

ORD-27

CITY OF LONG BEACH

DEPARTMENT OF DEVELOPMENT SERVICES

333 West Ocean Blvd., 3rd Floor, Long Beach, CA 90802 (562) 570-5237

November 17, 2015

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

Declare the Ordinance amending and restating Chapter 2.63 relating to the Cultural Heritage Commission, and amending Chapter 9.65 relating to Administrative Citations and Penalties, of the Long Beach Municipal Code read the first time and laid over to the next regular meeting of the City Council for final reading; and accept the Categorical Exemption CE15-150. (Citywide)

DISCUSSION

In 2015, Development Services staff began initial discussions with Long Beach Heritage regarding the process to designate select City buildings as historic landmarks. In reviewing the landmark designation process in the Cultural Heritage Commission (CHC) Ordinance (Ordinance), Chapter 2.63 of the Long Beach Municipal Code (LBMC), it was apparent that the application and review process was somewhat cumbersome. Though the regulations were intended to facilitate designating landmarks for protection and appropriate rehabilitation, the lengthy and unwieldy process deterred eligible properties from being considered. As a result, the City's historic consultant, Galvin Preservation Associates (GPA), was tasked with streamlining the process for designating landmarks and landmark districts. The objective of reworking the Ordinance is to create a more streamlined and effective process to designate and protect appropriate structures among the City's rich inventory of historic resources.

Working closely with staff, GPA reviewed a number of model landmark ordinances, including the cities of Pasadena, Glendale, and Los Angeles, as a point of comparison for best practices in designating historic resources. The proposed changes to the Ordinance represent a combination of local experience, best practices from other cities, consultant recommendations, and feedback from Long Beach Heritage and liaisons from the City's historic districts compiled over the years since the last CHC Ordinance amendment in February 2009. A summary of the Ordinance revisions included are as follows:

- 1) **Definitions.** Definitions were added for the following terms:
 - a) Contributing property
 - b) Cultural resource
 - c) Days
 - d) Façade easement
 - e) Integrity
 - f) Modification

- 2) **Simplified Designation Criteria.** The criteria for a landmark and a landmark district were reduced and simplified to be consistent with state and federal criteria, and there is no loss in the level of integrity required for the designation. Criteria consistent with the state will facilitate local landmarks that pursue state-level landmark status. Consistent with state criteria, the designation criteria for a landmark and a landmark district are independently prescribed.

- 3) **Streamlined Application and Review Process.** The application and review process for a landmark and a landmark district are prescribed independently, and reflect a streamlined review process that includes a professional survey prepared at the City's expense. Applications for landmarks and landmark districts will no longer be heard by the Planning Commission, but will go straight from the Cultural Heritage Commission (CHC) to the City Council. However, appeal of a CHC determination on a Certificate of Appropriateness will be heard by the Planning Commission. Appeal of a staff level Certificate of Appropriateness will continue to be heard by the CHC.

- 4) **Enhanced credibility in the landmark designation.** The revised process includes the City's commitment to fund an independent professional assessment of landmark and landmark district applications so they are fully researched and vetted before a recommendation is made to the CHC.

- 5) **Rescinding or Amending a Designation.** A provision has been added to allow revisions to a designation based upon a change in the status of a designated resource.

- 6) **Publicly Owned Resources Deleted.** This section of the current Ordinance was deleted, as it is redundant in that any publicly owned resources are subject to the provisions of this Ordinance, even if it is not explicitly stated.

In addition to the proposed process changes, it is necessary to enhance the City's ability to enforce the provisions of the CHC Ordinance as it relates to unpermitted rehabilitation, repair and maintenance of landmark and landmark district properties. The proposed amendment includes revising LBMC Chapter 9.65, Administrative Citations and Penalties, to include LBMC Title 2, Chapter 2.63, among the City Code provisions that can be enforced with administrative citations. This revision would allow code enforcement staff to issue citations for violations of Chapter 2.63 when property owners undertake rehabilitation, replacement, or modification of defining features on designated properties without a duly issued building permit or a Certificate of Appropriateness.

On June 11, 2015, the CHC reviewed the proposed modifications to the Ordinance and unanimously voted to recommend that the City Council approve the modifications. On August 18, 2015, the City Council considered the matter and directed the City Attorney to prepare the Ordinance as recommended by the CHC. Concurrent with this action, the City Council also approved a \$69,000 appropriation in the General Grants Fund (SR120) in Development Services to fund property surveys and documentation for nominated properties. The City Attorney was directed by the City Council to modify the Ordinance to include provisions to notify and educate owners of landmark-nominated properties regarding the benefits and constraints related to landmark designation prior to the property being scheduled for a CHC hearing. Language added to the draft Ordinance related to this provision is as follows:

"At least thirty (30) days before the date set for a hearing to consider a landmark nomination before the Cultural Heritage Commission, the Director of Development Services shall mail, by certified mail, notice of the hearing to the affected property owner(s). Such mailing shall include a summary statement of the anticipated impacts and effects of a landmark designation as it relates to the future property and development rights, benefits, and constraints incumbent with a landmark designation. The notice shall also provide the owner the opportunity to meet with staff for further information regarding the designation process. The failure to mail the notice to the property owner or the failure of the property owner to receive the notice shall not affect the validity of any proceedings taken under this Chapter."

