



Planning Commission Report

- Meeting Date:** October 23, 2014
(Continued from the Planning Commission meeting on Thursday, October 9, 2014)
- Subject:** Review of Proposed Amendments to Beverly Hills Municipal Code Article 32:
Historic Preservation Ordinance, as presented by Commissioner Corman
- Recommendation:** Provide direction to staff regarding Commissioner Corman's amendments to the
City's Historic Preservation Ordinance
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BACKGROUND

At its meeting on October 9, 2014, the Planning Commission (PC) reviewed draft amendments to the Historic Preservation Ordinance (Beverly Hills Municipal Code Article 32). The draft amendments presented at that time included those that the PC recommended in Resolution No. 1697 on November 21, 2013 (Attachment 5 to the Report included as Attachment 2 herein), as well as recommendations from the following entities:

- City Council
- State Office of Historic Preservation
- Cultural Heritage Commission
- Joint sub-committee of the Planning Commission and Cultural Heritage Commission
- Liaison Committee of the City Council, Planning Commission and Cultural Heritage Commission
- City Attorney's office
- City staff and the City's historic consultant

During the study session on October 9th, the Commission discussed the proposed amendments and input (which are summarized in the amended Planning Commission Report dated October 9, 2014 included herein as Attachment 2). The Commission also engaged in a broader discussion about the scope and intent of the Ordinance and the impact of the Historic Preservation Program in general. The Commission discussed topics such as:

- Increasing certainty into the City's historic property review process
- Reviewing the pros and cons of historic districts
- Protecting property rights and values

Attachment(s):

1. Proposed text amendments to BHMC Article 32: Historic Preservation Ordinance, as presented by Commission Corman
2. Planning Commission Report (amended version), October 9, 2014, including attachments

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- Tightening Local Landmark criteria
- Revisiting the Ordinance to ensure its alignment with the original intent of the legislation.

Public Comment

Three members of the public commented on the item at the October 9th Planning Commission meeting.

1) Mr. Steve Webb, resident and former Mayor

Mr. Webb's comments pertained to the original intent of the Ordinance and how it is currently functioning. His suggestions related to two-tiered landmark criteria, time limits for historic assessment reports, processing of economic hardship applications, applicability to interiors of commercial properties, and re-reviewing preservation incentives.

2) Ms. Rebecca Pynoos, resident¹

Ms. Pynoos introduced herself as a third-generation Beverly Hills resident, expressed her concern with the high standards for historic district creation, and voiced that partial city blocks should be able to be included in historic districts.

3) Marcello Vavala, Los Angeles Conservancy

Mr. Vavala commented that the proposed Ordinance changes constituted a much more stringent model than is found in other communities. On behalf of the LA Conservancy, he urged the PC to reconsider leaving historic district creation thresholds unaltered from the current Ordinance standards and to remove the recommended requirement that historic districts comprise full city blocks.

Following discussion, the Commission continued the matter to the October 23, 2014, Planning Commission meeting.

DISCUSSION

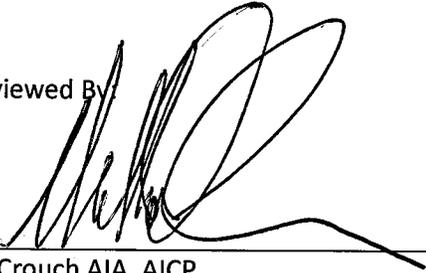
At the October 9, 2014, Planning Commission meeting, Commissioner Corman indicated that he was working on drafting changes to the Ordinance that would help recalibrate it. Accordingly, the Commission continued the matter to the October 23, 2014 meeting to allow Mr. Corman to present his suggested Ordinance amendments. This report transmits the Draft Ordinance by Commissioner Corman in Attachment 1.

NEXT STEPS

It is suggested that the Planning Commission review and discuss the new language and provide direction as the Planning Commission may find appropriate.

¹ Though a member of the Cultural Heritage Commission, Ms. Pynoos appeared before the PC as an individual.

Report Reviewed By

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Urban Designer



Attachment 1

Proposed text amendments to BHMC Article 32: Historic Preservation Ordinance,
as presented by Commission Corman

Article 32. Historic Preservation

10-3-3201: Title

10-3-3202: Definitions

10-3-3203: Intent, Purpose, And Authorization

10-3-3204: Administrative Guidelines

10-3-3205: Permit Required

10-3-3206: Minimum Maintenance Requirements

10-3-3207: ~~Cultural Heritage~~ Historic Preservation Commission

10-3-3208: Powers And Duties Of The Commission

10-3-3209: Preservation Incentives

10-3-3210: Establishment Of ~~A~~ The Local Inventory Of Eligible Properties ~~Historic Resources~~

10-3-3211: Establishment Of ~~A~~ The City of Beverly Hills ~~Local~~ Register Of Historic Properties

10-3-3212: Landmark Designation Criteria

10-3-3213: Historic District Designation Criteria

10-3-3214: Street Improvements In Historic Districts

10-3-3215: Landmark Or Historic District Designation Proceedings ~~Procedures~~

10-3-3216: Amendment Or Rescission Of Landmark Or Historic District

Designation

10-3-3217: ~~Pending~~ Demolition, Alteration, Or Relocation Of Property While Designation Proceedings Are Pending; Temporary Protections ~~Pending~~

Designation

10-3-3218: Hold Period For Permits To Alter Certain Buildings, Structures And Objects Forty Five Years Of Age And Older

10-3-3219: Certificate Of Appropriateness

~~10-3-3220: Certificate Of Appropriateness Term, Extension, Modification~~

10-3-32210: Certificate Of Economic Hardship

10-3-3221: Certificate Of Exemption

10-3-3222: Appeals; Finality Of Decisions ~~For~~ Regarding Certificates Of Appropriateness, ~~And~~ Certificates Of Economic Hardship, And Certificates Of Exemption

10-3-3223: Historic ~~Resource~~ Property Disclosure

10-3-3224: Limited Applicability To Renovations Of Properties Required To Comply With Secretary Of Interior Standards

10-3-3225: Enforcement And Penalties

10-3-3226: Preexisting Entitlements And Building Permits

10-3-3227: Fees

10-3-3228: Waiver Of In-Lieu Fees

10-3-32289: City Owned Properties; School District Properties

10-3-322930: Dangerous And Immediately Dangerous Properties

10-3-3201: TITLE:  

This article shall be known as the *HISTORIC PRESERVATION ORDINANCE OF THE CITY OF BEVERLY HILLS*. (Ord. 12-O-2617, eff. 2-24-2012)

10-3-3202: DEFINITIONS:

For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

ADDITION: Any expansion or increase in floor area or height of a building or structure.

ALTERATION: Any physical modification or change to a building, structure, site, or object that may have an **an negative** effect on character defining features of a **property historic resource**. Alterations shall also include construction of additions **or entirely new buildings and/or structures**, but shall not include ordinary maintenance and repair.

~~**ARCHAEOLOGICAL SITE:** An area where remains of man or man's activities prior to keeping of history are still evident.~~

BUILDING: A structure that is created principally to house any form of human activity, such as a house, barn, church, hotel, or similar construction, including accessory structures, such as guesthouses, detached garages and sheds. "Building" may also be used to refer to a historically and functionally related unit, such as a courthouse and jail, or a house and barn.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA): Collectively, Public Resources Code section 21000 et seq., and the state of California CEQA guidelines, 14 California Code Of Regulations 15000 et seq., as may be amended from time to time.

~~**CALIFORNIA REGISTER OF HISTORICAL RESOURCES:** The authoritative and comprehensive listing and guide to California's significant historical resources as defined in California Public Resources Code section 5020.1, as may be amended. Also referred to as the California register.~~

CERTIFICATE OF APPROPRIATENESS: A certificate issued to approve alteration, restoration, construction, removal, relocation in whole or in part, or demolition of a designated landmark or property within a historic district.

CERTIFICATE OF ECONOMIC HARDSHIP: A certificate authorizing work described in an accompanying certificate of appropriateness because of **extreme a finding of economic hardship under financial privation or adversity and in accordance with the procedures and findings of** this article.

