

Chapter 17.62 - Historic Preservation

*Footnotes:*

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*Editor's note— Ord. No. 7372, § 2 (Exh. 1), adopted Mar. 8, 2021, amended Ch. 17.62 in its entirety to read as herein set out. Former Ch. 17.62, §§ 17.62.010—17.62.130, pertained to similar subject matter and derived from Ord. No. 7009, §§ 25—29, 2005; Ord. No. 7099, §§ 44 (Exh. 26), 45—51, 2007; Ord. No. 7139, § 9 (Exh. 4), 2008; Ord. No. 7160, § 60 (Exh. 19), 61—63, 2009; Ord. No. 7163, §§ 5—9, 12, 2009;*

17.62.010 - Purpose of Chapter

The purpose of this Chapter is to specify significance criteria for the designation of historic resources, procedures for designation, and review procedures to:

- A. Encourage and promote the adaptive reuse of the City's historic resources;
- B. Enhance, perpetuate, and preserve architecturally and historically significant structures and promote revitalization of historic neighborhoods and commercial areas;
- C. Ensure that the rights of the owners of historic resources and owners of properties adjacent to historic resources are safeguarded;
- D. Foster civic pride in the beauty and noble accomplishments of the past by promoting private stewardship of historic resources that represent these accomplishments;
- E. Fulfill the City's responsibilities:
  - 1. As a Certified Local Government under Federal preservation laws; and
  - 2. For Federal Section 106 reviews and for the California Environmental Quality Act regarding historic resources.
- F. Promote the identification, documentation, and evaluation of the significance of individual historic resources and districts;
- G. Implement the historic preservation goals, policies, and programs of the General Plan;
- H. Promote the City as a destination for tourists and as a desirable location for business;
- I. Promote public awareness of the value of rehabilitation, restoration, and maintenance of the existing building stock as a means to conserve reusable material and energy resources;
- J. Recognize the City's historic resources as economic assets; and
- K. Stabilize and improve property values, and enhance the aesthetic and visual character and environmental amenities of the City's historic properties and areas.

17.62.020 - Administrative and Review Authorities - Powers and Duties

The powers and duties of the applicable review authorities are identified in Table 6-5, below.

TABLE 6-5 - REVIEW AUTHORITIES - POWERS AND DUTIES	
Review Authority	Powers and Duties

<p>Director</p>	<ol style="list-style-type: none"> <li>1. Approve/disapprove applications for Certificates of Appropriateness for minor projects affecting designated historic resources and approve/disapprove major projects (except demolition) affecting historic resources eligible for designation.</li> <li>2. Approve/disapprove applications for relief from the replacement Building Permit requirement.</li> <li>3. Approve/disapprove applications for Historic Resource Economic Hardship Waiver.</li> <li>4. Approve/disapprove requests to exceed allowable height for accessory structures in compliance with Section 17.50.250.E.1.f.</li> <li>5. Review applications for designation of historic monuments, landmarks, landmark trees, or historic signs and either prepare a recommendation of approval to the Historic Preservation Commission or determine that the nominated resource does not meet the criteria for designation.</li> <li>6. Conduct initial review of landmark district eligibility and boundaries and determine potential eligibility. Conduct informational workshop for affected property owners when new eligible landmark districts are identified.</li> <li>7. Conduct historic resource evaluations.</li> <li>8. Determine if a property is contributing or non-contributing to a historic or landmark district or to a district eligible for designation.</li> <li>9. For public projects, review minor projects affecting City-owned historic resources.</li> <li>10. Conduct design review for projects requiring both design review by the Director as specified in Table 6-2 and Table 6-3 and a Certificate of Appropriateness pursuant to this chapter (after consulting with and receiving advice from the Historic Preservation Commission).</li> <li>11. Review applications to rescind or amend a landmark district or conservation plan and either prepare a recommendation of approval to the Historic Preservation Commission or disapprove the applications.</li> <li>12. Approve/disapprove applications to extend time limits for correction of violations of this Chapter.</li> <li>13. Approve/disapprove applications to waive the two-car covered parking requirement.</li> <li>14. Approve/disapprove requests to waive development standards for multi-family residential projects involving preservation of historic resources through the design review process in accordance with the design review thresholds in Table 6-3.</li> <li>15. Approve/disapprove requests for alternative lot line determination (Zoning Administrator).</li> </ol>
	<ol style="list-style-type: none"> <li>16. Approve/disapprove applications for Historic Property Contract, based on administrative guidelines approved by the City Manager.</li> </ol>

<p>Historic Preservation Commission</p>	<ol style="list-style-type: none"> <li>1. Review applications for designations of historic monuments, landmarks, historic signs, and landmark trees and either forward a recommendation to the Council to approve the applications or deny the applications.</li> <li>2. Review applications for designations of landmark districts and either forward a recommendation of approval to the Council or deny the applications.</li> <li>3. Outside of the CD zoning district, approve/disapprove, applications for Certificates of Appropriateness for major projects affecting historic resources and demolition projects affecting historic resources eligible for designation.</li> <li>4. For public projects, forward recommendations to the Design Commission/Council on proposals for major projects affecting historic resources.</li> <li>5. Review appeals of decisions of the Director in compliance with this Chapter. Call for review decisions of the Director in compliance with this Chapter, and conduct such review.</li> <li>6. Provide advisory comments to the design review authority for projects requiring both an application for a Certificate of Appropriateness and an application for Design Review.</li> <li>7. Provide advisory comments to the applicable review authority for major projects that require a Zoning entitlement.</li> <li>8. Review applications to rescind or amend a landmark district or conservation plan and recommend approval to the Council or disapprove the applications.</li> </ol>
<p>Hearing Officer</p>	<ol style="list-style-type: none"> <li>1. Approve/disapprove applications for Variances for Historic Resources.</li> </ol>
<p>Design Commission</p>	<ol style="list-style-type: none"> <li>1. In the CD zoning district, approve/disapprove Design Review applications for projects meeting the design review thresholds in <u>Section 17.61.030</u></li> <li>2. In the CD zoning district, review appeals of Relief from the Replacement Building Permit Requirement decisions of the Director; call for review such decisions of the Director, and conduct such review.</li> <li>3. As specified in Table 6-2 and Table 6-3, review major projects affecting City-owned historic resources (after consulting with and receiving advice from the Historic Preservation Commission).</li> <li>4. Conduct design review for projects requiring both design review by the Design Commission as specified in Table 6-2 and Table 6-3 and a Certificate of Appropriateness pursuant to this chapter (after consulting with and receiving advice from the Historic Preservation Commission).</li> <li>5. Review requests to waive development standards for multi-family residential projects involving preservation of historic resources through the design review process in accordance with the design review thresholds in Table 6-3.</li> </ol>

<p>Planning Commission</p>	<p>1. Recommend to Council approval/disapproval of landmark district zoning map amendments.</p> <p>2. Review applications to rescind or amend a landmark district or conservation plan and forward a recommend to the Council.</p>
<p>Council</p>	<p>1. Approve/disapprove designations of landmarks, historic monuments, historic signs, landmark trees, and landmark districts.</p> <p>2. Review appeals of decisions in compliance with this Chapter of the Director, Historic Preservation Commission, and Design Commission. Call for review decisions of the Director, Historic Preservation Commission, and Design Commission in compliance with this chapter, and conduct such review as specified in <u>Chapter 17.72</u></p> <p>3. Approve/disapprove applications to rescind or amend a landmark district or conservation plan.</p>

(Ord. 7372 § 2 (Exh. 1), 2021)

17.62.030 - Definitions

The following are definitions of specialized terms and phrases used in this Chapter. Where these terms may be used elsewhere in this Zoning Code, the definition in Article 8 - Glossary of Specialized Terms and Land Use Types shall apply. Any terms not defined in this section are defined in Article 8.