In accordance with the Guidelines for Implementation of the California Environmental Quality Act, a Categorical Exemption (CE 15-150) was issued for the proposed project (Exhibit A).

This matter was reviewed by Assistant City Attorney Michael J. Mais on October 27, 2015, and by Budget Management Officer Victoria Bell on October 29, 2015.

TIMING CONSIDERATIONS

City Council action on this matter is not time critical.

FISCAL IMPACT

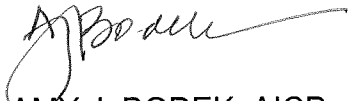
While the proposed use of administrative citations may generate revenue in the General Fund (GF), the amount is unknown at this time. For a first violation, the penalty for an administrative citation is \$100; for a second violation it is \$200; and for a third and subsequent violation, it is \$500 per occurrence. Currently, a track record of the number of times a citation may be issued annually does not exist.

HONORABLE MAYOR AND CITY COUNCIL
November 17, 2015
Page 4 of 4

SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,



AMY J. BODEK, AICP
DIRECTOR OF DEVELOPMENT SERVICES

AJB:LT
P:\Planning\City Council Items (Pending)\Council Letters \2015\11.17.2015\CHC Ordinance Amendments.doc

Attachments: City Council Ordinance
Exhibit A – Categorical Exemption (CE 15-150)

APPROVED:



PATRICK H. WEST
CITY MANAGER



NOTICE of EXEMPTION from CEQA

DEPARTMENT OF DEVELOPMENT SERVICES
333 W. OCEAN BLVD., 5TH FLOOR, LONG BEACH, CA 90802
(562) 570-6194 FAX: (562) 570-6068
lbs.longbeach.gov

TO: Office of Planning & Research
1400 Tenth Street, Room 121
Sacramento, CA 95814

FROM: Department of Development Services
333 W. Ocean Blvd, 5th Floor
Long Beach, CA 90802

L.A. County Clerk
Environmental Fillings
12400 E. Imperial Hwy., Room 1201
Norwalk, CA 90650

Project Title: CE 15-150

Project Location/Address: Citywide

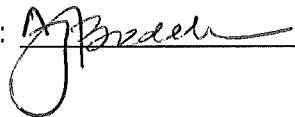
Project Activity/Description: Amend Long Beach Municipal Code Chapter 2.63, Cultural Heritage Commission, and Chapter 9.65, Administrative Citations and Penalties, to streamline the process for designating landmarks and landmark districts.

Public Agency Approving Project: **City of Long Beach, Los Angeles County, California**

Applicant Name: Amy Bodek, Development Services Director

Mailing Address: City of Long Beach, 333 W. Ocean Boulevard, 3rd Floor, Long Beach, CA 90802

Phone Number: 562-570-6428

Applicant Signature: 

BELOW THIS LINE FOR STAFF USE ONLY

Application Number: 1510-18

Planner's Initials: JK

Required Permits: _____

THE ABOVE PROJECT HAS BEEN FOUND TO BE EXEMPT FROM CEQA IN ACCORDANCE WITH STATE GUIDELINES SECTION 15308, Class 8, Actions by Regulatory Agencies for Protection of the Environment

Statement of support for this finding: Amendments to Long Beach Municipal Code for protection of local Cultural Resources

Contact Person: Craig Chalfant

Contact Phone: 562-570-6368

Signature: 

Date: 10/20/15

REDLINE

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, works of art, signs and other similar objects ~~which that~~ are reminders of past eras, events and persons important in local, State or national history, or ~~which that~~ provide significant examples of architectural styles of the past; or that are ~~landmarks in the history of architecture, or which are~~ unique and irreplaceable assets to the City and its neighborhoods, or ~~which 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 ~~these~~ cultural resources;

C. To ~~enhance~~increase the economic and financial benefits to the City and its inhabitants by promoting the City's tourist trade, ~~and~~ ~~and interest and~~ thereby stimulating ~~e~~ community~~local~~ business and industry;

D. To ~~intensify~~enhance the visual ~~and aesthetic~~ character ~~and diversity~~ of the City ~~and thus enhance its identity~~ through the preservation and rehabilitation of varied ~~architectural~~building types and styles ~~which that~~ reflect the City's cultural, social, economic, political and architectural history;

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

~~E~~F. To ~~encourage~~promote public understanding and appreciation of the unique architectural and ~~environmental~~cultural heritage of the City through educational

1 programs; and

2 ~~FG.~~ To strengthen civic pride in the beauty and notable accomplishments
3 of the City's past, and thereby to encourage community involvement in the City's future.

4 2.63.020—Definitions.

5 A. "Alteration" means physical change to a ~~placedistrict~~, building,
6 structure, natural feature, work of art, sign or similar ~~item-object~~ subject to the provisions
7 of this Chapter.

8 B. "Applicant" means a person, persons, association, partnership,
9 corporation, or other business entity who applies for a certificate of appropriateness in
10 order to undertake any ~~environmentalmodification-change-on-to~~ property subject to this
11 Chapter.