CERTIFICATE OF EXEMPTION: A certificate establishing that a property is not an eligible property and therefore is exempt from the provisions of this article.

~~**CERTIFIED LOCAL GOVERNMENT:** A local government that participates in the program authorized by the national historic preservation act of 1966 (16 USC section 470 et seq.) and the subsequent participatory agreement between the city and the state of California office of historic preservation.~~

CHARACTER DEFINING FEATURE: A prominent or distinctive aspect, quality, detail, or characteristic of a **historic resource property** that contributes significantly to its physical character and historical significance. Such features may include, but are not limited to, landscaping, ~~setbacks~~, massing, distinguishing aspects, roof attributes, architectural details, materials, moldings, sculptures, fountains, light fixtures, windows, doors, and monuments.

CITY OF BEVERLY HILLS REGISTER OF HISTORIC PROPERTIES: A register containing those properties and geographical areas formally designated by the city council as landmarks or historic districts pursuant to ~~the provisions of~~ this article. The register shall also include contributing properties within historic districts. ~~Also referred to as the local register.~~ The most recent version of the register shall be published on the city's official website, and a copy of it shall be available for review in the city clerk's office.

COMMISSION: The ~~cultural heritage~~ Historic Preservation ~~e~~Commission as defined in section 10-3-3207 of this chapter.

CONTRIBUTING PROPERTY: A property, including all buildings, structures, objects, and character defining features located on it, that adds or contributes to the significance of a historic district and satisfies all of the requirements of section 10-3-3213 of ~~under criteria set forth in~~ this article.

DEMOLITION ~~OR or~~ DEMOLISH: Any act or process that destroys a property in part or in whole ~~an individual historic resource~~ such that the historic character and character defining features of the property are completely removed and cannot be repaired or replaced. The terms demolition or demolish shall include, but are not limited to, the act of pulling down, destroying, removing, or razing a property, or commencing work thereof with the intent of completing the same.

DIRECTOR: The city's director of community development, or her/his designee.

~~DISTRICT: See definition of Historic District Or District.~~

ECONOMIC HARDSHIP: The ~~facts and circumstances which establish that there are no feasible measures that can be taken which will enable the~~ inability of a property owner to make a reasonable beneficial use of the property or derive a reasonable economic return from the property in its current form, as set forth in this article.

ELIGIBLE PROPERTY: A property for which there is prima facie evidence to conclude that all of the applicable requirements for designation as a landmark can be met.

EXCEPTIONAL WORK: A remarkably superior example of a master architect's work that has been recognized as such by members of the architectural community. At a minimum, an exceptional work shall have won a major architectural award, or have been substantively discussed (i.e., not simply mentioned in passing) and photographically depicted in at least two published scholarly works (e.g., monographs on the master architect's career, or books, treatises, dissertations, or trade magazine articles on architectural movements or trends) written by an expert in the architectural field.

~~EXCEPTIONAL SIGNIFICANCE: A property having extraordinary importance under applicable evaluation criteria and context as defined in: "Criteria Consideration G: Properties That Have Achieved Significance Within The Last Fifty Years" in the "National Register Bulletin: How To Apply The National Register Criteria For Evaluation".~~

HISTORIC ASSESSMENT REPORT: A comprehensive report prepared by the city or the city's consultant that assesses whether or not a specific property or geographical area, as the case may be, satisfies all of the requirements for designation as a landmark or historic district. In addition to conveying its conclusion, the report shall state all of the facts and circumstances that either support or possibly refute the conclusion.

~~HISTORIC DISTRICT OR~~ DISTRICT: A geographic area having a significant concentration, linkage, or continuity of sites, buildings, structures, objects, or character defining features united

historically or aesthetically by plan or physical development that has been designated pursuant to this article and is listed on the local register.

HISTORIC PROPERTY: A property that has been designated as a landmark or contributing property pursuant to this article and is listed on the local register.

~~HISTORIC RESOURCE: Historic property. A property determined to be a historic resource under CEQA, NEPA, section 106 of the national historic preservation act of 1966, as amended; or any other provision of California law; or a property listed, nominated, or eligible for listing in the local register, including landmarks, historic districts, and contributing properties.~~

ICONIC PROPERTY: A property that has been visited and photographed so often by residents and visitors to the city that it has become inextricably associated with Beverly Hills and forms part of the city's identity to the world at large.

INTEGRITY: The ability of a landmark or contributing property to convey its historical significance, with consideration of the following aspects that constitute integrity: location, design, setting, materials, workmanship, feeling, and association.

~~HISTORIC RESOURCES- INVENTORY OF ELIGIBLE PROPERTIES OR LOCAL INVENTORY: A list maintained by the city, which contains all properties surveyed for historical or architectural significance and determined by the director to be eligible properties. historic resources and all properties within neighborhoods or areas determined to be eligible historic districts. In creating and maintaining the inventory, surveys, either of individual properties or of several properties at once, may shall be conducted, and anythe information obtained thereby shall be compiled in accordance with professional standards. The most recent version of the inventory shall be published on the city's official website, and a copy of it shall be available for review in the city clerk's office. ~~Surveys may be conducted and the resulting information compiled: a) by or on behalf of the city; or b) by a qualified historic preservation consultant for a specific property, in which case the individual survey shall be submitted to, and deemed sufficient by, the director. The director shall determine whether an individual survey merits inclusion of the specific property on the local inventory.~~~~

~~INTEGRITY: The ability of a landmark or contributing property to convey its historical significance, with consideration of the following aspects that constitute integrity: location, design, setting, materials, workmanship, feeling, and association.~~

LANDMARK: Any property, including any building, structure, object, place, landscape, or natural feature located ~~on~~ it that has been designated as a landmark under this article and is listed on the local register ~~as approved by the city council pursuant to this article.~~ In addition, any interior space or spaces of a landmark open to the general public, including, but not limited to, a lobby area, may be included in the property's landmark designation if the public space(s) separately satisfies the landmark requirements.

LIST OF LOCAL MASTER ARCHITECTS: A list maintained by the city that includes master architects as defined in this article who have designed properties in the city. The most recent version of the list shall be published on the city's official website, and a copy of it shall be available for review in the city clerk's office. ~~, and architects, designers and builders who may not be of recognized greatness, but who have designed or built properties in the city and are of local importance as determined by the city council on recommendation from the cultural heritage commission.~~

LOCAL INVENTORY: The inventory of eligible properties.

LOCAL REGISTER OF HISTORIC PROPERTIES or LOCAL REGISTER: See definition of The City

~~Of Beverly Hills Register of historic properties.~~

MAINTENANCE AND REPAIR: See definition of Ordinary Maintenance And Repair.

MAJOR ARCHITECTURAL AWARD: A so-called "Global" or "National" award given annually or for a lifetime of achievement to an architect or building by an authoritative body in the architectural field.

~~MASTER ARCHITECT: A licensed architect of recognized greatness in the field of architecture. At a minimum, a master architect shall have won a major architectural award, or his/her work shall have been either the subject of a published monograph on his/her career or substantively discussed (i.e., not simply mentioned in passing) and photographically depicted in at least three published scholarly works (e.g., books, treatises, dissertations, or articles on architectural movements or trends) written by experts in the architectural field. is included on the list of such architects compiled by the cultural heritage commission, and updated from time to time. See definition of List Of Local Master Architects.~~

MILLS ACT: The California Government Code sections 50280 et seq., as it may be amended from time to time.

NATIONAL REGISTER OF HISTORIC PLACES: The official list of districts, sites, buildings, structures, and objects significant in American history, architecture, archaeology, and/or culture which is maintained by the secretary of the interior under the authority of the historic sites act of 1935 and the national historic preservation act of 1966, as amended (16 USC 470 et seq., 36 CFR sections 60, 63).

NATURAL FEATURE: Any naturally occurring tree, plant, plant community or geographical or geological site or feature.

~~NOMINATED RESOURCE PROPERTY: A property included in the local inventory that has been nominated for listing on the local register as a landmark or a contributing property of a historic district for listing on the local register as provided for in this article.~~

~~NONCONTRIBUTING PROPERTY: A property within a designated historic district that is not a "contributing property", as previously defined.~~

OBJECT: The term "object" is used to distinguish from buildings and structures those constructs that are primarily artistic in nature or are relatively small in scale and of simple construction. Although it may be, by nature or design, movable, an object is associated with a specific setting or environment. Fountains and sculpture are examples of objects.