- A. **Adaptive Use/Reuse.** The process of reusing an existing building for a purpose other than that for which it was originally built or designed.
- B. **Alteration/Substantial Alteration (also alter).** Any physical modification or change to the exterior of a structure, site object, or designated interior that may have a significant adverse effect on character-defining features of a historic resource. Alteration shall also include new construction of additions, but not include ordinary maintenance and repairs.
- C. **Building.** A structure created principally to shelter any form of human activity. Examples include, but are not limited to, houses, churches, offices, municipal buildings, stores, restaurants, theaters, etc.
- D. **Certified Local Government.** The program authorized by the National Historic Preservation Act of 1966 (16 U.S.C. Section 470 et seq.) and the subsequent participatory agreement between the City and the State of California Office of Historic Preservation.
- E. **Character-Defining Features.** The physical elements and characteristics of a historic resource that lend the resource its authenticity and significance. Character-defining features can include, but are not limited to, a property's setting and site plan, overall form and massing, architectural style, materials, finishes, openings and decorative detailing.
- F. **Conservation Plan.** A plan adopted by the City Council for each of the City's first three designated landmark districts: Bungalow Heaven, Garfield Heights and Banbury Oaks.
- G. **Contributing Resource.** A building, structure, site or object that has characteristics and features that relate to the historic context and historic significance of a historic resource and that has been specified in the designation, listing or evaluation as contributing or subsequently determined to be contributing by the Director, the Historic Preservation Commission or the City Council.
- H. **Cultural Landscape.** A geographic area, including both cultural and natural resources and the wildlife or domestic animals therein, associated with a historic event, activity, or person, or exhibiting other cultural or aesthetic values.

These include historic sites, historic designed landscapes, historic vernacular landscapes and ethnographic landscapes as defined by the National Park Service in Preservation Brief 36.

- I. **Demolition.** Each of the following definitions independently constitutes demolition of a historic resource:
  1. The complete destruction or removal of a building, structure, site or object, or
  2. Removal of more than 50 percent of the perimeter walls of a building or structure. An existing exterior wall that is proposed to become an interior wall is considered a removed wall for purposes of calculating 50% exterior wall removal, or
  3. Substantial removal of a structural wall of a street-facing or primary elevation of a building or structure that may have an adverse affect on the historical significance of a historic resource.
- J. **Demolition by Neglect.** The failure to provide ordinary and necessary maintenance and repair, as defined in Section 17.62.110 to a historic resource, whether the neglect is willful or unintentional or by design, by the owner or any party in possession of the property, which results in one or both of the following conditions:
  1. The severe deterioration of exterior features so as to create or permit a dangerous or unsafe condition to exist, as defined in Title 14 of the Municipal Code.
  2. The severe deterioration of exterior walls, roof, chimneys, doors, windows, porches, structural or ornamental architectural elements, or foundations, that could result in permanent damage and loss of the architectural and/or historic significance of a historic resource.
- K. **Elevation, Primary.** The front façade of a building. Typically the primary elevation faces a public street; however, other factors may determine the primary elevation of a building, including, but not limited to, the position of the main entry and windows, façade ornamentation, etc.
- L. **Elevation, Secondary.** The facades of a building other than the primary elevation.
- M. **Environmental Setting.** The entire lot as of the date of landmark or historic monument designation or listing in the National Register, on which is located a historic resource, and to which it relates historically, physically, and/or visually. The environmental setting includes, but is not limited to, accessory structures, driveways, fences, gateways, open space, rocks, vegetation (including gardens, lawns, and trees), walkways, and walls.
- N. **Fixture.** A decorative or functional device permanently affixed, or originally permanently affixed, to the site or the interior or exterior of a structure and contributing to its ability to meet the criteria for designation as a historic resource. Permanently affixed includes, but is not limited to, attachment by screws, bolts, pegs, nails or glue, and may include the attachment methods as rope, glass or leather if the material is integral to the design of the device. Fixtures include, but are not limited to, lighting devices, murals, built-in furniture and cabinetry, paneling and molding, leaded glass or other decorative windows and decorative hardware.
- O. **Historic Context.** A broad pattern of historical development in a community or its region, which may be represented by historic resources.
- P. **Historic Resource Economic Hardship Waiver.** A waiver granted to a property owner or applicant for a Certificate of Appropriateness for a project that due to an economic hardship does not comply with the Secretary of the Interior's Standards. The approval may include provisions to maintain as much as possible of the historic integrity of the property.
- Q. **Integrity.** The ability of a property to convey its historical significance. A property would typically possess several of the following seven aspects of integrity, as defined in National Register Bulletin 15, to convey its significance: Location, Design, Setting, Materials, Workmanship, Feeling and Association.
- R. **Noncontributing Resource.** A building, structure, site or object lacking architectural characteristics relating to the historic context and historic significance of a historic resource, and identified in the designation, listing or evaluation as noncontributing or subsequently determined to be noncontributing by the Director, the Historic Preservation Commission or the City Council.
- S. **Object.** A construction that is primarily artistic in nature or is relatively small in scale and simply constructed. Examples

include, but are not limited to, fountains, mile markers, monuments, sculptures, statuary, etc.