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

15 D. "Certificate of appropriateness" means a written authorization issued
16 pursuant to this Chapter to accomplish any ~~environmentalmodification-change~~ to a
17 ~~l~~landmark or ~~propertyaffected-structure~~ within a ~~l~~landmark ~~d~~istrict.

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

19 ~~F.~~ "Contributing Property" means a property within a Landmark District
20 that was present during the period of significance and retains its integrity.

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

24 ~~H.~~ "Days" means consecutive calendar days unless otherwise specified.

25 ~~JF.~~ "Director of Development Services" ~~shall-means~~ the Director of the
26 Development Services Department or his or her designee.

27 ~~JG.~~ "Façade EasementEnvironmental-change" means ~~any-alteration,~~
28 ~~demolition, removal or construction of any improvement or natural feature subject to the~~

1 ~~provisions of this Chapter~~ a voluntary legal agreement between a property owner and
2 ~~qualified organization to protect a significant cultural resource.~~

3 ~~HK.~~ "Improvement"; means any ~~place,~~ building, structure, work of art, ~~sign~~
4 or similar object constituting a physical addition to real property or any part of such addition.

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

8 ~~MI.~~ "Landmark" means any ~~building, structure, permanent work of art,~~
9 ~~object, siteproperty~~ or improvement, manmade or natural, ~~whichthat~~ has special ~~character~~
10 ~~or special~~ historical, cultural, ~~archeological,~~ architectural, ~~community~~ or aesthetic value as
11 part of the heritage of the City, State, or ~~the~~ United States and ~~which~~ has been designated
12 as a ~~L~~andmark pursuant to the provisions of this Chapter.

13 ~~JN.~~ "Landmark ~~d~~District" means any ~~grouping of related properties that~~
14 ~~has a designated area which contains a number of structures or natural features having a~~
15 ~~special character or~~ special historical, cultural, ~~archeological,~~ architectural, ~~community~~ or
16 aesthetic value ~~as part of the heritage of the City, State or United States and has been~~
17 ~~designated as a Landmark District pursuant to the provisions of this Chapter.~~

18 ~~KO.~~ "Member" means any member of the Cultural Heritage Commission.

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

22 ~~Q.~~ "Modification" means any alteration, demolition, removal, construction,
23 ~~exterior painting, or window replacement, of any improvement or natural feature subject to~~
24 ~~the provisions of this Chapter.~~

25 ~~RL.~~ "Natural feature" means any tree, plant life or geological element
26 subject to provisions of this Chapter.

27 ~~MS.~~ "Ordinary repairs and maintenance" means any work done on any
28 improvements or replacement of any part of an improvement for which a building permit is

1 not required by law and where the purpose and effect of such work or replacement is to
2 correct any deterioration, decay, or damage to such improvement in order to restore it to
3 original condition prior to the occurrence of such deterioration, decay or damage.

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

7 U. "Period of Significance" means the period of time which the resource
8 achieved significance.

9 OV. "Person" means any individual, association, partnership, firm,
10 corporation, public agency or political division.

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

13 X. "Simple majority" means a vote that represents fifty percent (50%) plus
14 one, or at least fifty one percent (51%) of the owners within the boundary of a nominated
15 Landmark District.

16 2.63.030—__ Created—Members.

17 A. A Cultural Heritage Commission is created by this Chapter whose
18 purpose shall be to recognize, protect and promote the retention, maintenance and use of
19 landmarks and landmark districts in the City in accordance with this Chapter. Said
20 Commission shall consist of seven (7) members who shall serve without compensation
21 and who are residents of the City who have manifested a knowledge and interest in the
22 preservation of the City's cultural heritage and landmark preservation.

23 B. Commission members shall be appointed from among professionals
24 in the disciplines of architecture, urban design, history, architectural history, urban
25 planning, archeology or other historic preservation related disciplines, such as urban
26 planning, American studies, American civilization, cultural geography or cultural
27 anthropology, to the extent that such professionals are available in the community.
28 Commission membership mayshall also include lay members who have special interest or

1 ~~concern~~ in, or who have demonstrated competence, experience, or knowledge in historic
2 preservation or ~~other historic preservation~~-related disciplines.

3 C. The term of office and the number of terms of office of the members
4 of the Commission shall be in accordance with and pursuant to the provisions of Chapter
5 2.18, as the provisions of Chapter 2.18 are presently worded or hereafter amended.

6 2.63.040— Duties.

7 The Cultural Heritage Commission shall have the following powers and
8 duties:

9 A. To recommend to the City ~~Council~~~~Planning Commission~~ that specific
10 ~~districts~~~~areas~~, ~~places~~, buildings, structures, natural features, works of art, ~~signs~~ or similar
11 objects having a ~~significant~~~~special~~ historical, cultural, ~~architectural~~, archaeological,
12 ~~architectural~~~~community~~ or aesthetic value as part of the heritage of the City, be designated
13 as a ~~Landmark~~ or ~~Landmark~~ ~~District~~; ~~or~~

14 B. To review ~~any~~ proposed ~~modifications~~~~substantial alterations to a~~
15 ~~designated to Landmarks~~ or to a contributing building or structure within a ~~designated~~
16 ~~historic~~~~Landmark~~ ~~District~~, and to issue or deny a certificate of appropriateness thereon;