ORDINARY MAINTENANCE AND REPAIR: Any work that meets the criteria established in subsection 10-3-3219B of this chapter.

OWNER: Any person(s), association, partnership, firm, corporation, or public entity identified as the holder of title on any property. For purposes of this article, the term owner shall also refer to an appointed representative of an association, partnership, firm, corporation, or public entity which is a recorded owner. Absent contrary evidence, the owner shown on the latest assessment roll of the county of Los Angeles shall be presumed to be the owner.

~~PERIOD OF SIGNIFICANCE: The span of time that a property or geographic area was associated with important events, activities, or persons, or attained the character defining features that qualify it for designation as a landmark or historic district.~~

PERSON OF GREAT IMPORTANCE: A person whose activities had a substantial impact on the history of the nation, which impact can be demonstrated through scholarly research and judgment. At a minimum, a person of great importance is someone whose name and exploits were widely known across America during his/her lifetime, and whose wide-spread fame continues through to the present day. A person shall not be considered to be of great importance by virtue of his/her position or title, race, gender, ethnicity, or religion, or by virtue of his/her activities within the entertainment industry.

PRELIMINARY EVALUATION: An evaluation by the director as to whether or not a property that is not on the local inventory is an eligible property.

PRESERVATION: The act or process of applying measures necessary to sustain the existing form, integrity, and/or materials of a property ~~historic resource~~.

PROPERTY: The entirety of a site, including the buildings, structures, landscaping, objects, and other physical aspects of the location, ~~regardless of historic designation~~.

PROPERTY OF EXTRAORDINARY SIGNIFICANCE: A property having truly extraordinary significance in the field of architecture under applicable evaluation criteria and context as defined in: "Criteria Consideration G: Properties That Have Achieved Significance Within The Last Fifty Years" in the "National Register Bulletin: How To Apply The National Register Criteria For Evaluation".

PROPERTY WITHIN A HISTORIC DISTRICT: Refers to both ~~the definitions of~~ contributing properties and noncontributing properties. ~~For the definition of "contributing properties in a historic districts" see definition of Contributing Property.~~

QUALIFIED HISTORIC PRESERVATION CONSULTANT: A consultant that meets the secretary of the interior's professional qualifications standards, as defined in 36 CFR 61, or its successor.

RECONSTRUCTION: The act or process of reproducing by new construction the exact form and detail of a building, structure, object, landscape, or a part thereof, as it appeared at a specified period of time prior to alteration or demolition.

~~REGISTER OF HISTORIC PROPERTIES (REGISTER): See definition of City Of Beverly Hills Register.~~

REHABILITATION: Any act or process of making a compatible use for a property through repair, alterations, and additions while preserving those portions or character defining features which convey its historical, cultural, or architectural values.

RELOCATION: The act or process of moving all or part of a property ~~historic resource~~ from one site to another site, or to a different location on the same site.

~~RESOURCE: See definition of Historic Resource.~~

RESTORATION: The act or process of accurately refurbishing the form and details of a property and its setting as it appeared at a particular period of time by means of the removal of later work or by the replacement of missing earlier work.

SECRETARY OF THE INTERIOR'S STANDARDS: The "Secretary Of The Interior's Standards For The Treatment Of Historic Properties With Guidelines For Preserving, Rehabilitating, Restoring, And Reconstructing Historic Buildings" found at 36 CFR 68.3, as it may be amended from time to time.

~~SIGNIFICANT PERSONS: Refers to individuals associated with Beverly Hills, in the past, whose~~

~~activities, achievements, and contributions are demonstrably important within the city, state, or nation and directly associated with a property. The property must be associated with the person during the period that the person's significant achievements and contributions occurred. A person would not be considered historically significant by virtue of position/title, affiliation, race, gender, ethnicity, or religion.~~

~~SITE: The location of a significant event, a prehistoric or historic occupation or activity, or a building, structure, or object, whether standing, ruined, or vanished, where the location itself possesses historic, cultural, or archaeological value regardless of the value of any existing construction.~~

STABILIZATION: The act or process of applying measures designed to reestablish a weather resistant enclosure or the structural stability of an unsafe or deteriorated property while maintaining the essential form as it exists at present.

STATE HISTORICAL BUILDING CODE: Part 2.7 of the California Health And Safety Code, commencing with section 18950, and the regulations promulgated there under, as they may be amended from time to time¹.

STRUCTURE: The term "structure" includes both buildings and other **generally** functional constructions made for purposes other than housing human activity, such as reservoirs and retaining walls.

SUBSTANTIAL ALTERATION: Any destruction, relocation, or alteration activities that would materially change a **historic resource property's** character defining features or impair its historical significance.

SUBSTANTIAL INTEGRITY: Complete or near-complete integrity. At a minimum, all major design elements and character defining features must continue to exist.

SURVEY: A systematic and standardized process for identifying and gathering data on the city's potential historic ~~resources~~ properties by which ~~properties are documented and evaluated for~~ can be used to determine whether any specific property is an eligible property that may be listed ~~inclusion~~ on the local inventory. Surveys may be conducted by or on behalf of the city, or by a qualified historic preservation consultant for a property owner; but in the latter event, the director shall have the discretion to approve or disapprove the adequacy of the survey results for the purposes of this article. ~~and potential eligibility for listing on the city's register, the California register, or the national register.~~ (Ord. 12-O-2617, eff. 2-24-2012)

10-3-3203: INTENT, PURPOSE, AND AUTHORIZATION:

The intent and purpose of this article is to provide the ability to acknowledge, honor, and encourage the continued maintenance and preservation of those select properties in the city that, through exceptional architecture or a direct connection to important historical events, contribute to an understanding and appreciation of the city's ~~cultural~~ history. The standards and requirements in this article are intended to be flexible, taking into account financial feasibility on the part of a property owner to meet the article's provisions. Further, it is the intent and purpose of this article to promote the public health, safety, and general welfare by ~~providing for the identification, recognition, designation, protection, enhancement, perpetuation, and use of historic resources that reflect associations important in the city's history, and to:~~

~~A. Safeguard the character and history of the city which is reflected in its unique architectural, historical, and cultural heritage;~~

~~B.A. Fostering civic and neighborhood pride and a sense of identity based on the recognition of the city's past accomplishments as reflected through its historic properties buildings, structures, objects, landscaping, natural features, infrastructure, and engineering;~~

~~B.B. Promoteing public education and awareness by preserving and encouraging interest in Beverly Hills' cultural, social, and architectural history;~~

~~B.C. Strengthening the city's economy by protecting and enhancing the city's attractions to residents, tourists, visitors, and others, thereby serving as a stimulus and support to local business and industry;~~

~~B.D. Enhanceing property values, stabilize neighborhoods, and render making the city's historic landmarks and contributing properties in historic districts eligible for financial benefits and incentives;~~

~~B.E. Acknowledging the critical role served by owners of the city's historic landmarks and contributing properties in historic districts in furthering the goal of historic preservation pursuant to the city's general plan;~~

~~B.F. Encourageing preservation and adaptive reuse of historic landmarks and contributing properties in historic districts by allowing changes to them historic properties to accommodate new functions, and not to "freeze" historic properties in time;~~

~~B.G. Identifying financial and other incentives that are intended to encourage owners to designate, maintain, reuse, rehabilitate, and improve historic landmarks and contributing properties in historic districts. (Ord. 12-O-2617, eff. 2-24-2012)~~

10-3-3204: ADMINISTRATIVE GUIDELINES:

The director is authorized to develop and make publicly available guidelines for the process of designating and preservating of historic ~~resources~~ properties and other support documents as

necessary or desirable to implement this article. ~~These administrative guidelines shall serve as baseline standards for evaluation and designation of historic resources, and processing certificates of appropriateness pursuant to this article.~~

The administrative guidelines shall include a process for the director to determine that a property is, at a certain time, ineligible for designation, which determination shall remain valid for a five (5) year period. (Ord. 12-O-2617, eff. 2-24-2012)