- T. **Period of Significance.** Refers to the span of time during which a historic resource has attained significance relating to the criteria for designation (e.g., the era when the historic resource was substantially developed or the end of a certain historical period).
- U. **Project (Major).** Includes, but is not limited to, any of the following:
1. Any demolition or relocation of a historic resource, or removal of a character-defining feature of a historic resource. This includes character-defining interior or exterior fixtures designed by the firm of Greene and Greene and interior character-defining features of designated historic monuments, as specified in the designation report.
  2. Any undertaking that significantly alters or changes the street-facing or primary elevation of a historic resource, including changes to materials or muntin patterning of windows and doors or to the sizes of their openings, the application of new exterior wall cladding or coating which changes the appearance, design, or texture of a property, and the addition of dormers and other architectural features.
  3. Any addition of square footage to a primary building elevation.
  4. Construction of a new primary structure in a designated or eligible landmark or historic district.
  5. Demolition of a non-contributing resource in a designated landmark or historic district.
  6. Construction of a new house or addition greater than 500 square feet on a non-contributing property in a designated landmark or historic district that results in the total square footage of the house exceeding 35% above the median house size of all properties within a 500-foot radius of the subject property, calculated as outlined in Section 17.22.050.E and also excluding properties outside of the landmark or historic district boundaries.
  7. Any addition of a height greater than that of the existing building, if the addition is visible from the street.
  8. Substantial removal (i.e., generally more than 50%) or replacement of exterior cladding on a street-facing (including corner side) or primary elevation.
  9. Construction of an accessory structure in front of the primary structure.
  10. Any undertaking determined major by the Director.
- V. **Project (Minor).** Includes, but is not limited to, any of the following:
1. Any demolition or removal of non-character-defining exterior features of a historic resource, including additions, windows, doors, and exterior siding material that is non-original or otherwise lacking in historic integrity.
  2. Any undertaking requiring a permit that does not change substantially the exterior character-defining features of a historic resource, including re-roofing in a different material that replicates the existing or original roofing, in-kind replacement of deteriorated exterior features, replacement windows and doors matching the size, design and materials of the existing or original windows and doors and additions on secondary elevations that are not in the same building plane as the primary elevation.
  3. Any undertaking to the environmental setting of an individually designated historic resource if the environmental setting is significant to the historic resource and has been defined as significant in the designation report for the historic resource or subsequently determined to be significant by evaluation.
  4. In designated districts, demolition and alteration of garages and other accessory structures built within the period of significance on both contributing and noncontributing properties and new construction of such structures on any designated historic property (districts and individual properties).
  5. Any undertaking not requiring a permit that materially alters character-defining features of a historic resource or that may have an adverse effect on the significance of a historic resource, including resurfacing exterior finishes (e.g., plaster cement in a radically different texture), or cleaning or painting of masonry.
  6. Substantial alterations to non-contributing buildings. For non-contributing buildings that could be rehabilitated to become contributing based on physical, documentary or pictorial evidence, on studying a similar building designed by the same builder or architect, minor alterations including, but not limited to, one-story rear additions,

replacement windows and doors, replacement garage doors, new siding or wall cladding or new dormers are considered minor projects. For non-contributing buildings built outside the period of significance or for which no physical, documentary or pictorial evidence of the original design exists or can be reasonably found through research or investigation, or for which no similar building designed by the same builder or architect is found, these types of minor projects are exempt from review.

7. New fences, walls, retaining walls and driveway gates in a historic or landmark district (including those on non-contributing properties).
  8. Work not meeting the definitions above that is required as part of an executed Historic Property Contract, as determined by the Director.
  9. Any undertaking determined minor by the Director.
- W. **Qualified Professional.** A person whose profession or occupation meets or exceeds the Secretary of the Interior's Professional Qualifications as defined by the National Park Service (36 CFR 61).
- X. **Section 106.** The regulations of U.S. Code of Federal Regulations at 36 CFR Part 800.
- Y. **Site.** The location of a significant event, occupation or activity, or a building or structure, whether standing or vanished, where the location itself possesses historic or cultural value. A site may also include a cultural landscape. Examples include, but are not limited to, cemeteries, designed or vernacular cultural landscapes, natural features, ruins of a building or structure, etc.
- Z. **State Historical Building Code.** Part 8 of Title 24 (California Building Standards Code) of the California Code of Regulations.
- AA. **Structure.** Those functional constructions made for purposes other than creating human shelter. Examples include, but are not limited to, bandstands, bridges, fences, walls, roads, etc.

(Ord. 7372 § 2 (Exh. 1), 2021)

#### 17.62.040 - Criteria for Designation of Historic Resources

- A. **Evaluation of Historic Resources.** When considering applications to designate a historic monument, landmark, historic sign, landmark tree or landmark district, the Director, Historic Preservation Commission, and City Council shall apply the criteria below according to applicable National Register of Historic Places Bulletins for evaluating historic properties, including the seven aspect of integrity: location, design, setting, materials, workmanship, feeling and association (National Register of Historic Places Bulletin #15: "How to Apply the National Register Criteria for Evaluation").
- B. **Greene & Greene Structures.** Greene & Greene Structures shall include all buildings, sites, structures, objects and interior fixtures designed by the architectural firm of Greene & Greene, or by Charles Sumner Greene (1868-1957) or Henry Mather Greene (1870-1954). All such structures are automatically designated as Greene & Greene Structures under this category and, as such, are exempt from the designation procedures of this chapter.
- C. **Historic monuments.**
  1. A historic monument shall include:
    - a. All historic resources previously designated as historic treasures before adoption of this Chapter in 2002 are automatically designated as historic monuments and, as such, are exempt from the designation procedures of this chapter,
    - b. All historic resources that are listed in the National Register at the State-wide or Federal level of significance (including National Historic Landmarks) are automatically designated as historic monuments and, as such, are exempt from the designation procedures of this chapter, and
    - c. Any historic resource that is significant at a regional, State, or Federal level, and is an exemplary representation of a particular type of historic resource and meets one or more of the following criteria:
      - (1) It is associated with events that have made a significant contribution to the broad patterns of the history of

the region, State, or nation.

- (2) It is associated with the lives of persons who are significant in the history of the region, State, or nation.
- (3) It is exceptional in the embodiment of the distinctive characteristics of a historic resource property type, period, architectural style, or method of construction, or is an exceptional representation of the work of an architect, designer, engineer, or builder whose work is significant to the region, State, or nation, or possesses high artistic values that are of regional, State-wide or national significance.
- (4) It has yielded, or may be likely to yield, information important in prehistory or history of the region, State, or nation.

2. A historic monument designation may include significant public or semi-public interior spaces and features, which shall be specified in the designation report prepared for the designation of the property.

#### D. Landmarks.

1. A landmark shall include all historic resources previously designated as a cultural heritage landmark before adoption of this Chapter in 2002 and any historic resource that is of a local level of significance and meets one or more of the criteria listed in Subparagraph 2., below.
2. A landmark may be the best representation in the City of a type of historic resource or it may be one of several historic resources in the City that have common architectural attributes that represent a particular type of historic resource. A landmark shall meet one or more of the following criteria:
  - a. It is associated with events that have made a significant contribution to the broad patterns of the history of the City.
  - b. It is associated with the lives of persons who are significant in the history of the City.
  - c. It embodies the distinctive characteristics of a type, architectural style, period, or method of construction, or represents the work of a architect, designer, engineer, or builder whose work is of significance to the City or possesses artistic values of significance to the City.
  - d. It has yielded, or may be likely to yield, information important locally in prehistory or history.

#### E. Historic signs.

1. A historic sign shall include all signs in the sign inventory as of the date of adoption of this Zoning Code in 2002 and any sign subsequently designated historically significant by the City Council that possesses high artistic values. A historic sign shall meet one or more of the following criteria:
  - a. The sign is exemplary of technology, craftsmanship or design of the period when it was constructed, uses historic sign materials and means of illumination, and is not significantly altered from its historic period. Historic sign materials shall include metal or wood facings, or paint directly on the façade of a building. Historic means of illumination shall include incandescent light fixtures or neon tubing on the exterior of the sign. If the sign has been altered, it must be restorable to its historic function and appearance.
  - b. The sign is integrated with the architecture of the building.
  - c. A sign not meeting criteria a or b above may be considered for inclusion in the inventory if it demonstrates extraordinary aesthetic quality, creativity, or innovation.
2. All other regulations relating to signs shall comply with Chapter 17.48 (Signs).