17 C. To encourage public interest in ~~the preservation of~~ cultural
18 ~~resources~~~~preservation~~ in the City;

19 D. To compile, maintain and update ~~an informational~~ local register of
20 ~~Landmarks~~ and ~~historic~~~~Landmark~~ ~~Districts~~ and to publicize and periodically update the
21 City's cultural resource survey;

22 E. To review and comment for advisory purposes only upon the conduct
23 of land use, housing, redevelopment, public works and other types of planning and
24 programs undertaken by any agency ~~or department~~ of the City, County, State or nation,
25 ~~within the City of Long Beach~~, as they relate to the cultural heritage of the City;

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

28 G. Subject to the consent of ~~the~~ City Council, recommend acceptance ~~by~~

1 ~~the City~~ of gifts, grants and ~~conservation~~facade easement donations consistent with the
2 purposes for which the Commission was established;

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

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

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

11 2.63.050— Criteria for designation of ~~I~~Landmarks and ~~I~~Landmark ~~e~~Districts.

12 Landmarks

13 A cultural resource ~~qualifies~~may be recommended for designation as a
14 ~~I~~Landmark ~~or landmark district~~ if it retains integrity and manifests one (1) or more of the
15 following criteria:

16 ~~A. — It possesses a significant character, interest or value attributable to~~
17 ~~the development, heritage or cultural characteristics of the City, the southern California~~
18 ~~region, the State or the nation; or~~

19 ~~BA. It is associated with events that have made ~~ais~~ the site of a historic~~
20 ~~event with a~~ significant contribution to the broad patterns of the City's place in history; or

21 ~~CB. It is associated with the livesfe of a ~~person or~~ persons significant ~~to~~~~
22 ~~the community, in the City's past, region or nation; or~~

23 ~~D. — It portrays the environment in an era of history characterized by a~~
24 ~~distinctive architectural style; or~~

25 ~~EC. It embodies these ~~distinguishing~~distinctive characteristics of an ~~a~~~~
26 ~~architectural type, period or method of construction, or it represents the work of a master~~
27 ~~or it possesses high artistic values ~~or engineering specimen~~; or~~

28 D. It has yielded, or may be likely to yield, information important in

1 prehistory or history.

2 Landmark Districts

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

5 A. The grouping represents a significant and distinguishable entity that is
6 significant within a historic context.

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

9 ~~F. It is the work of a person or persons whose work has significantly~~
10 ~~influenced the development of the City or the southern California region; or~~

11 ~~G. It contains elements of design, detail, materials or craftsmanship~~
12 ~~which represent a significant innovation; or~~

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

15 ~~I. It represents an established and familiar visual feature of a~~
16 ~~neighborhood or community due to its unique location or specific distinguishing~~
17 ~~characteristic; or~~

18 ~~J. It is, or has been, a valuable information source important to the~~
19 ~~prehistory or history of the City, the southern California region or the State; or~~

20 ~~K. It is one of the few remaining examples in the City, region, State or~~
21 ~~nation possessing distinguishing characteristics of an architectural or historical type; or~~

22 ~~L. In the case of the designation of a tree(s) based on historic~~
23 ~~significance, that the tree(s) is (are) associated with individuals, places and/or events that~~
24 ~~are deemed significant based on their importance to national, State and community history;~~

25 ~~or~~

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

1 2.63.060— ~~__~~ Procedures for designation of a Landmark ~~or landmark district~~.

2 The Cultural Heritage Commission may recommend the designation of a
3 ~~I~~andmark ~~or landmark district~~ either upon its own nomination or upon nomination by any
4 interested group or individual including the owner or occupant of the property proposed for
5 such designation. ~~However, no Landmark designation shall be considered without the~~
6 ~~authorization of the property owner. Any nomination which includes a public building shall~~
7 ~~be submitted to the City Manager for his review. Comments and recommendations~~
8 ~~resulting from that review may be submitted to the Cultural Heritage Commission. The~~
9 ~~Commission shall take no further action on the nomination until receipt of the City~~
10 ~~Manager's comments and recommendations; provided that, if a written report by the City~~
11 ~~Manager is not received within thirty (30) days of submittal to him, the Cultural Heritage~~
12 ~~Commission may proceed with its review of the nomination and the formulation of a~~
13 ~~recommendation relating to the designation of a landmark or landmark district pursuant to~~
14 ~~the following procedures:~~

15 A. ~~The Cultural Heritage Commission shall, as a part of its review~~
16 ~~process: Nomination for the designation of a Landmark. Nomination of a resource for~~
17 ~~Landmark designation shall be submitted to the Development Services Department for~~
18 ~~review in the manner prescribed in this Section.~~

19 1. ~~Consult with affected property owners~~ Nomination application. A
20 nomination shall be filed by submitting a completed application on a form provided by the
21 Development Services Department. and shall include the signature of the property owner
22 of record, authorizing the property to be considered for Landmark designation.;

23 2. ~~Prepare a preliminary report on the nomination which shall include,~~
24 ~~among other things:~~ Application Fee. A filing fee shall accompany each application in the
25 amount set forth in the fee schedule adopted by the City Council by resolution.

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

27 a. If the application is deemed incomplete, Staff contacts the
28 applicant for additional information.

