration that jeopardizes a structure's
3 individual eligibility as a City designated landmark or as a contributing
4 structure on the National Register of Historic Places, or its status as a
5 contributing structure within a Landmark District, or the California Register of
6 Historical Resources, such as, but not limited to:

7 1. The addition, removal, alteration or substitution of
8 defining architectural features, such that the building or structure is incapable
9 of yielding important historical information about its period, including changes
10 to the exterior siding (unless siding is replaced with siding of similar size and
11 appearance), roof pitch, fenestration and the compatibility of additions in terms
12 of general scale, 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. Examples
15 may include the introduction of parking lots, removal of subsidiary buildings,
16 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, such
19 as sandblasting and improper masonry repointing.

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

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

6 D. The Cultural Heritage Commission or, as appropriate, the
7 Director of Development Services, shall only issue a certificate of
8 appropriateness if it is determined that the proposed modification:

9 1. Will not adversely affect any significant historical, cultural,
10 architectural or aesthetic feature of the Landmark or subject property within
11 the Landmark District and that issuance of the certificate of appropriateness is
12 consistent with the spirit and intent of this Chapter.

13 2. Will remedy any condition determined to be imminently
14 dangerous or unsafe by the Fire Marshal and/or Building Official.

15 3. Will comply with the Secretary of the Interior's Standards
16 for the Treatment of Historic Properties and Guidelines for Preserving,
17 Rehabilitating, Restoring, and Reconstructing Historic Buildings.

18 4. Will comply with the Design Guidelines for Landmark
19 Districts, for a property located within a Landmark District.

20 E. If the Cultural Heritage Commission or, if authorized, the Director
21 of Development Services determines that the proposed modification will
22 adversely affect any significant historical, cultural, architectural or aesthetic
23 feature of the Landmark or concerned property within a Landmark District, the
24 certificate of appropriateness shall be denied. If the Commission or the
25 Director of Development Services finds that the adverse effects can be
26 overcome by minor modifications to the application, a certificate of
27 appropriateness with conditions may be issued.

28 F. Once a certificate of appropriateness is issued, the applicant

1 may proceed with the proposed modification, provided all other requirements
2 of the City are met.

3 G. The California State Historical Building Code, which is set forth
4 in Sections 18950 to 18961, inclusive, of Division 13, Part 2.7 of the Health and
5 Safety Code, shall be used for any Landmark or contributing property within a
6 Landmark District through the City's building permit procedure.

7 H. The provisions of this Section shall not be construed so as to
8 prevent the ordinary maintenance and repair of any exterior feature of a
9 Landmark or property within a Landmark District; or to prevent the
10 construction, reconstruction, alteration, restoration or demolition of any feature
11 which is necessary to remedy an immediately unsafe or dangerous condition
12 as determined by the Fire Department and/or Building Official excluding orders
13 issued pursuant to Chapter 18.68 of this Code. In such cases, the work must
14 be approved by the Director of Development Services, and no certificate of
15 appropriateness shall be required.

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

20 I. Notwithstanding any other provisions of this Chapter, a
21 certificate of appropriateness shall become void unless construction relating
22 to the modification is commenced within twelve (12) months of the date of
23 issuance. Certificates of appropriateness may be renewed for a twelve (12)
24 month period by applying to the Cultural Heritage Commission staff or to the
25 Director of Development Services.

26 If the modification is not completed within twelve (12) months after the
27 expiration of the last building permit, a new certificate of appropriateness shall
28 be required.

1 2.63.090 Hearings and determinations.

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

5 A. For public hearings to be conducted by the Cultural Heritage
6 Commission, notice shall be consistent with current City noticing requirements
7 set forth in Section 21.21.302.

8 B. The Director of Development Services shall consider all
9 applications for certificates of appropriateness within his/her jurisdiction as set
10 forth in Section 2.63.070. Determinations shall be made within forty-five (45)
11 days after the applicant has submitted an application and the Director
12 determines it to be complete. The Director has authority to approve,
13 conditionally approve or deny an application. Determinations made pursuant
14 to this Subsection shall not require a formal hearing or notice. In making
15 his/her determination the Director shall make written findings in accordance
16 with the criteria set forth in Subsections 2.63.070.D. and E. Determinations
17 made by the Director of Development Services may be appealed by the
18 Applicant to the Cultural Heritage Commission. In the case of such appeal,
19 the procedures set forth in Section 2.63.100 ("Appeals") shall apply. Rather
20 than act on an application for a certificate of appropriateness within his/her
21 jurisdiction, the Director of Development Services may, in his/her sole
22 discretion, refer the application to the Cultural Heritage Commission for its
23 determination. In such case the procedures set forth in Subsection 2.63.075.A.
24 shall apply.

25 C. After considering all of the testimony and evidence submitted,
26 the Cultural Heritage Commission shall render its decision. The decision shall
27 be in writing and shall include findings of fact, a summary of the relevant
28 evidence and a statement of issues. A copy of the decision shall be provided

1 to the applicant and to any other person who has requested it. All hearings
2 shall be conducted and decisions rendered no later than ninety (90) days from
3 the date that an application has been deemed complete by the Director of
4 Development Services.