#### F. Landmark trees. A tree shall qualify to be of historic or cultural significance and of importance to the community if it meets any one of the following criteria:

1. It is one of the largest or oldest trees of the species located in the City;
2. It has historical significance due to an association with a historic event, person, site, street, or structure; or
3. It is a defining landmark or significant outstanding feature of a neighborhood.

#### G. Landmark districts.



1. A landmark district shall include all landmark districts previously designated before adoption of this Chapter in 2002 an grouping of contiguous properties that also meet the following criteria:
  - a. Within its boundaries, a minimum of 60 percent of the properties qualify as contributing;
  - b. A simple majority (51%) of property owners support the designation at the time of designation by the City Council; and
  - c. The grouping represents a significant and distinguishable entity of Citywide importance and one or more of a defined historic, cultural, development and/or architectural context(s) (e.g., 1991 Citywide historic context, as amended, historic context prepared in an intensive-level survey or historic context prepared specifically for the nominated landmark district).
2. When determining the boundaries of a landmark district, the Director, Historic Preservation Commission, Planning Commission and City Council shall use the National Register of Historic Places Bulletin #21: "Defining Boundaries for National Register Properties."

(Ord. 7372 § 2 (Exh. 1), 2021)

#### 17.62.050 - Process for Designating Individual Historic Resources

##### A. Application for designation of an historic monument, landmark, historic sign, or landmark tree.

1. An application for the designation of a historic monument, landmark, historic sign, or landmark tree shall be submitted by a property owner, a member of the Council, a member of the Historic Preservation Commission, or by any interested person who resides in the City.
2. If the applicant is not the owner of the property, the Director shall, within 10 days of submittal of the application, notify the owner in writing that an application for designation has been submitted.
3. Within 30 days of submittal of a complete application, the Director shall determine if the nominated property meets the applicable criteria for designation, and shall notify the applicant and/or property owner in writing whether or not the property is eligible for designation. A determination by the Director that the property is not eligible for designation shall be final unless appealed to or called for review by the Historic Preservation Commission or City Council.
4. If the Director determines that the property is not eligible for designation, the applicant and/or property owner, pursuant to Chapter 17.72 (Appeals), may appeal the decision to the Historic Preservation Commission or the Historic Preservation Commission or City Council may call the decision for review, and the Historic Preservation Commission shall review the nomination at a public hearing noticed and conducted in compliance with Chapter 17.76 (Public Hearings).
5. If the Director determines that the property is eligible for designation, the Director shall prepare a designation report within 45 days of the determination of eligibility, which shall establish in the record that the property meets the applicable criteria, and schedule a public hearing before the Historic Preservation Commission.
6. The designation report shall include a map of the property with boundaries for the proposed designation.

##### B. Review of designation applications.

1. At a public hearing, the Historic Preservation Commission shall review the application and designation report and recommend approval of the designation to the Council or disapprove the application. A decision by the Historic Preservation Commission to deny the application shall be final unless appealed to or called for review by the City Council.
2. Following receipt of a written recommendation of approval from the Historic Preservation Commission, the City Clerk shall schedule a noticed public hearing before the Council within 60 days.
3. The Council may approve, modify, or disapprove the designation of a historic monument, landmark, historic sign, or landmark tree.

**C. Declaration of designation.**

1. The designation of a historic monument, landmark, historic sign, or landmark tree shall be approved by resolution of the City Council and a declaration of designation executed by the Mayor.
2. Notice of the designation shall be mailed to the owner of record of the designated property.
3. The City Clerk shall record the declaration in the Office of the County Recorder.

(Ord. 7372 § 2 (Exh. 1), 2021)

**17.62.060 - Rescinding or Amending an Individual Historic Designation**

- A. Procedure for rescinding or amending.** Rescission of, or amendment to, a designation of a historic monument, landmark, historic sign, or landmark tree shall follow the same procedure as the procedure for designation of a historic resource, in compliance with Section 17.62.050, above.
- B. Required findings.** In rescinding the designation of a historic monument, landmark, historic sign or landmark tree, the Council shall determine that the historic monument, landmark, historic sign, or landmark tree no longer meets the designation criteria due to findings of fact that:
  1. New information compromises the significance of the property;
  2. Destruction of the historic monument, landmark, historic sign, or landmark tree through a catastrophic event has rendered the structure a hazard to the public health, safety, or welfare; or
  3. The historic monument, landmark, historic sign, or landmark tree has been demolished, relocated, or removed.
- C. Declaration of the rescission or amendment.**
  1. The rescission or amendment of a historic monument, landmark, historic sign or landmark tree shall be approved by resolution of the City Council and a declaration of rescission or amendment executed by the Mayor.
  2. Notice of the rescission of or amendment to a designation shall be mailed to the owner of record of the subject property.
  3. The City Clerk shall record the declaration with the Office of the County Recorder.

(Ord. 7372 § 2 (Exh. 1), 2021)

**17.62.070 - Designating LD Landmark Overlay Districts**

- A. Eligibility review application and informational meeting.**
  1. Upon receiving an application from a property owner to establish a landmark district that includes property owned by the requestor, or a Neighborhood Association whose boundaries intersect with the proposed district, the Director shall conduct an eligibility review of the district and its potential boundaries and determine whether it meets the criteria for designation in Section 17.62.040.G.1.a and c, either as proposed or with alternative boundaries identified by the Director.
  2. Pursuant to Section 17.60.040.D, the Director shall establish submittal requirements for landmark district eligibility review, except that subsection 4 shall not apply to these applications.
  3. If the district, as proposed or as amended by the Director, is determined to be eligible for designation, the Director shall conduct an informational meeting to inform property owners within the potential district boundaries of this determination and its effects, as well as the effects of designation and the designation process. Notice of the meeting shall be provided as required in Chapter 17.76 (Public Hearings), except that the notice shall only be mailed to property owners within the proposed district boundaries. After the informational meeting is conducted, the Director shall notify the applicant and all affected property owners in writing of its determination that the district is eligible for designation.
  4. If the Director determines that the district is not eligible for designation, the applicant and all affected property

owners shall be notified in writing. A determination by the Director that the district is not eligible for designation shall be final unless appealed to the Historic Preservation Commission or called for review by the Historic Preservation Commission or City Council as provided in subsection 5 below.

5. The applicant or any other affected property owner within the proposed district boundaries, pursuant to Chapter 17.72 (Appeals), may appeal the Director's determination or it may be called for review by the Historic Preservation or City Council. If appealed or called for review, the Historic Preservation Commission shall review the nomination at a public hearing noticed and conducted in compliance with Chapter 17.76 (Public Hearings), except that notice shall be mailed only to property owners within the district boundaries proposed by the applicant.

**B. Application for formal review of landmark district designation.**

1. An application for formal review of the designation of a landmark district may be submitted to the Director by a neighborhood organization or owner(s) of property in the proposed district after completion of the eligibility review and informational meeting required in subsection A, above, and only if the Director or Historic Preservation Commission has determined the district to be eligible for designation.
2. Pursuant to Section 17.60.040.D, the Director shall establish submittal requirements for applications for landmark district formal review, except that subsection 4 shall not apply to these applications.
3. Within 60 days of the determination that the application is complete, the Director shall prepare a designation report, establishing in the record that the landmark district meets, or does not meet, the applicable criteria for designation in Section 17.62.040.G, and shall schedule a public hearing before the Historic Preservation Commission, noticed and conducted in compliance with Chapter 17.76 (Public Hearings), except that the notice shall apply only to property owners within the boundaries of the proposed district. The designation report from the Director shall include a defined period of significance for each district that meets the criteria for designation.
4. The hearing by the Historic Preservation Commission shall include a staff presentation providing information on the effects of landmark district designation for property owners and residents of the area.