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b. If the application is deemed complete, Staff:

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

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

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

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

~~a. Notification of affected City departments including, when public buildings are a part of the nomination, the City Manager;~~

~~b. Confirmation and verification that the nomination conforms to the requirements of Section 2.63.050 of this Chapter;~~

1 c. ~~_____ Preliminary research into the character and history of the structure or~~
2 ~~area proposed for designation; and~~

3 d. ~~_____ A recommendation for final action by the Commission. If the~~
4 ~~Commission approves the nominated designation, then upon direction of the Commission,~~
5 ~~preliminary research, appropriate inventory forms and other supporting data as directed~~
6 ~~shall be completed as necessary to prepare the matter for final determination by the~~
7 ~~Commission. Final action recommending approval or disapproval of the nominated~~
8 ~~landmark or landmark district shall be by a majority vote of the Commission.~~

9 B. Review of the Landmark nomination.

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

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

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

21 4. Notice of the City Council's decision shall be sent to the Cultural
22 Heritage Commission, the applicant, and the owner of the subject property.~~If the Cultural~~
23 ~~Heritage Commission recommends approval, the Commission shall advise the Director of~~
24 ~~Development Services in writing of the proposed designation of a landmark or landmark~~
25 ~~district and secure from the Director of Development Services recommendations~~
26 ~~concerning the relationship of the proposed landmark or landmark district to the general~~
27 ~~plan of the City, its effect on the surrounding neighborhood and any other planning~~
28 ~~considerations which may be relevant to the proposed designation. If a written report by~~

1 ~~the Director of Development Services is not received within thirty (30) days of receipt of~~
2 ~~notice of a proposed designation, the Cultural Heritage Commission may conclude that the~~
3 ~~Director of Development Services has no objections to the designation and proceed with~~
4 ~~its consideration. The Cultural Heritage Commission shall acknowledge the~~
5 ~~recommendations, and incorporate them into their report to be submitted to the City~~
6 ~~Planning Commission. Included in the Cultural Heritage's Commission's report to the City~~
7 ~~Planning Commission shall be the Commission's recommended guidelines and standards~~
8 ~~to be applied to the subject property.~~

9 C. Declaration of a Landmark designation.

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

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

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

2 D. Interim protection for properties while nomination is under review.

3 Once a nomination has been deemed complete, and while the Cultural Heritage
4 Commission's public hearing and the decision by the City Council on their recommendation
5 is pending, no permits for the alteration, demolition or removal of improvements on the
6 property nominated for Landmark status may be issued, provided that the prohibitions shall
7 terminate on the one hundred eighty first day following the application being deemed
8 complete, and provided that, notwithstanding the provisions of this Subsection D, requests
9 for building permits which the Director of Development Services determines will have no
10 adverse effect on the architectural character of the nominated property, and which meets
11 the criteria for approval of certificates of appropriateness and the procedure set forth in
12 Section 2.63.070, may be approved during the pendency of review of the subject
13 nomination. Within thirty (30) days after the close of the public hearing, the City Planning
14 Commission shall make its recommendation on the proposed landmark or landmark district
15 designation. These recommendations, together with the specific findings of fact
16 constituting the basis for the Commission's decision shall be transmitted to the City Council.

17 E. Rescinding or amending a Landmark designation.

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

21 2. In rescinding or amending the designation of a Landmark, the Cultural
22 Heritage Commission shall determine if one or more provisions of Subsections 2.a through
23 2.c, inclusive, of this Section are applicable, or that 2.d of this to the designated Landmark.

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

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

28 c. The Landmark has been altered since it was designated or -no

1 longer retains its integrity.

2 d. The Landmark has been demolished.

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

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

11 ~~F. The ordinance designating a landmark or landmark district shall~~
12 ~~include a description of the particular characteristics which justify the designation and~~
13 ~~which should therefore be preserved; shall set forth the reasons relative to Section~~
14 ~~2.63.050 for the designation; shall develop a set of general guidelines to establish~~
15 ~~standards for future proposed changes, and shall delineate the location and boundaries of~~
16 ~~the landmark site or landmark district. A certified copy of such ordinance shall be recorded~~
17 ~~in the office of the County Recorder of the County of Los Angeles by the City Clerk~~
18 ~~immediately following its effective date.~~

19 ~~G. The property included in the designation ordinance shall upon~~
20 ~~designation be subject to the controls and standards set forth in this Chapter.~~

21 ~~H. The record owner of real property designated as a landmark or the~~
22 ~~record owner of a historically significant contributing property within a landmark district, or~~
23 ~~the City, on its own initiative, may petition to withdraw from designated status provided the~~
24 ~~same procedure described above to cause such designation is followed. Any owner of~~
25 ~~designated property that petitions for withdrawal from designated status shall furnish the~~
26 ~~materials required in Subsection C. of this Section and shall pay such fee as established~~
27 ~~by the City Council by resolution; provided, that in no case may real property be withdrawn~~
28 ~~from designated status unless it has lost these contributing qualities that led to its initial~~

1 ~~designation and the City Council, upon recommendation of the Cultural Heritage~~
2 ~~Commission and the Planning Commission, by resolution so finds.~~