10-3-3205: PERMIT REQUIRED:

No permit shall be issued for any activity regulated by this article unless and until the proposed activity has been granted final approval or conditional approval pursuant to the provisions of this article, and then the permit shall be issued in conformity with such approval or conditional approval. (Ord. 12-O-2617, eff. 2-24-2012)

10-3-3206: MINIMUM MAINTENANCE REQUIREMENTS:

Every owner of and every person in possession or control of a ~~historic landmark property or contributing~~ property, to the maximum extent practicable, shall maintain and keep the property in good repair, as defined in sections [5-7-3](#) and [5-7-4](#) of this code. In the ~~event case~~ that a ~~historic~~ property constitutes a public nuisance or is subject to vandalism, the city may issue any order it deems appropriate to prevent further vandalism or public nuisance pursuant to sections 1-3-101 and [5-7-6](#) of this code. (Ord. 12-O-2617, eff. 2-24-2012)

10-3-3207: ~~CULTURAL HERITAGE~~ HISTORIC PRESERVATION COMMISSION:

A. Establishment Of Commission: There is hereby established the ~~cultural heritage~~ historic preservation commission. The commission shall have and exercise the powers and perform the duties set forth in this article with respect to historic preservation.

B. Appointment And Qualifications: The commission shall be composed of five (5) members appointed by the city council, all of whom shall be residents of the city. Members of the commission shall have the duties and functions set forth in this article.

The commissioners shall have a demonstrated interest in, competence in, or knowledge of historic preservation. To the extent feasible and legally permissible, at least two (2) of the commissioners should be professionals who meet the qualifications for certain professional

disciplines, including those outlined by the U.S. secretary of the interior, code of federal regulations, 36 CFR part 61. These professional disciplines include history, architecture, architectural history, planning, prehistoric and historic archaeology, folklore, cultural anthropology, curation, conservation, and landscape architecture, or related disciplines such as urban planning, American studies, American civilization, or cultural geography, to the extent that these professionals are available in the community. Of the five (5) members, at least one should be a registered architect, licensed contractor, or a California real estate licensee.

C. Term: The term of office for each commissioner shall begin with March 1, and shall be an initial term of two (2) years, except that three (3) of the initially appointed commissioners shall be appointed for an initial term of four (4) years. Each commissioner shall thereafter have the opportunity for reappointment to an additional four (4) year term. An appointment to fill a vacancy on the commission shall be for the period of the unexpired term.

D. Rules And Orders: The city council shall appoint the first chair and vice chair of the commission. Thereafter, the commission shall elect officers and establish its own rules and regulations, which shall be consistent with the ~~cultural heritage~~ historic preservation commission bylaws and this code. Copies of the commission's bylaws shall be kept on file in the office of the city clerk. The commission shall keep a record of its resolutions, proceedings, and transactions, and the city clerk shall be the repository for all such records.

E. Secretary Of The Commission: The director shall assign an employee of the community development department, other than the director, to be the secretary of the commission, and assign duties to the employee which shall be in addition to the duties regularly prescribed for that employee.

The secretary shall attend commission meetings and keep a record of the proceedings and transactions of the commission, specifying the names of the commissioners in attendance at each meeting and the ayes and noes upon all roll calls. The secretary shall, among other duties, post and publish all orders, resolutions, and notices which the commission shall order to be posted and published.

F. Scheduled Meetings: The commission shall meet at least four (4) times per year. In the event the commission has more than one regular meeting per quarter, the term "regular meeting" shall mean the first such meeting in any given quarter. The commission shall establish a time and place for regular meetings to be held. Each meeting shall be noticed and held in accordance with the Ralph M. Brown act². The commission chairperson shall have the authority to call and notice special meetings in a manner specified in the Ralph M. Brown act.

G. Quorum And Actions Of The Commission: A majority of the members of the commission must be present at any meeting to constitute a quorum. The powers conferred upon the commission shall be exercised by resolution or motion and adopted by a majority vote of the members present and

recorded in the minutes with the ayes and noes. The action shall be attested to by the signature of the secretary of the commission.

H. Commission Authority In Development Review: When this article is applicable in the review of a project consisting of a development entitlement pursuant to other articles of this title, the ~~cultural heritage~~ historic preservation commission shall be authorized to review all development entitlement applications for the project in its entirety unless any part of the development entitlement would require approval of the planning commission, in which case the planning commission shall be the commission authorized to review all development entitlement applications for the project in its entirety, including application of this article. (Ord. 12-O-2617, eff. 2-24-2012)

10-3-3208: POWERS AND DUTIES OF THE COMMISSION:

Unless otherwise specified herein, the duties of the ~~cultural heritage~~ historic preservation commission shall be as follows:

A. Exercise the authority set forth in this article and as otherwise provided in this code;

B. Inspect, investigate, and recommend for designation by the city council landmarks and historic districts, and make any preliminary or supplemental determinations or conclusions in order to implement this article;

~~C. Review a citywide survey of historic resources, which is periodically updated, and other surveys on a case by case basis, and recommend adoption of the survey conclusions by the city council;~~

~~C~~D. Compile or cause to be compiled and maintained a the local register listing and describing all designated ~~landmarks, historic districts, and contributing~~ historic properties within the city;

~~E~~D. Compile or cause to be compiled and maintained a the "list of local master architects" ~~as defined by this article;~~

~~F~~E. Conduct studies and evaluations of applications or proposals seeking the designation of ~~potential landmarks and historic districts~~ historic properties, make determinations and

recommendations as appropriate for consideration of such applications, and make any preliminary or supplemental determinations or conclusions, in order to implement this article;

~~GF.~~ Develop designs for suitable signs, plaques, or other markers that may be placed, at private expense, on or near a designated ~~landmark, historic district, or contributing historic~~ historic property indicating that the ~~resource~~ property has been designated as such;

~~HG.~~ Review and approve applications for certificates of appropriateness and ~~certificates of economic hardship, as applicable and, in connection therewith, advise the city council on the significance of historic resources as defined by CEQA and recommend to the city council appropriate action in compliance with the city's adopted CEQA guidelines;~~

~~H.~~ Recommend, promulgate, and amend, from time to time, such rules and regulations as it may deem necessary to implement the purposes of this article;

~~J. Assume the responsibilities and duties that may be assigned to the commission by the city under the certified local government provisions of the national historic preservation act of 1966, as amended, including, but not limited to, compliance with the national environmental protection act (NEPA) and the California environmental quality act with regard to historic resources;~~

~~KI.~~ Review and make recommendations to the city council on Mills act contracts;

~~L. Upon request, advise the city council, city departments, and city commissions on the significance of historic resources as defined by CEQA and recommend to the city council, city departments, and city commissions appropriate action in compliance with the city's adopted CEQA procedures;~~

~~MJ.~~ Provide recommendations to the city council regarding the utilization and promotion of incentives and grants from federal and state agencies, private groups, and individuals, and regarding budgetary appropriations to advance the preservation of historic ~~resources~~ properties in the city;

~~NK.~~ Participate in, promote, and conduct public information, educational, and interpretive programs pertaining to historic ~~resources~~ properties, and provide public participation in all aspects of the city's historic preservation program;

~~Q.L.~~ Coordinate with other local, county, state, and federal governments in the pursuit of the city's historic preservation goals;

~~Q.M.~~ Upon request by the city council or the planning commission, review and make recommendations to the planning commission on zoning and general plan amendments related to preserving historic ~~resources~~properties;

~~Q.N.~~ Develop a program to celebrate historic and eligible resourcesproperties, and recognize outstanding maintenance, rehabilitation, and preservation of ~~landmarks, historic districts, and contributing historic~~ properties; and

~~R.~~ Require that each commissioner attend at least one informational or educational meeting, seminar, workshop, or conference per year in accordance with the requirements of the certified local government program;

~~S.O.~~ Perform any other functions that may be designated by resolution or motion of the city council (ord. C-6961 section 1 (part), 1992). (Ord. 12-O-2617, eff. 2-24-2012)

10-3-3209: PRESERVATION INCENTIVES:

The city council may by resolution establish preservation incentives to encourage owners to designate, maintain, preserve, rehabilitate, and improve ~~city landmarks, historic districts, and contributing historic~~ properties. ~~Preservation incentives shall be made available to owners of landmarks and contributing properties.~~ (Ord. 12-O-2617, eff. 2-24-2012)

10-3-3210: ESTABLISHMENT OF A THE LOCAL INVENTORY OF HISTORIC RESOURCES ELIGIBLE PROPERTIES:

The inventory of eligible properties is hereby created. The ~~commission, acting with the administrative support of the~~ director ~~or his or her designee~~, shall maintain a the local inventory of ~~eligible historic resources and all properties within areas identified to be eligible historic districts within the city as such is defined and provided for in the CEQA guidelines section 15064.5(a)(2) and~~ determine which properties are eligible properties that may be listed on it, and shall periodically review, amend, and update the local inventory as appropriate. ~~Resources- Properties~~ listed on the ~~city's historic resources~~ local inventory, ~~or and properties~~ individually identified and assessed ~~and identified as potentially being eligible properties, are eligible for nomination~~ may be nominated for inclusion on ~~to~~ the city's local register of historic properties as provided in this article. (Ord. 12-O-2617, eff. 2-24-2012)

10-3-3211: ESTABLISHMENT OF ~~A LOCAL~~ THE CITY OF BEVERLY HILLS REGISTER OF HISTORIC PROPERTIES:

The City of Beverly Hills register of historic properties~~A local register of historic resources~~ is hereby created. ~~The purpose of the local register is to provide a means to preserve, protect, and enhance the most significant historic resources within the community.~~ Properties listed on the local register may be identified on site with an exterior marker or plaque displaying pertinent information about the ~~resource~~ property. A record of properties on the local register shall be kept by the city, and shall be provided to the regional information center of the state office of historic preservation and other agencies as required. (Ord. 12-O-2617, eff. 2-24-2012)

10-3-3212: LANDMARK DESIGNATION CRITERIA:

An ~~nominated~~ eligible property may be nominated and designated as a landmark if it ~~is more than forty five (45) years of age and~~ satisfies the requirements set forth below.

A. A landmark must satisfy all of the following requirements:

1. It is at least forty five (45) years of age, or is a property of ~~Properties that are less than forty five (45) years of age can be designated, but in addition to meeting the criteria below, they must also exhibit "exceptional extraordinary significance" as defined in this article.;~~
2. It is a remarkable example of a single, specific architectural style, type, or period;
3. It retains substantial integrity from its period of significance; and
4. It has continued historic value to the community such that its designation as a landmark is reasonable and necessary to promote and further the goals of this article.

B. In addition to the requirements set forth in Paragraph A above, a landmark must satisfy at least one of the following requirements:

1. It is listed on the National Register of Historic Places;
2. It is an exceptional work by a master architect;
3. It is an iconic property;
4. It was owned and occupied by a person of great importance for a period of at least ten (10) years, and was directly connected to a momentous event in the person's endeavors or the history of the nation. For purposes of this paragraph, personal events such as birth, death, marriage, social interaction, and the like shall not be deemed to be momentous; or
5. The landmark designation procedure is initiated by the owner(s) of the property.

~~For the purposes of this section, any interior space or spaces open to the general public, including, but not limited to, a lobby area, may be included in the landmark designation of a property if the city council finds that the public space(s) satisfies the following criteria:~~

~~To be designated as a landmark, a property must satisfy the following criteria:~~

~~A. The property meets at least two (2) of the following criteria:~~

- ~~1. Is identified with important events in the main currents of national, state, or local history, or directly exemplifies or manifests significant contributions to the broad social, political, cultural, economic, recreational, or architectural history of the nation, state, city, or community;~~
- ~~2. Is directly associated with the lives of significant persons important to national, state, city or local history;~~
- ~~3. Embodies the distinctive characteristics of a style, type, period, or method of construction;~~
- ~~4. Represents a notable work of a person included on the city's list of master architects or possesses high artistic or aesthetic value;~~
- ~~5. Has yielded or has the potential to yield, information important in the prehistory or history of the nation, state, city, or community;~~
- ~~6. Is listed or has been formally determined eligible by the national park service for listing on the national register of historic places, or is listed or has been determined eligible by the state historical resources commission for listing on the California register of historical resources.~~

~~B. The property retains integrity from its period of significance. The proposed landmark retains integrity of location, design, setting, materials, workmanship, and association. Integrity shall be judged with reference to the particular criteria specified in subsection A of this section. A proposed landmark's deferred maintenance, dilapidated condition, or illegal alterations shall not, on their own, be construed to equate to a loss of integrity.~~

~~C. The property has historic value. The proposed landmark is of significant architectural value to the community, beyond its simple market value, and its designation as a landmark is reasonable, appropriate, and necessary to promote, protect, and further the goals and purposes of this article. (Ord. 12-O-2617, eff. 2-24-2012)~~

10-3-3213: HISTORIC DISTRICT DESIGNATION CRITERIA:

~~A. Historic District Designation Criteria:~~ A geographic area may be nominated and designated as a historic district if the proposed district is found to meetsatisfies all of the following criteria:requirements:

A. The district is comprised of contributing properties that are contiguous or grouped in close proximity, and that are located in a definable area and are unified by theme, plan, or physical development;

B. The district reflects significant development patterns, including those associated with different eras of urban growth, particular transportation modes, or distinctive examples of community planning;

C. No part of the district, and no property in the district, is located in an area of the city zoned for single-family development, including but not limited to those areas zoned R-1;

D. At least seventy percent (70%) of the properties in the district are contributing properties;

E. All of the contributing properties predominantly embody the distinctive characteristics of a single architectural style, type, or period;

F. Each contributing property retains substantial integrity from the district's period of significance; and

G. The district as a whole has continued historic value to the community such that its designation as a district is reasonable and necessary to promote and further the goals of this article.

~~1. At least seventy percent (70%) of the properties in the proposed district have been identified as contributing properties.~~

~~2. The district meets at least two (2) of the following criteria:~~

~~a. Is identified with important events in the main currents of national, state, or local history, or directly exemplifies or manifests significant contributions to the broad social, political, cultural, economic, recreational, or architectural history of the nation, state, city, or community;~~

~~b. Is directly associated with the lives of significant persons important to national, state, city or local history;~~

~~c. Embodies the distinctive characteristics of a style, type, period, or method of construction;~~

~~d. Represents a notable work of a person included on the city's list of master architects or possesses high artistic or aesthetic value;~~

~~e. Has yielded or has the potential to yield, information important in the prehistory or history of the nation, state, city, or community;~~

~~f. Is listed or has been formally determined eligible by the national park service for listing on the national register of historic places, or is listed or has been formally determined eligible by the state historic preservation office for listing on the California register of historical resources.~~

~~3. The proposed district retains integrity of location, design, setting, materials, workmanship, and association. Integrity shall be judged with reference to the particular criteria specified in this subsection A. A proposed contributing property's or district's deferred maintenance, dilapidated condition, or illegal alterations shall not, on their own, be construed to equate to a loss of integrity.~~

~~4. The nominated district is of significant architectural value to the community, beyond its simple market value, and its designation as a district is reasonable, appropriate, and necessary to promote, protect, and further the goals and purposes of this article.~~

~~5. The district is a contiguous or noncontiguous grouping of thematically related properties, or a definable area possessing a concentration of historic, scenic, or thematic sites, which contribute to each other and are unified aesthetically by plan, physical development, or architectural quality.~~

~~6. The district reflects significant geographical patterns, including those associated with different eras of settlement and growth, particular transportation modes, or distinctive examples of park or community planning.~~

~~7. The proposed designation is in conformance with the purpose of the city's historic preservation provisions set forth in this article and the city's general plan.~~

~~B. Consideration Factors: In determining whether a geographic area meets the criteria in subsection A of this section, the following factors shall be considered:~~

~~1. The historic district should have integrity of design, setting, materials, workmanship, and association.~~

~~2. The collective historic value of the properties in a historic district taken together may be greater than the historic value of each individual property.~~ (Ord. 12-O-2617, eff. 2-24-2012)

10-3-3214: STREET IMPROVEMENTS IN HISTORIC DISTRICTS:

Whenever streetscape improvements are proposed by the city in ~~areas that are designated~~ historic districts, the city shall consider the use of materials, landscaping, light standards, and signage that are compatible with the area's historic and architectural character. (~~Ord. 12-O-2617, eff. 2-24-2012~~)

10-3-3215: LANDMARK OR HISTORIC DISTRICT DESIGNATION

PROCEDURE PROCEEDINGS:

A property, ~~or properties, included in the local inventory~~ or geographical area may be designated as a landmark or historic district, respectively, and added to the city's local register, after proceedings are formally initiated, the property or geographical area is nominated for designation by the commission, and the property or geographical area is designated as a landmark or historic district by the city council ~~in accordance with~~ pursuant to the ~~procedures~~ proceedings set forth in this section.