**C. Review of landmark district designation formal review application.**

1. At a public hearing, the Historic Preservation Commission shall review the application and designation report and recommend approval of the designation to the Council or disapprove the application. A decision by the Historic Preservation Commission to disapprove the application is final unless appealed or called for review by the City Council.
2. The Historic Preservation Commission's recommendation for approval shall be based on the finding that the landmark district meets the criteria for designation as specified in Section 17.62.040(G) above.
3. Following the public hearing, the Director shall forward the application with the recommendation for designation from the Historic Preservation Commission to the Planning Commission.

**D. Planning Commission review of Zoning Map amendment.**

1. The Planning Commission shall hold a public hearing on the application for a Zoning Map amendment for a landmark district (LD) overlay zoning district noticed and conducted in compliance with Chapter 17.76 (Public Hearings), except that the notice shall apply only to property owners within the boundaries of the proposed district.
2. The hearing shall be held no later than 12 months after the date the Director determines the application is complete in compliance with Section 17.60.060 (Initial Application Review).
3. The Planning Commission may consider the Zoning Map amendment application only if the application is accompanied by a final petition with the signatures from at least 51 percent of the property owners.
4. If the number of property owners in support of the application is below 51 percent at the time of the hearing or the end of the 12-month period, the application shall be considered withdrawn and ineligible for resubmittal for a minimum period of 12 months in compliance with Section 17.64.090 (Resubmittals).

**E. Planning Commission's review of LD overlay.**

1. The Planning Commission shall review the application at a public hearing and forward a recommendation to the Council
2. The Planning Commission's recommendation shall be based on the application's consistency with the findings for approval of a Zoning Map amendment as specified in Section 17.74.070.B and certification of the final petition described in Section 17.62.070.D.3 above.

**F. Council review of application.**

1. Within 30 days of the decision by the Planning Commission, the Director shall request that the City Clerk schedule a public hearing by the Council and shall submit the following documentation to the City Clerk:
  - a. Recommendations from the Historic Preservation Commission and the Planning Commission;
  - b. A map with the boundaries of the proposed district; and
  - c. An inventory of contributing and non-contributing properties.
2. The Council shall review the application at a public hearing.
  - a. Within 30 days of the receipt of the documentation identified in Subparagraph 1., above, the City Clerk shall schedule a public hearing before the Council.
  - b. Notice of the public hearing shall be provided, and the hearing shall be conducted in compliance with Chapter 17.76 (Public Hearings) except that the notice shall apply only to property owners within the boundaries of the proposed district.
3. The Council may approve, modify, or disapprove the designation.
4. Approval by the Council shall be based on the finding that the landmark district meets the criteria for designation as specified in Subsection 17.62.040(G) above and the findings for a Zoning Map amendment in Section 17.74.070.B.
5. The landmark district designation shall be approved by adoption of a Zone Change Ordinance, which shall become effective as provided in Section 17.74.080.B.
6. Upon the effective date of a Zone Change Ordinance for an LD Landmark Overlay District, the provisions of Section 17.28.080 shall apply to the properties within the approved district boundaries.

**G. Procedure for rescission of or amendment to a landmark district or conservation plan.**

1. Rescission of a landmark district overlay or an existing conservation plan and amendments to the boundaries of a landmark district overlay or to an existing conservation plan for a district shall follow the procedures identified above for designation of a landmark district, except that a petition demonstrating majority support for the rescission of or amendment to a conservation plan shall not be required.
2. The following criteria shall apply to additions to boundaries of a landmark district overlay:
  - a. Within the boundaries of an area added to an existing landmark district, a minimum of 60 percent of the properties shall qualify as contributing, and
  - b. The petition in support of the application shall have signatures from a minimum of 51 percent of the owners of the legal lots within the area proposed for inclusion in the district, and
  - c. The added properties represent the same historic context and period of significance as the existing district.
3. The following criteria shall apply to removal of properties from the boundaries of a landmark district overlay:
  - a. Within the boundaries of the remaining landmark district, a minimum of 60 percent of the properties shall qualify as contributing, and
  - b. The amended boundaries of the district comply with the National Register of Historic Places Bulletin #21: "Defining Boundaries for National Register Properties;" and
  - c. A simple majority (51%) of property owners within the existing district boundaries support the removal of the specified property(ies) at the time of review by the City Council.
4. The following criteria shall apply to rescission of a landmark district:
  - a. New information compromises the significance of the district; or

- b. Demolition, relocation or alteration of contributing properties or new information has resulted in the district having 60% contributing properties within its boundaries.
- 5. The following criteria shall apply to amendment of a conservation plan:
  - a. The proposed amendments are consistent with the purposes of this Chapter; and
  - b. The proposed amendments are in conformance with the goals, policies, and objectives of the General Plan; and
  - c. The proposed amendments would not be detrimental to the public interest, health, safety, convenience, or general welfare of the City.
- 6. If an existing conservation plan for a landmark district is rescinded, regulatory reviews of projects shall follow the procedures of this chapter.
- H. **Modification or determination of contributing or non-contributing status after landmark district designation.**
  - 1. **Decision by Director.** Following the designation of a landmark district by the City Council, a property owner within the boundaries of the landmark district, or a Neighborhood Association whose boundaries intersect with the landmark district, may apply to the Director to change the contributing or non-contributing status of a property within the district. Decisions by the Director may be appealed to or called for review by the Historic Preservation Commission or City Council following the provisions of Chapter 17.72.
  - 2. **Findings.** The Director shall make the following findings to approve a request to modify contributing or non-contributing status of a property:
    - a. To change a contributing property to a non-contributing property:
      - (1) New information indicates that the property does not qualify as a contributing structure; or
      - (2) The property was not constructed during the period of significance of the district or does not represent the historic context(s) under which the district was designated.
    - b. To change a non-contributing property to a contributing property:
      - (1) New information indicates that the property qualifies as a contributing structure; or
      - (2) The property has been restored to its original exterior appearance, as viewed from the street, based on documentary, pictorial or physical evidence or by studying a similar building designed by the same builder, architect or pattern book.