3 ~~I. — Once the Cultural Heritage Commission has approved a nomination~~
4 ~~for designation proceedings, no permits for the alteration, remodel, enlarging, demolition~~
5 ~~or removal of a structure or improvement nominated for landmark status as provided in this~~
6 ~~Section shall be issued during the pendency of a review related thereto; provided, that the~~
7 ~~prohibition shall terminate on the one hundred eighty-first (181st) day following approval of~~
8 ~~the nomination for designation proceedings, and provided that, notwithstanding the~~
9 ~~provisions of this Subsection I., requests for building permits which the Director of~~
10 ~~Development Services determines will have no adverse effect on the architectural~~
11 ~~character of the nominated property, and which meet the guidelines for approval of~~
12 ~~certificates of appropriateness set forth in Section 2.63.070, may be approved during the~~
13 ~~pendency of review for nomination.~~

14 ~~J. — If the Cultural Heritage Commission fails to transmit a~~
15 ~~recommendation for landmark designation of any kind to the Planning Commission within~~
16 ~~sixty (60) days of its action to recommend such designation, any aggrieved or interested~~
17 ~~party may petition the Cultural Heritage Commission to do so within twenty (20) days of~~
18 ~~the expiration of said sixty (60) day period. If the recommendation is not transmitted within~~
19 ~~thirty (30) days after such petition, the nomination for designation shall be deemed null and~~
20 ~~void and of no further force and effect.~~

21 ~~K. — Recordation of landmarks and historic districts. All buildings or~~
22 ~~structures or areas designated as landmarks or landmark districts by the City Council~~
23 ~~pursuant to this Chapter shall be so recorded by the City in the office of the Los Angeles~~
24 ~~County Recorder. The document to be recorded shall contain a legal description of the~~
25 ~~property or properties, the date and substance of the designation, a statement explaining~~
26 ~~that the demolition, alteration, or relocation of the structure is restricted, and a reference to~~
27 ~~this Section authorizing the recordation.~~

28 2.63.06570 Procedures for designation of a Landmark District.

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

5 A. Nomination for the designation of a Landmark District.

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

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

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

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

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

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

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

19 a. If the application is deemed incomplete, the Staff contacts the
20 applicant for additional information.

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

22 i. Conducts a workshop for the affected property owners
23 and the occupants of the properties on Landmark District designation;

24 ii. Makes a preliminary determination regarding the
25 eligibility of the proposed landmark district;

26 iii. If the proposed Landmark District appears to meet the
27 designation criteria in this Chapter, the Director of Development Services
28 authorizes the Staff to prepare a historic resources survey. The survey shall

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be conducted according to the methodology established by the State Office of Historic Preservation.

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

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

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

B. Review of Landmark District nomination.

1. Upon completion of the historic resources survey, the Cultural Heritage Commission shall conduct a public hearing to review the nomination and make a recommendation to the City Council based upon findings of fact pertaining to the designation criteria in this Chapter.

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

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

4. Notice of the City Council's decision shall be sent to the Cultural

1 Heritage Commission, the applicant, and the owners of the properties within the Landmark
2 District.

3 C. Declaration of Landmark District designation.

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

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

12 D. Interim protection for properties while a nomination is under review.

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

24 E. Rescinding or amending a Landmark District designation.

25 1. The procedures for rescinding or amending the designation of a
26 Landmark District shall comply with Section 2.63.065 (A) through (C).

27 2. In rescinding or amending the designation of a Landmark District, the
28 Cultural Heritage Commission shall determine if one or more of the provisions of

1 Subsections a) through g), inclusive, below are applicable:

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

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

6 c. The boundaries of the Landmark District should be changed so
7 that a minimum of 60 percent (60%) of the properties within the boundaries qualify
8 as contributing properties.

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

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

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

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

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

22 2.63.07080 – Procedures for ~~administering the~~ certificate of appropriateness.

23 A. No person owning, renting or occupying property ~~which~~that has been
24 designated a Landmark or ~~which is~~ situated in a ~~designated~~Iandmark ~~d~~District, shall
25 make any ~~modification~~environmental change to such property unless a certificate of
26 appropriateness has been issued authorizing such ~~modification~~environmental change.
27 ~~Except as otherwise set forth in this Chapter, all environmental changes~~All modifications
28 made to ~~designated~~Iandmarks, or ~~historically significant~~ properties within Iandmark

1 ~~d~~Districts ~~within the City,~~ require a certificate of appropriateness whether or not the
2 alteration, demolition, removal or construction of such property requires a City permit.

3 B. The Cultural Heritage Commission shall be responsible for
4 considering and issuing certificates of appropriateness ~~for those sites or improvements~~
5 ~~which have been designated as~~ Landmarks pursuant to the provisions of this Chapter; and
6 ~~also~~ for substantial alterations made to City designated Landmarks or to contributing
7 structures, ~~/~~buildings or sites within a Landmark designated historic ~~d~~District. For the
8 purpose of this Section, ~~the term~~ "substantial alterations" shall mean an alteration
9 ~~which~~that jeopardizes a structure's individual eligibility as a City designated Landmark or
10 as a contributing structure ~~on~~in the National Register of Historic Places, or its status as a
11 contributing structure within a ~~designated City historic~~ Landmark ~~d~~District, or ~~in~~ the
12 California Register of Historical Resources, such as, but not limited to:

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

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

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

26 The Director of Development Services shall be responsible for considering
27 and issuing certificates of appropriateness ~~for buildings/structures~~ within ~~designated~~
28 ~~Landmark~~ ~~d~~Districts in all other instances, including, but not limited to; the replacement of

1 windows and doors (including screen doors) with like materials (e.g., wood window
2 changed with wood or wood clad window of similar aesthetics); replacement or repair of
3 siding ~~with siding~~ similar in size and appearance; replacement or repair of a porch or
4 primary entry to the building or structure; replacement or repair of garage doors that are
5 visible from the public right-of-way; or installation or repair of rain gutters.