A. Initiation Of Proceedings. Proceedings for designation of a landmark or historic district may be initiated by the property owner (in the case of a proposed landmark) or the owners of contributing properties (in the case of a historic district), by the commission, or by the city council.

1. Initiation By Property Owner(s). A property owner (in the case of a proposed landmark) or the owners of contributing properties (in the case of a proposed historic district) may initiate designation proceedings by filing a written application with the department of community development. The application shall be completed on a form provided by the department, and shall include all required information and payment of any required fees. When the application is by owners of contributing properties for designation of a historic district, the application shall include a petition in support of the application signed by more than fifty percent (50%) of the property owners of legal lots within the proposed district, and shall also include a current list of names and legal mailing addresses of all property owners in the proposed district. Within thirty (30) days after the filing, the director shall review the application materials and determine whether the application is complete or whether additional information is required. If the application is determined to be incomplete, the director shall inform the applicant in writing of the missing information. Within thirty (30) days after the submittal of the missing information, the director shall review the application materials and determine if the application is complete. The processing timelines and procedures set forth in this section shall commence on the next business day after the application is determined to be complete.

a. Proof of Eligibility. In the case of a proposed landmark, if the property is not listed on the local inventory, then the application shall include sufficient information to determine that the property is an eligible property. In the case of a proposed historic district, if less than seventy percent (70%) of the properties in the geographical area are listed on the local inventory, then the application shall contain sufficient information to conclude that all of the requirements for a historic district can be met.

b. Preliminary Evaluation. Within ten (10) days after the application is deemed complete, the director shall prepare a written preliminary evaluation opining whether or not there is prima facie evidence to conclude that all of the requirements for designation as a landmark or historic district, as the case may be, can be met, and setting forth all of the facts known to the director in support of the opinion. The director shall promptly forward copies of the preliminary evaluation to the city council, the commission, and the property owner(s).

c. Preliminary Hearing. Upon completion of the preliminary evaluation, the director shall schedule a hearing before the commission at the commission's next regularly held meeting for the commission to determine whether the proposed landmark or proposed historic district, as the case may be, merits formal consideration for nomination by the commission.

1) The director shall give written notice of the date, time, place, and purpose of the hearing at least ten (10) days prior to the hearing to all affected property owners (i.e., the owner(s) of a proposed landmark or the owners of all properties in a proposed historic district, as the case may be), and to their designated agent(s).

2) At the hearing, the commission shall determine whether or not the subject property or geographical area merits formal consideration for nomination. If, based on the director's preliminary evaluation and any other evidence provided to the commission at or prior to the hearing, the commission determines that the property or area merits formal consideration, it shall schedule a public hearing before the commission to consider nomination within sixty (60) days. If the commission determines that the property or area does not merit formal consideration, that shall be a final action of the commission, which is appealable pursuant to title 1, chapter 4, article 1 of this code, or is reviewable by the city council pursuant to title 1, chapter 4, article 2 of this code. Any determination as to whether or not the subject property or geographical area merits formal consideration for nomination shall be in writing, shall be filed by the commission secretary with the director, and shall be provided to the owner(s) of all properties that are the subject of the application.

2. Initiation By Commission Or City Council. Designation proceedings regarding a proposed landmark may be initiated by the commission or the city council at a noticed hearing.

a. Eligibility Requirement. The commission and the city council are authorized to initiate designation proceedings only for properties that are listed on the local inventory or were originally designed by a person identified on the local list of master architects and otherwise qualify as an eligible property.

b. Procedural Requirement. The potential initiation of proceedings may be placed on the hearing agenda at the request of any member of the commission or the city council.

c. Preliminary Evaluation. At least ten (10) days prior to the initiation hearing, the director shall prepare a written preliminary evaluation opining whether or not there is prima facie evidence to conclude that all of the requirements for designation as a landmark can be met, and setting forth all of the facts known to the director in support of that opinion. The director shall promptly forward copies of the preliminary evaluation to the city council, the commission, and the property owner(s).

d. Initiation Hearing. The commission or the city council, as the case may be, may initiate designation proceedings if it determines that the subject property is an eligible property which merits formal consideration for nomination by the commission.

1) The director shall give written notice of the date, time, place, and purpose of the hearing to consider initiation shall be given by first class, prepaid mail not less than ten (10) days prior to the hearing to the property owner(s) and their designated agent(s).

2) At the hearing, the commission or the city council, as the case may be, shall determine whether or not the subject property merits formal consideration for nomination. If, based on the director's preliminary evaluation and any other evidence provided to the commission or the city council at or prior to the hearing, the commission or city council determines that the property merits formal consideration, it shall schedule a public hearing before the commission to consider nomination within sixty (60) days. If the commission or city council determines that the property or area does not merit formal consideration, that shall be a final action of the body; if such action is by the commission, it is appealable pursuant to title 1, chapter 4, article 2 of this code, or is reviewable by the city council pursuant to title 1, chapter 4, article 2 of this code. Any determination as to whether or not the subject property merits formal consideration for nomination shall be in writing, shall be filed by the commission secretary or the city clerk with the director, and shall be provided to the property owner(s).

3) The commission may initiate a maximum of four designation proceedings per calendar year.

B. Historic Assessment Report. Upon a determination that the subject property (in the case of a proposed landmark) or geographical area (in the case of a proposed historic district) merits formal consideration for nomination by the commission, the director shall cause to be prepared a written historic assessment report concerning the property or geographical area to be used at all future designation proceedings. This report shall be completed no more than forty five (45) days after a determination that formal nomination consideration is merited, and copies of the report shall be provided to the city council and the commission, and to the owner(s) of the proposed landmark or the owners of all properties in the proposed historic district, as the case may be, and their designated agent(s), no less than fifteen (15) days prior to the hearing at which the commission shall formally consider nomination.

~~A. City Council Or Commission Initiation Of Nomination Proceedings: Any property, or properties, may be nominated for designation as a city landmark or historic district, respectively, by the city council or cultural heritage commission. Initiation by the city council or the commission shall be by majority vote. The city council or the commission shall forward the initiation to the director for a report and recommendation.~~

~~B. Application For Nomination By A Property Owner Or Property Owners: If proposed by the property owner, an application for the proposed designation shall be completed on a form provided by the department, and shall include all information required, payment of required fee, and filing of the application with the department. In the event that owners wish to nominate an area for designation as a local historic district, the owners of more than fifty percent (50%) of property in the proposed district must demonstrate support for the application. The director shall conduct an evaluation of the proposed designation and shall make a recommendation to the commission as to whether the application warrants formal consideration.~~

~~C. Initial Notification To The Property Owner: Within ten (10) days of a decision by the city council or commission to initiate nomination proceedings, or of the filing of a designation application, the owner(s), designated agent or agents, and tenants of the subject property(ies), if applicable, shall be~~

~~notified by mail of the intent to have the commission consider the preliminary evaluation of the property(ies). Once completed, the owner(s) or designated agent or agents shall receive a copy of the evaluation assessment report.~~