(Ord. 7372 § 2 (Exh. 1), 2021)

#### 17.62.080 - Historic Resource Evaluations

- A. **Applicability.** If an applicant proposes demolition or a major project affecting a building, site, object or structure that is 45 years of age or older, submittal of an application for Historic Resource Evaluation is required to determine if the property is a historic resource and, therefore, the requirements of Section 17.62.090 will apply to the project.
- B. **Exceptions.** A Historic Resource Evaluation is not required if the affected building, site, object or structure has been previously evaluated or surveyed in the last 5 years or if the proposed project is subject to CEQA and a Historic Resource Evaluation is prepared by the City in conjunction with the CEQA process.
- C. **Preparation.** The Director may prepare a Historic Resource Evaluation or may engage a qualified professional architectural historian to prepare it. The costs of professional services shall be borne by the applicant. The evaluation shall follow methodology established in the document "Instructions for Recording Historical Resources" published in March 1995 by the California Office of Historic Preservation, or subsequent updates, and shall determine whether the affected building, site, object or structure meets the criteria for listing in the National Register of Historic Places (individually or as a contributing resource to an eligible historic district) or for any of the designation types established in Section 17.62.040, including as a contributing resource to an eligible landmark district.
- D. **Determination of eligible landmark or historic district.** If, as a result of a Historic Resource Evaluation, a new eligible

landmark or historic district is identified, the City shall conduct an informational meeting as outlined in Section 17.62.070.B.

- E. **Appeals and calls for review.** The results of a Historic Resource Evaluation may be appealed to or called for review by the Historic Preservation Commission or City Council following the procedures in Chapter 17.72. In the event that a new landmark or historic district is identified, all property owners within the district boundary shall be notified and may appeal the determination.

(Ord. 7372 § 2 (Exh. 1), 2021)

#### 17.62.090 - Alteration, Demolition, or Relocation of a Historic Resource

- A. **Compliance with Section.** Unless exempt pursuant to subsection D below, no person, owner, or other entity shall undertake a major or minor project to a designated historic resource or historic resource eligible for designation or new construction in a landmark or historic district as defined below without first obtaining approval of an application for Certificate of Appropriateness in compliance with this Section. Proposed projects within the Bungalow Heaven, Garfield Heights and Banbury Oaks Landmark Districts shall be processed in accordance with the review thresholds in the respective Conservation Plan for those districts, unless rescinded in the future.
- B. **General procedures for review of applications for Certificate of Appropriateness.**
1. The Certificate of Appropriateness requirement is limited to areas outside of the Central District.
  2. All applications for which the Historic Preservation Commission is the review authority shall be processed in compliance with the standard review procedures identified in Chapter 17.76 (Public Hearings).
  3. The provisions of Chapter 17.60 (Application Filing and Processing) and Chapter 17.64 (Permit Implementation, Time Limits, and Extensions), apply to all Historic Preservation reviews. All decisions by the Planning Director may be appealed to or called for review by the Historic Preservation Commission or City Council following procedures in Chapter 17.72, except as otherwise specified in this chapter.
  4. Exterior work subject to regulatory review of an application for Certificate of Appropriateness in designated or eligible landmark districts and designated or eligible historic districts is limited to public view from public and private streets; views from alleys are excluded from review.
  5. For individually designated landmarks and historic monuments and properties individually listed in the National Register, the review authority shall concentrate reviews on features open to view from public or private streets and sidewalks. The review authority may also review work out of public view if the alterations affect significant character-defining features of the historic resource or if the work may have an adverse effect on the overall historic integrity of the resource.
  6. In landmark and historic districts outside the Central District, the following items shall be exempt from review: Paint colors and stains, routine maintenance and minor repairs, landscaping (except for trees protected under Chapter 8.52 - Tree Protection), all interior alterations, screens and awnings, flat concrete work (including driveways and walkways), rear yard walls and fences, reroofing (except for a change of material) exterior lighting fixtures, and window/door grilles. Design review may be required for these types of projects in the Central District per the design review thresholds in Section 17.61.030.
  7. In the event of a conflict between an adopted conservation plan and the procedures of this chapter, the conservation plan shall prevail, except that the Appeal and Call for Review procedures in Chapter 17.72 shall supersede the Appeal and Call for Review provisions of the conservation plans.
  8. For projects requiring both a Certificate of Appropriateness and design review, the Director or Design Commission, according to the design review thresholds in Table 6-2 or Table 6-3, shall be the review authority. The Historic Preservation Commission shall make a recommendation to the design review authority, based on compliance of the project with the Secretary's Standards.

- C. **Review of demolitions and alterations to historic resources in the Central District.** The Design Commission shall review applications for additions, alterations, demolitions, relocations, and new construction and relief from the replacement Built Permit requirement in the Central District as specified in Table 6-2 in Section 17.61.030 and Table 6-5 of Section 17.62.020.
- D. **Exceptions to Certificate of Appropriateness requirement.**
1. **Demolition.** A Certificate of Appropriateness is not required for properties already entitled for demolition through an adopted Master Development Plan, Planned Development, Development Agreement, Adjustment Permit, Use Permit, Variance or similar land use approval, or for demolitions analyzed and cleared through an adopted negative declaration, mitigated negative declaration, or certified EIR.
  2. **Alterations.** A Certificate of Appropriateness for a major or minor project is not required for properties already entitled for alteration through an adopted Master Development Plan, Planned Development, Development Agreement, Adjustment Permit, Use Permit, Variance or similar land use approval, and if a finding of consistency with the Secretary of the Interior's Standards is made, in conjunction with such approval. For proposed major projects, advisory review by the Historic Preservation Commission shall be conducted prior to action being taken on the land use approval; for proposed minor projects, staff of the Design and Historic Preservation Section shall conduct this advisory review. The Commission or staff, as applicable, shall provide comments to the land use approval review authority on compliance of the project with the Secretary of the Interior's Standards, including any recommended conditions of approval that would be necessary to ensure compliance with the Standards.
- E. **Review procedures for historic resources.**
1. **Category 1 review procedures.** Category 1 review procedures shall apply to all designated historic resources.
    - a. **Major project.** The Historic Preservation Commission may approve, approve with conditions, or disapprove an application for a Certificate of Appropriateness for a proposed major project.
    - b. **Minor project.** The Director may approve, approve with conditions, or disapprove an application for a Certificate of Appropriateness for a proposed minor project.
  2. **Category 2 review procedures.** Category 2 review procedures shall apply to an eligible or potentially eligible historic resource.
    - a. **Demolition.** The Historic Preservation Commission may approve or disapprove an application for Certificate of Appropriateness for the demolition of an eligible historic resource.
    - b. **Major project.** The Director may approve, approve with conditions, or disapprove an application for Certificate of Appropriateness for a proposed major project, except demolition and new construction on non-contributing properties in eligible landmark or historic districts.
  3. **Historic Resource Economic Hardship Waiver.** At the time of application for a Certificate of Appropriateness, an applicant may apply to the Director-for an Economic Hardship Waiver.
    - a. **Proof of economic hardship.** The application shall include proof by the owner of the property of economic hardship.
    - b. **Documentation required by Director.** The Director may require the documents and/or testimony necessary to substantiate a claim of economic hardship.
    - c. **Findings.** The approval of an Economic Hardship Waiver shall be based on the findings that:
      1. The owner of the property is qualified as very-low or low income as defined in the Zoning Code; and
      2. If the Certificate of Appropriateness is for an income-producing property, the property is not in a state caused by demolition by neglect.
  4. **Required findings for approval of a Certificate of Appropriateness.** Approval of a Certificate of Appropriateness shall be based on the following findings, unless a Historic Resource Economic Hardship Waiver is approved pursuant to Section 17.62.090.E.3:
    - a. If a project is a demolition or relocation, including demolition in a historic or landmark district, the project will not