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

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

14 1. Will not adversely affect any significant historical, cultural,
15 architectural or aesthetic feature of the Landmark or concerned subject property ~~or of within~~
16 the ~~Landmark~~ District in which it is located and that issuance of the certificate of
17 appropriateness is consistent with the spirit and intent of this Chapter.;

18 2. Will remedy any condition determined to be imminently dangerous or
19 unsafe by the Fire ~~Marshal~~ Department and/or Building Official ~~the Development Services~~
20 Department.;

21 3. ~~The proposed change is consistent with or compatible with the~~
22 architectural period of the building Will comply with the Secretary of the Interior's Standards
23 for the Treatment of Historic Properties and Guidelines for Preserving, Rehabilitating,
24 Restoring, and Reconstructing Historic Buildings.;

25 4. ~~The proposed change is compatible in architectural style with existing~~
26 adjacent contributing structures in a historic landmark district; Will comply with the Design
27 Guidelines for Landmark Districts, for a property located within a Landmark District.

28 5. ~~The scale, massing, proportions, materials, colors, textures,~~

1 ~~fenestration, decorative features and details proposed are consistent with the period and/or~~
2 ~~compatible with adjacent structures;~~

3 ~~6. The proposed change is consistent with the Secretary of the Interior's~~
4 ~~Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings of the U.S.~~
5 ~~Department of the Interior.~~

6 E. If the Cultural Heritage Commission, or, if authorized, the Director of
7 Development Services, determines that the proposed ~~environmental change~~modification
8 will adversely affect any significant historical, cultural, architectural or aesthetic feature of
9 the Landmark or concerned property ~~within aer of the~~ IL landmark ~~d~~District, ~~in which it is~~
10 ~~located~~, the certificate of appropriateness shall be denied. If the Commission or the Director
11 of Development Services finds that the adverse effects can be overcome by minor
12 modifications to the application, a certificate of appropriateness with conditions may be
13 issued.

14 F. Once a certificate of appropriateness is issued, the applicant may
15 proceed with the proposed ~~environmental change~~modification, provided all other
16 requirements of the City are met.

17 G. The California State Historical Building Code, which is set forth in
18 Sections 18950 to 18961, inclusive, of Division 13, Part 2.7 of the Health and Safety Code,
19 ~~shall be used for any provides alternative building regulations for the rehabilitation,~~
20 ~~preservation, restoration or relocation of qualified historic buildings or structures. This shall~~
21 ~~include structures on national, State or local historical registers or official inventories, such~~
22 ~~as the National Register of Historic Places, State historical landmarks, State points of~~
23 ~~historical interest, and City or County registers or inventories of historical or architecturally~~
24 ~~significant sites, places, historic districts or landmarks. The California State Historical~~
25 ~~Building Code, Part 8 of the Uniform Building Code, shall be used for any designated City~~
26 IL landmark or contributing property within a Landmark District ~~historic structure in a~~
27 ~~designated historic district~~ through the City's building permit procedure.

28 H. The provisions of this Section shall not be construed so as to prevent

1 the ordinary maintenance and repair of any exterior feature of a ~~l~~Landmark, or
2 ~~property/building/structure of historic or contributing historical significance~~ within a
3 ~~l~~Landmark eDistrict; or to prevent the construction, reconstruction, alteration, restoration
4 or demolition of any feature which is necessary to remedy an immediately unsafe or
5 dangerous condition as determined by the Fire Department and/or Building
6 ~~Official/Development Services Department~~, excluding orders issued pursuant to Chapter
7 18.68 of this Code. In such cases, the work must be approved by the Director of
8 Development Services, and no certificate of appropriateness shall be required. ~~Examples~~
9 ~~of this work shall include, but not be limited to the following:~~

- 10 1. ~~Construction, demolition or alteration of side and rear yard fences that~~
11 ~~does not alter the historical appearance or historical integrity of the structure;~~
- 12 2. ~~Construction, demolition or alteration of front yard fences that does not~~
13 ~~alter the historical appearance or historical integrity of the structure;~~
- 14 3. ~~Repairing or repaving of flat concrete work in the side and rear yard~~
15 ~~that does not alter the historical appearance or historical integrity of the structure;~~
- 16 4. ~~Repaving of existing front yard paving, concrete work and walkways~~
17 ~~that does not alter the historical appearance or historical integrity of the structure;~~
- 18 5. ~~Roofing work that does not alter the historical appearance or historical~~
19 ~~integrity of the structure;~~
- 20 6. ~~Foundation work that does not alter the historical appearance or~~
21 ~~historical integrity of the structure;~~
- 22 7. ~~Chimney work that does not alter the historical appearance or~~
23 ~~historical integrity of the structure;~~
- 24 8. ~~Landscaping that does not alter the historical appearance or historical~~
25 ~~integrity of the structure;~~
- 26 9. ~~Installation of water heaters, electrical box, air conditioning units or~~
27 ~~other utility items provided they are not visible from the public right-of-way;~~
- 28 10. ~~Repainting, unless the repainting would alter the historical appearance~~