~~D. Preliminary Consideration Of The Property Owner Application By The Commission: When nomination procedures are initiated by an owner(s), a hearing to determine whether the property(ies) warrant formal consideration by the commission shall be scheduled within sixty (60) days of filing of an application. If, based on the criteria set forth in section 10-3-3212 or 10-3-3213 of this chapter the commission determines that the application warrants formal consideration, it shall schedule a public hearing within forty five (45) days of such determination. A decision that an application does not warrant formal consideration shall be a final action of the commission, which is appealable pursuant to title 1, chapter 4, article 2 of this code. Any determination of the commission regarding whether an application warrants formal consideration shall be in writing, shall be filed by the commission secretary with the director, and shall be provided to the owner(s).~~

~~E.C. Notice Of Public Nomination Hearing: Written notice of the date, time, place, and purpose of a public hearing for the commission to formally consider an application nominating a property or geographical area for designation as a landmark or historic district, as the case may be, shall be given by first class, prepaid mail not less than ten (10) days prior to said hearing to the applicant, if any, and to ~~and~~ all owner(s) of the subject property(ies) and their respective designated agent(s). ~~proposed for nomination. A public hearing notice~~ Notice regarding designation of a historic district shall specifically be provided to all owners within the proposed district by personal service. ~~Failure to send notice by mail to any such owners where the address of such owner is not a matter of public record shall not invalidate any proceedings in connection with the proposed designation. When the owner(s) petition the city for designation, it is the petitioner's obligation to furnish to the director a current list of names and legal mailing addresses of all owners to be notified, and to pay such fee to cover the costs of providing notification as shall be established by resolution of the city council. When the proposed designation is by city initiative, the community development department shall be responsible for preparing the notification list.~~ The commission may also direct that other notice be provided as it deems appropriate.~~

~~F. Interim Protection Measures: Upon initiation by the city council or commission, or upon determination that the application submitted by an owner(s) warrants formal consideration by the commission, any alteration, restoration, construction, removal, relocation, or demolition, in whole or in part, of a nominated property or property located in a nominated district is prohibited, and no permits shall be issued by any city department, board, or commission, including, but not limited to, a conditional use permit, a tentative tract map or tentative parcel map permit, a development review permit, any administrative approval, design review approval, or architectural review approval. No building permit authorizing any alteration, restoration, construction, removal, relocation, or demolition shall be granted while a nominated property or property within a nominated district is under consideration or any appeal related thereto is pending. Pending permit applications may be processed, but no final action shall be taken until after the conclusion of the nominating process. Permits may be issued to mitigate an immediate threat to the public health, safety, and welfare.~~

~~G.D. Findings Nomination Hearing: At the conclusion of a public hearing, or any continuation thereof, but in no case more than forty five (45) days from the date set for the initial public hearing, the commission shall nominate ~~recommend approval~~, in whole or in part, or decline to nominate the subject property or geographical area for designation as a landmark or historic district, as the case may be ~~disapprove the application for the designation of the nominated property or district.~~ The decision of the commission shall be in writing and shall state the findings of fact and reasons~~

relied upon to reach the decision, and such decision shall be filed with the director. If the commission fails to take action on the ~~application for the nominated resource~~ matter within the forty five (45) day time period, ~~the application for such designation shall be deemed disapproved~~ such inaction will be deemed a decision not to nominate, and it shall be the duty of the director to certify that as the decision of the commission ~~such disapproval~~. Upon the commission's rendering of a decision regarding nomination of a property or district, the director shall give written notification to the owner(s) of the subject property or owners of properties in the proposed district.

~~HE. Recommendation Or Action Findings~~ By The Commission: The commission shall base its decision on the city's historic assessment report, such other evidence as is introduced at the nomination hearing, and the requirements for designation set forth in this article ~~action or recommendation on the criteria, considerations and assessment of integrity and significance outlined in this article. If it~~ If nominating a property for designation as a landmark, recommends listing the nominated property or district on the local register as a landmark, the commission shall specify the significant elements or character defining features of the ~~nominated historic resource~~ property. ~~In the case of a recommendation for listing of a historic district on the local register, If nominating a historic district,~~ the commission shall identify all contributing properties in the proposed ~~that contribute to the area's designation as a~~ district ~~(contributing properties)~~ along with the buildings, structures, ~~and~~ objects, and character defining features located on each, ~~and all character defining features~~. Properties, buildings, structures, ~~and~~ objects, ~~features and other resources~~ that happen to be located within the a proposed district, but ~~that are otherwise unrelated have no relevance~~ to the area's ~~identified~~ period of significance, ~~significant physical features,~~ or identifying historic characteristics, shall be deemed noncontributing properties.

Decisions of the commission not to nominate a proposed landmark or historic district ~~disapprove nominations~~ shall be in writing and setting forth the basis ~~therefor rejection~~. Only an owner of property subject to the designation proceedings shall have the authority to appeal. The city council shall have the authority to call up such decisions for review pursuant to the provisions of title 1, chapter 4, article 2 of this code. If the commission's decision not to nominate is not appealed to the city council or called up for review within the applicable statutory time period, then the decision shall be deemed a final decision not to designate.

F. Appropriateness Or Hardship Considerations. Whenever the owner of a proposed landmark or contributing property in a proposed historic district contends that the property would be eligible to receive a certificate of appropriateness or a certificate of economic hardship in a separate proceeding under section 10-3-3219 or section 10-3-3220 of this article, the owner may ask the commission to consider issuing such a certificate at the nomination hearing based on such facts as the owner may present at or prior to the hearing. In such circumstances, if the commission determines that the property otherwise merits nomination for designation, it shall also determine whether or not to issue the requested certificate of appropriateness or economic hardship

IG. Hearing And Decision By The City Council: The city council shall consider the matter as soon as practicable within thirty (30) days after receiving the commission's ~~recommendation nomination~~ of a property or area for designation, or after receiving a timely appeal of a commission's decision ~~rejecting the proposed nomination~~ not to nominate or after timely voting by the council

to call up such a decision. The city council by written resolution may approve, reject, or give modified approval to ~~an application~~ the commission's action; provided, however, that any resolution to approve a nomination or reverse a decision not to nominate must be supported by four (4) members of the council; provided, however, that if conflicts of interest result in a quorum comprised of only three (3) members of the council, then such a resolution may be supported by three (3) members of the council. ~~for the designation of a nominated property or district.~~ If the city council approves a nomination, or rejects a commission decision not to nominate, then the subject property(ies) shall be designated as a landmark or historic district, as the case may be, and the city clerk shall then notify the owner(s) of the ~~property~~ landmark, or the owners of the property(ies) in the historic district, of the city council's action. If the city council fails to take action on the matter within the thirty (30) day time period to act, or within such additional time as the city and the property owner(s) may mutually agree to, such inaction shall be deemed a final decision not to designate.

J.H. ~~Historic Resource Property~~ Resolution: The resolution designating a landmark, historic district, or contributing property within a historic district shall include:

1. A description of the particular characteristics that justify the designation and which should therefore be preserved;
2. The reasons for designation;
3. A set of general guidelines to establish standards for future proposed changes; and
4. Delineation of the location and boundaries of the designated ~~resource or resources~~ landmark or historic district.

K.I. Recordation Of Resolution: A certified copy of such resolution shall be recorded in the office of the county recorder of the county of Los Angeles by the city clerk immediately following its effective date. The city clerk shall also send a copy of said resolution to the director, the director of public works and transportation, the building official, the owner(s), and the occupant(s) of the property or properties. The document to be recorded shall contain:

1. A legal description of the property or properties;
2. The date and substance of the designation;
3. A statement explaining that demolition, alteration, or relocation of the property is restricted; and
4. A reference to this section authorizing the recordation.

J. Effect Of Designation. Upon designation, and thereafter, the provisions of this article shall apply to the designated property, historic district, and properties within the historic district. From and after the adoption by the city council of a resolution designating the property(ies) a local landmark or historic district, any removal or demolition, exterior construction, alteration or remodeling, or landscaping of

the property, or of contributing properties within historic districts, is subject to the provisions of this article. The owner(s) of such property(ies) shall maintain and preserve the historic resource at such a level that it does not become a safety hazard to the occupants or to the public.