- cause a significant adverse effect as defined in the State CEQA guidelines; or
- b. If a project is an alteration or new construction, the project complies with the Secretary's Standards and any adopted guidelines based on the Secretary's Standards.
5. **Additional findings for demolition of historic resources (excluding non-contributing structures).** In addition to the findings required in Section 17.62.090.E.4, the Commission must make one of the following findings to approve demolition of a designated or eligible historic resource, unless a Historic Resource Economic Hardship Waiver is approved pursuant to Section 17.62.090.E.3:
- a. The building has experienced severe structural damage that is unable to be repaired and there is substantial evidence to support this conclusion from at least two qualified professionals managed by the City and paid for by the applicant (e.g., structural engineer, historic architect); or
  - b. No economically reasonable, practical, or viable measures could be taken to adaptively use, rehabilitate, or restore the building or structure on its existing site—and there is substantial evidence to support this conclusion from at least two qualified professionals managed by the City and paid for by the applicant (e.g., structural engineer, historic architect); or
  - c. A compelling public interest justifies demolition.
6. **Additional finding to exceed the Neighborhood Compatibility Requirement on a Non-Contributing Property in a designated landmark or historic district.** In addition to the findings required in Section 17.62.090.E.4, the Commission shall make the following finding for projects defined in Section 17.62.030.U.6:
- a. The design, location, and size of proposed new structures and/or additions to existing structures will be compatible with existing and anticipated future development within the landmark or historic district in terms of height, massing, and scale.
7. **Conditions of approval.** As a condition of approval of an application for Certificate of Appropriateness, the review authority may require historic materials to be salvaged from a property, and it may require archival-quality photo-documentation of the building and/or architectural drawings similar to those required for the Historic American Buildings Survey (HABS), in addition to any other specific conditions that it may deem appropriate to ensure that the findings for approval of the application can be made.

(Ord. 7372 § 2 (Exh. 1), 2021)

#### 17.62.100 - Replacement Building Permit Requirements

- A. **Building Permit required before issuance of a demolition permit.** No permit for the demolition of a structure that is a primary structure on a property may be issued unless a Building Permit has been issued for construction of a replacement project or structure. This requirement applies solely to any primary structure(s) on a property, as determined by the Director.
- B. **Relief from the requirements of this Section.**
  1. An applicant for a demolition may apply for relief from the requirements of this Section. The Director shall be the review authority for all applications and may approve the application if the following findings can be made:
    - a. The structure to be demolished is not a designated historic resource or a resource eligible for designation (excluding noncontributing structures in landmark districts and historic districts);
    - b. The demolition does not result in the loss of habitable dwelling units on a property zoned for residential use; and
    - c. The proposed demolition would not result in the disruption of a continuous grouping of architecturally significant structures or create an inappropriate void in the existing architectural or visual character of the area.
  2. In lieu of the findings identified in Subparagraph 1., above, the Director may also approve the application if it finds that granting relief from the requirements of this Section serves an overriding public benefit and will not be detrimental or injurious to property or improvements in the vicinity of the project site, or to the public health, safety,



or general welfare.

(Ord. 7372 § 2 (Exh. 1), 2021)

#### 17.62.110 - Minimum Maintenance Requirements

A. The owner, lessee or other person legally in possession of a historic resource shall comply with all applicable codes, laws and regulations governing the maintenance of property. Additionally, it is the intent of this section to preserve from deliberate or inadvertent neglect the exterior features of historic resources and the interior portions thereof when such maintenance is necessary to prevent deterioration and decay of the exterior. Historic resources shall be preserved against such decay and deterioration and shall remain free from structural defects through prompt corrections of any of the following defects:

- Façades which may fall and injure members of the public or property;
- Deteriorated or inadequate foundation, defective or deteriorated flooring or floor supports, deteriorated walls or other vertical structural supports;
- Members of ceilings, roofs, ceiling and roof supports or other horizontal members which sag, split or buckle due to defective material or deterioration;
- Deteriorated or ineffective waterproofing of exterior walls, roofs, foundations or floors, including broken windows or doors;
- Defective or insufficient weather protection for exterior wall covering, including lack of paint or other protective covering;
- Any fault or defect in the building that renders it not properly watertight or structurally unsafe.

(Ord. 7372 § 2 (Exh. 1), 2021)

#### 17.62.120 - Demolition, Deterioration or Alteration of a Historic Resource without a Certificate of Appropriateness

##### A. Failure to comply with this Chapter.

1. Any person who violates a requirement of this Chapter shall be guilty of a misdemeanor and subject to the provisions of Chapter 17.78 and any other applicable PMC sections or laws.
2. Demolition, including demolition by neglect, failure to comply with Minimum Maintenance Requirements in Section 17.62.110 or alteration of any historic resource, including those within the Central District, without compliance with this Chapter or Section 17.61.030, is expressly declared to be a nuisance, and shall be abated by issuance of a stop-work order requiring submittal of an application for Certificate of Appropriateness or design review if in the Central District based on the procedures established in Section 17.62.090 and 17.61.030, respectively. As a result of this process, reconstructing or restoring the property to its condition before the performance of work in violation of this Chapter based on evidence and documentation of the prior or original condition of the property may be required, or in the case of demolition by neglect, by completing work determined through the Certificate of Appropriateness or Design Review process to be required to stabilize and arrest further deterioration of the property.
3. The property owner shall apply for a building permit for the corrective work required as a result of the Certificate of Appropriateness or Design Review process within 30 days of the effective date of the Certificate of Appropriateness or Design Review decision.
4. The owner of the property shall begin the corrective work required as a result of the Certificate of Appropriateness or Design Review process within 30 days of the issuance of a building permit. The corrective work shall be diligently pursued and completed within 12 months of the date of the stop-work order issuance.
3. The property owner may apply to the Director to extend the 12-month deadline.

4. The Director may extend the time period if it finds that the corrective work cannot reasonably be performed within 12 r

**B. Violations.**

1. Penalties are cumulative and not exclusive. The criminal penalties are cumulative and not exclusive to any legal or equitable remedies for the violations.
2. Any person who violates a requirement of this Chapter shall not be eligible to receive any of the incentives listed in Section 17.62.130 for a period of five years.

**C. Public safety exceptions.**

1. Preservation of the health and safety of the public. Notwithstanding any other provision of this Chapter, the Director may authorize permits to demolish, relocate, remove, or significantly alter a designated or eligible historic resource if a permit is necessary for the preservation of the health and safety of the public.
2. Limited to work necessary to protect the public. Approval in compliance with this Subsection shall be limited to the work necessary to protect the public.