1 ~~or historical integrity of the structure.~~

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

6 I. Notwithstanding any other provisions of this Chapter, a certificate of
7 appropriateness shall become void unless construction relating to the ~~environmental~~
8 ~~changemodification~~ is commenced within twelve (12) months of the date of issuance.
9 Certificates of appropriateness may be renewed for a twelve (12) month period by applying
10 to the Cultural Heritage Commission staff or to the Director of Development Services. If the
11 ~~environmental changemodification~~ is not completed within twelve (12) months after the
12 expiration of the last building permit, a new certificate of appropriateness shall be required.

13 2.63.075-90- Hearings and determinations.

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

17 A. For public hearings to be conducted by the Cultural Heritage
18 Commission, notice shall be consistent with current City noticing requirements set forth in
19 Section 21.21.302~~given not less than fourteen (14) days, nor more than forty-five (45) days~~
20 ~~prior to the hearing. Notice of hearing shall be mailed or personally delivered to the~~
21 ~~applicant and to the owner(s) of the subject property or their authorized agent. Notice shall~~
22 ~~also be mailed or delivered to all owners of real property as shown on the latest equalized~~
23 ~~assessment roll located within the distance specified in Subsection 21.21.302.B.4. of this~~
24 ~~Code or any successor Section thereto. Notice of hearing shall also be posted at the~~
25 ~~landmark site at least fourteen (14) days prior to the hearing in a form and manner deemed~~
26 ~~appropriate by the Director of Development Services.~~

27 B. The Director of Development Services shall consider all applications
28 for certificates of appropriateness within his/her jurisdiction as set forth in Section 2.63.070.

1 Determinations shall be made within forty-five (45) days after the applicant has submitted
2 an application and the Director determines it to be complete. The Director has authority to
3 approve, conditionally approve or deny an application. Determinations made pursuant to
4 this Subsection shall not require a formal hearing or notice. In making his/her determination
5 the Director shall make written findings in accordance with the criteria set forth in
6 Subsections 2.63.070.D. and E. Determinations made by the Director of Development
7 Services may be appealed by the Applicant to the Cultural Heritage Commission. In the
8 case of such appeal, the procedures set forth in Section 2.63.100 ("Appeals") shall apply.
9 Rather than act on an application for a certificate of appropriateness within his/her
10 jurisdiction; the Director of Development Services may, in his/her sole discretion, refer the
11 application to the Cultural Heritage Commission for its determination. In such case the
12 procedures set forth in Subsection 2.63.075.A. shall apply.

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

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

27 2.63.080100— Appeals.

28 Any person aggrieved by the denial or approval of a certificate of

1 appropriateness may appeal such denial or approval in the following manner:

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

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

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

24 ~~2.63.090 – Publicly owned resources.~~

25 ~~The provisions of this Chapter shall also apply to any plans to alter,~~
26 ~~redecorate or refurbish the exterior or interior features, or make any environmental change,~~
27 ~~to any designated cultural resources owned by the City or other public entities. The Director~~
28 ~~of Development Services shall notify the Cultural Heritage Commission at least sixty (60)~~

1 ~~days in advance of such plans, allowing adequate time for the Commission to study and~~
2 ~~make recommendations on the plan.~~

3 2.63.100090110— Easements and development rights.

4 This Chapter shall empower the City to acquire facade easements or
5 development rights to ~~l~~Landmarks, or contributing properties within aether cultural
6 ~~resources within a l~~Landmark ~~d~~District, through purchase, donation or condemnation. The
7 easement or development rights shall be designed to run with the land in order to preserve
8 or maintain the significant features of the subject proerty. landmark or cultural resource
9 ~~within the landmark district.~~

10 2.63.101020— Penalties.

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

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

23 C. Any person who constructs, alters, removes or demolishes a
24 designated Landmark or contributing property within a designated Landmark District in
25 violation of this Chapter may be subject to an administrative citation for each violation in
26 accordance with Chapter 9.65 of this Code. As part of any enforcement proceeding,
27 violators may be required to restore the building, object, site or structure to its appearance
28 or setting prior to the violation.

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

4 2.63.110 Incentives for preserving cultural resources.

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

- 7 A. Variances for height or setbacks consistent with existing structures.
- 8 B. Waivers from requirements for covered parking or parking spaces.
- 9 C. Mills Act Historic Property Contracts.
- 10 D. Adaptive Reuse Ordinance.
- 11 E. Building permits issued under the California State Historical Building

12 Code.

13
14 Subsection 9.65.060.A of the Long Beach Municipal Code is amended to
15 read as follows:

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

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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

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

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

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 _____
City Clerk

19

20

21 Approved: _____
22 (Date) Mayor

23

24

25

26

27

28