5 2.63.100 Appeals.

6 Any person aggrieved by the denial or approval of a certificate of
7 appropriateness may appeal such denial or approval in the following manner:

8 A. The appellant may file a notice of appeal, in writing, with the
9 Department of Development Services within ten (10) calendar days after
10 issuance of the written decision to deny or approve the application for a
11 certificate of appropriateness. The appeal shall be filed on a form prescribed
12 by the Development Services Department and accompanied by payment of
13 the appeal fee as established by resolution of the City Council. The appeal
14 shall, in the case of a decision of the Cultural Heritage Commission, be heard
15 by the Planning Commission, or in the case of a determination by the Director
16 of Development Services, by the Cultural Heritage Commission. The appeal
17 hearing shall be conducted no later than forty-five (45) days after the notice of
18 appeal has been filed and deemed complete. Notice of the appeal hearing
19 shall be provided to the appellant, the applicant, and to any person who has
20 requested in writing that such notice be provided. Notice of the appeal hearing
21 shall also be posted at the subject site at least fourteen (14) days prior to the
22 hearing in a form and manner deemed appropriate by the Director of
23 Development Services.

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

27 C. The decision of the Cultural Heritage Commission or the
28 Planning Commission on appeal shall be final. Pursuant to California Code of

1 Civil Procedure Section 1094.6, the time within which to seek judicial review
2 of the final decision is ninety (90) days after the date the decision becomes
3 final. The decision becomes final as of the date the appeal hearing is
4 conducted and a decision is rendered.

5 2.63.110 Easements and development rights.

6 This Chapter shall empower the City to acquire facade easements or
7 development rights to Landmarks or contributing properties within a Landmark
8 District, through purchase, donation or condemnation. The easement or
9 development rights shall be designed to run with the land in order to preserve
10 or maintain the significant features of the subject property.

11 2.63.120 Penalties.

12 A. Any person who knowingly violates a requirement of this Chapter
13 or who knowingly fails to obey a lawful order issued by the Cultural Heritage
14 Commission or the Director of Development Services, or to comply with a
15 condition of approval of any certificate or permit issued under this Chapter
16 shall be guilty of a misdemeanor and be subject to provisions of Section
17 1.32.010 of this Code.

18 B. Any person who constructs, alters, removes or demolishes a
19 designated Landmark or contributing property within a designated Landmark
20 District in violation of this Chapter shall be required to restore the building,
21 object, site or structure to its appearance or setting prior to the violation. Any
22 action to enforce this provision may be brought by the City or any other
23 interested party. The civil remedy may be in addition to, and not in lieu of, any
24 criminal prosecution and or administrative penalty or other remedy provided
25 by law.

26 C. Any person who constructs, alters, removes or demolishes a
27 designated Landmark or contributing property within a designated Landmark
28 District in violation of this Chapter may be subject to an administrative citation

1 for each violation in accordance with Chapter 9.65 of this Code. As part of
2 any enforcement proceeding, violators may be required to restore the building,
3 object, site or structure to its appearance or setting prior to the violation.

4 D. Every Landmark or contributing property within a Landmark
5 District shall be maintained in good repair by the owner or person who is legally
6 responsible for the property in order to prevent its deterioration or decay.

7 2.63.110 Incentives for preserving cultural resources.

8 Preservation incentives shall be made available to owners of properties
9 that are Landmarks or contributing to a Landmark District, as appropriate,
10 through:

11 A. Variances for height or setbacks consistent with existing
12 structures.

13 B. Waivers from requirements for covered parking or parking
14 spaces.

15 C. Mills Act Historic Property Contracts.

16 D. Adaptive Reuse Ordinance.

17 E. Building permits issued under the California State Historical
18 Building Code.

19
20 Section 2. Subsection 9.65.060.A of the Long Beach Municipal Code is
21 amended to read as follows:

22 A. Any responsible person who violates any provision of Titles 3,
23 5, 8, 9, 10, 14, 18 and 21, or Chapter 2.63, of the Long Beach Municipal Code
24 may be issued an administrative citation, pursuant to this Chapter, by an
25 enforcement officer designated to issue such citations.

26
27 Section 3. The City Clerk shall certify to the passage of this ordinance by
28 the City Council and cause it to be posted in three (3) conspicuous places in the City of

1 Long Beach, and it shall take effect on the thirty-first (31st) day after it is approved by the
2 Mayor.

3
4 I hereby certify that the foregoing ordinance was adopted by the City
5 Council of the City of Long Beach at its meeting of _____, 2015,
6 by the following vote:

7
8 Ayes: Councilmembers: _____
9 _____
10 _____

11
12 Noes: Councilmembers: _____
13 _____

14 Absent: Councilmembers: _____
15 _____

16
17
18 _____
19 City Clerk

20
21 Approved: _____
22 (Date)

23
24
25 _____
26 Mayor

OFFICE OF THE CITY ATTORNEY
CHARLES PARKIN, City Attorney
333 West Ocean Boulevard, 11th Floor
Long Beach, CA 90802-4664

27
28