(Ord. 7372 § 2 (Exh. 1), 2021)

**17.62.130 - Incentives for Preserving Historic Resources**

- A. Council shall adopt a program of incentives.** In order to carry out more effectively and equitably the purposes of this Chapter, the Council shall by resolution adopt a program of economic and other incentives to support the preservation, maintenance, and appropriate rehabilitation of the City's significant historic resources.
- B. Preservation incentives.** Preservation incentives shall be made available to owners of properties that are individually designated historic monuments or landmarks, or individually listed in the National Register of Historic Places, or properties that are contributing to designated landmark districts, or districts listed in the National Register through:
  1. **Reduction of Building Permit fees and construction tax.** A reduction of Building Permit fees and construction tax for the following projects found to be in compliance with the Secretary's standards:
    - a. Exterior work that includes the repair, replacement, or restoration in kind of significant architectural features.
    - b. Re-roofing with similar material or repair and replacement of roofing where the roof is a significant architectural feature.
    - c. Relocation to another site inside the City.
    - d. Restoration of significant fixtures designed by Greene and Greene or other designated interior spaces.
    - e. Seismic reinforcement and other structural stabilization and repair.
  2. **Waiver of covered parking requirements.** For designated historic resources, the Director may waive the requirement for two covered parking spaces — when adding floor area to a residential dwelling — if an existing one-car garage contributes to the significance of the property and/or district and it is in good condition or, if deteriorated, it will be returned to good condition as part of the work to add new living space to the dwelling. Decisions of the Director may be appealed to or called for review by the Historic Preservation Commission or City Council as provided in Chapter 17.72.
  3. **Variations for Historic Resources.** Variations for historic resources may be granted in compliance with Section 17.61.080.H.
  4. **Compliance with California State Historical Building Code.**
    - a. Any designated historic resource may, upon request of the applicant for a permit, be subject to the provisions of the California State Historical Building Code if the work is required to comply with the Secretary's Standards.
    - b. The California State Historical Building Code may also apply to an un-designated property if the Director determines that the property qualifies for a historic designation.
  5. **Preservation of Historic Resources in projects subject to RM District Development Standards.** Waivers of

development standards and alternative solutions may be approved through the design review process in compliance with Section 17.22.080.C.

6. **OC Office Conversion Overlay District.** Designated or eligible historic resources within the OC Overlay District may be converted to office uses in compliance with Section 17.28.100.
7. **Lodging Bed and Breakfast Inns.** A Lodging - Bed and Breakfast Inns land use may be established in historic resources in certain zoning districts in compliance with Section 17.50.140.
8. **Residential Accessory Structure Height Modification.** The Director may approve an increase in the allowable accessory structure height for designated historic resources in compliance with Section 17.50.250.E.1.f.
9. **Determination of Front Lot Line on Corner Lots.** For historic resources on a corner lots, the Director may determine an alternative front lot line location than would otherwise be determined by the definition of "Front Lot Line" in the glossary. Such a determination shall be based on the orientation of the historic resource's primary elevation, shall be issued to the property owner in writing and shall be subject to the appeal and call-for-review provisions of Chapter 17.72.
10. **Parking Incentives for Historic Resources.** Pursuant to California Health & Safety Code Section 18962, the following parking incentives shall apply to development projects affecting historic resources:
  - a. For a project converting or adapting a historic resource to a residential use that is located within one-half mile of a major transit stop, as defined in subdivision (b) of Section 21155 of the Public Resources Code, the project shall not be required to include parking spaces greater than the number of parking spaces that existed on the project site at the time the project application was submitted.
  - b. For a project converting or adapting a historic resource to a nonresidential use, the project may include up to a 25-percent reduction in the amount of parking spaces that would otherwise be required.
  - c. A development project in which a historic resource is being converted or adapted that is eligible for reductions in required parking pursuant to this section shall comply with all other requirements of this Chapter.
11. **Historic Property Contracts.**
  - a. **Purpose.**
    - (1) The purpose of this Subparagraph is to implement State law (Government Code Sections 50280-50290), allowing the approval of Historic Property Contracts by establishing a uniform procedure for the owners of qualified historic properties within the City to enter into contracts with the City.
    - (2) The Council finds and determines that entering into Historic Property Contracts, as hereinafter provided, is an incentive for owners of designated historic resources to rehabilitate and preserve their properties.
    - (3) The Council further finds that the preservation will assist in maintaining the City's existing stock of affordable housing and support the goals and objectives in the Land Use Element of the General Plan about preserving historically and architecturally significant structures.
  - b. **Limitations on eligibility.**
    - (1) It is the intent of the Council that unrealized revenue to the City from property taxes not collected due to executed Historic Property Contracts shall not exceed a total of \$75,000.00 annually, or \$25,000.00 for any one individual property, unless approved by the Council.
    - (2) In furtherance of this policy, Historic Property Contracts shall be limited to a maximum of 20 single-family residential properties each year and six multi-family residential, commercial, or industrial properties each year, unless the Council approves additional contracts beyond these limits.
    - (3) For the purpose of this Subparagraph, "assessed valuation" does not include any portion of the value of a mixed-use structure which is already exempt from payment of property taxes by a determination of the County Assessor in compliance with Sections 4(b) and 5 of Article XIII of the California Constitution and Sections 214, 254.5, and 259.5 of the Revenue and Taxation Code.

**c. Required provisions of Historic Property Contracts.**

- (1) The required provisions of a Historic Property Contract shall be those required by State law (Government Code Sections 50281 and 50282) including the following specifications:
  - (a) The contract term shall be 10 years minimum, with automatic renewal yearly on the anniversary of the contract date.
  - (b) The contract agreement is to assist the preservation of the historic resource; therefore, restoration and rehabilitation of the property shall conform to the rules and regulations of the State of California Office of Historic Preservation (Department of Parks and Recreation), the Secretary's Standards, and the State Historical Building Code.
  - (c) The owner agrees to permit periodic examination of the interior and exterior of the premises by the County Assessor, the Department of Parks and Recreation, the State Board of Equalization, and the City, as may be necessary to verify the owner's compliance with the contract agreement, and to provide any information requested to ensure compliance with the contract agreement.
  - (d) The contract shall be binding on all successors-in-interest of the owner to the benefits and burdens of the contract.
  - (e) The City shall provide written notice of the contract to the State of California Office of Historic Preservation within 180 days of entering into the contract.
  - (f) The procedure for notice of non-renewal by the owner or the City, shall be as identified in State law (Government Code Section 50282 (a), (b), and (c) and Section 50285).
- (2) Additionally, the contract shall state that the City may cancel the contract if it determines that the owner has breached any of the conditions of the contract or has allowed the property to deteriorate to the point that it no longer meets the significance criteria under which it was designated.
- (3) Additionally, the contract shall state that if the City cancels the contract for any of these reasons the owner shall pay the State of California a cancellation fee of twelve and one-half percent of the full value of the property at the time of cancellation, as determined by the County Assessor without regard to any restriction on the property imposed by the Historic Property Contract.
- (4) The contract shall also provide that in the event preservation, rehabilitation, or restoration becomes infeasible due to damage caused by natural disaster (e.g., earthquake, fire, flood, etc.), the City may cancel the contract without requiring the owner to pay the State of California the above-referenced cancellation fee as a penalty. However, in this event, a contract shall not be cancelled by the City unless the City determines, after consultation with the State of California Office of Historic Preservation, in compliance with Public Resources Code Section 5028, that preservation, rehabilitation, or restoration is infeasible.
- (5) The City shall maintain a sample "Historic Property Contract" with all required provisions specified by this Subparagraph.

**d. Administrative Guidelines.** The City Manager, or designee, shall issue administrative guidelines for implementation of the Historic Property Contract process.

(Ord. 7372 § 2 (Exh. 1), 2021)