~~LK. Effect Of Non-Designation~~Disapproval Of Nominated Resource: ~~Whenever designation proceedings initiated by application of a property owner result in a non-designation (i.e., a decision by the commission not to formally consider a nomination or not to nominate, or a decision by the council not to designate) of a proposed landmark or historic district, then an application for designation of a property or properties as a landmark or district, respectively, has been rejected by the commission or by the city council,~~ no application concerning the same property (in the case of a proposed landmark) or substantially the same geographical area (in the case of a proposed historic district) shall be considered by the city that contains the same or substantially the same information as the one disapproved shall be resubmitted to or reconsidered by the commission within for a period of five (5) years from the effective date of the final action on the prior application. ~~However, if significant new information is made available and provided by and at the expense of the owner(s), the director may waive the time limit and permit a new application to be filed.~~ When designation proceedings initiated by the commission or the city council result in a non-designation of a proposed landmark, then the city shall be barred from initiating further designation proceedings concerning the same property, in whole or in part, for a period of fifteen (15) years.

~~ML. Disapproval Of Deletion Of A Listed Resource: Where an application for repeal of a listed historic resource from the local register has been denied,~~ Effect of Denial Of Request To Rescind Historic Designation. When an owner of a property designated as a landmark or contributing property files an application to have that designation rescinded under section 10-3-3216 of this chapter, and when such request is denied by the city, no new application to delete the same ~~listed resource~~ property(ies) may be filed or submitted for a period of ~~one~~ two (2) years from the effective date of the denial.

O. Extension of Time Periods. Any period of time to act specified in this section may be extended by the city council, the commission, or the director upon written request of the owner of the proposed landmark or, in the case of a proposed historic district, a majority of the property owners that signed the petition filed with the application for designation.

~~N. Effect Of Designation: Upon designation, and thereafter, the provisions of this article shall apply to the designated property, historic district, and properties within the historic district. From and after the adoption by the city council of a resolution designating the property(ies) a local landmark or historic district, any removal or demolition, exterior construction, alteration or remodeling, or landscaping of the property, or of contributing properties within historic districts, is subject to the provisions of this article. The owner(s) of such property(ies) shall maintain and preserve the historic resource at such a level that it does not become a safety hazard to the occupants or to the public.~~ (Ord. 12-O-2617, eff. 2-24-2012)

10-3-3216: AMENDMENT OR RESCISSION OF LANDMARK OR HISTORIC DISTRICT DESIGNATION:

Once a landmark or historic district designation is made, it shall not be repealed by the city council unless it is determined at any time that:

- A. ~~The~~ Evidence used to establish the designation was erroneous, the historic assessment report used to make the designation had material errors or omissions, or ~~that~~ material procedural errors were made during the designation ~~process~~proceedings; or

- B. The landmark or historic district no longer meets the criteria for designation under section 10-3-3212 or 10-3-3213 of this chapter, respectively, due to damage caused by natural disaster (e.g., flood, earthquake, etc.) or reasons otherwise outside of the control of the owner.

Changes of use, differences of opinion of subsequent city councils, desires of property owners, or general financial considerations are not sufficient reasons to repeal a designation. The repeal of a landmark or historic district may be initiated by the commission, the city council, or an owner. The city council ~~must~~shall consider an application for repeal of a previously designated landmark or historic district utilizing the same procedures for designation as provided by this article. If the determination of landmark or historic district status is repealed, the city's register of historic properties shall be updated accordingly. (Ord. 12-O-2617, eff. 2-24-2012)

10-3-3217: ~~PENDING DEMOLITION, ALTERATION, OR RELOCATION OF PROPERTY; TEMPORARY PROTECTIONS PENDING WHILE DESIGNATION PROCEEDINGS ARE PENDING; TEMPORARY PROTECTIONS:~~

Upon initiation by the city council or commission, or upon determination that the application submitted by an owner(s) merits formal consideration by the commission, any alteration, restoration, construction, removal, relocation, or demolition, in whole or in part, of a proposed landmark or a property located in a proposed historic district is prohibited, and no permits shall be issued by any city department, board, or commission, including, but not limited to, a conditional use permit, a tentative tract map or tentative parcel map permit, a development review permit, any administrative approval, design review approval, or architectural review approval. No building permit authorizing any alteration, restoration, construction, removal, relocation, or demolition shall be granted while a property or historic district is being considered for nomination by the commission or designation by the city council, or any appeal related thereto is pending. Pending permit applications may be processed, but no final action shall be taken until after the conclusion of all designation proceedings and the expiration of all periods for appeal or city council review thereof.

Notwithstanding the foregoing, the directory may waive the hold on building permits if the director determines that proposed work would not alter any of the character defining features of a subject property, or that the work would comply with the Secretary Of The Interior's Standards For The Treatment Of Historic Properties With Guidelines For Preserving, Rehabilitating, Restoring, And

Reconstructing Historic Buildings. The director may also issue permits to mitigate or eliminate an imminent threat to the public health, safety, and welfare.

If, in a final decision, the commission decides not to nominate a property or geographical area for designation as a landmark or historic district, as the case may be, or the city council decides not to designate a nominated property or geographical area as a landmark or historic district, then, after all periods for appeal or city council review have expired, the temporary prohibition on the issuance of a permit to demolish, alter, or relocate the proposed landmark, or the properties within the proposed historic district, shall terminate, and, upon the issuance of such permits, demolition, alteration, or relocation of the subject property(ies) may proceed..

~~Upon the determination by the director that an owner's application for landmark or historic district designation is substantively complete, or upon initiation by the city council or the commission, no permit shall be issued and no work shall be performed on the property or properties pursuant to subsection 10-3-3215F, "Interim Protection Measures", of this chapter pending final determination on whether the property or properties, respectively, shall be designated as a landmark or a historic district. No building or demolition permit shall be issued for a proposed landmark or for any eligible contributing property identified in a proposed historic district, until a final determination has been made regarding designation.~~

~~The commission shall deny or recommend designation, and the city council shall act on any recommended designation. If, after the expiration of the final period of time to act, the city council has not taken an action on the application or initiation to designate, then any pending permit(s) may be issued and demolition, alteration, or relocation of the property may proceed.~~

~~If the commission or city council determines, in a final decision, that the property or properties proposed to be designated does not or do not meet the evaluation criteria for landmark or historic district designation set forth in section 10-3-3212 or 10-3-3213 of this chapter, then the temporary prohibition on the issuance of a permit to demolish, alter, or relocate the nominated property or nominated contributing property within a nominated historic district shall terminate. (Ord. 12-O-2617, eff. 2-24-2012)~~

10-3-3218: HOLD PERIOD FOR PERMITS TO ALTER CERTAIN BUILDINGS, STRUCTURES AND OBJECTS FORTY FIVE YEARS OF AGE AND OLDER:

Any work involving a change in design, material, or appearance proposed on a property that is listed on the local inventory or was ~~forty five (45) years or older and~~ originally designed by a person ~~listed identified~~ on the city's list of master architects, or both, shall be subject to a thirty (30) day holding period prior to the issuance of permits. Permit applications may be processed, but no final action shall be taken until after the thirty (30) day period has ended. The director may waive the thirty (30) day holding period if the director determines that the property is not an eligible ~~property for listing on the local register~~, or that the proposed work would not alter any character defining features, or that the work would comply with the "Secretary Of The Interior's Standards For The Treatment Of Historic Properties With Guidelines For Preserving, Rehabilitating, Restoring, And Reconstructing Historic Buildings". Work proposed on properties listed on the local register ~~locally designated landmarks, historic districts, and properties within a historic district~~ is subject to the provisions of this article and may require a certificate of appropriateness. (Ord. 12-O-2617, eff. 2-24-2012)

10-3-3219: CERTIFICATE OF APPROPRIATENESS: 🌐 📄

A. Certificate Of Appropriateness Required; ~~Designated Landmarks And Contributing Properties~~: No person, owner, or other entity shall restore, rehabilitate, alter, develop, construct, demolish, remove, or change the exterior appearance of a designated landmark or contributing property within a designated local historic district without first having applied for and been granted a certificate of appropriateness or certificate of economic hardship ~~exemption~~, unless the work proposed qualifies as "ordinary maintenance and repair" as defined in this article. Further, a certificate of appropriateness or certificate of economic hardship ~~exemption~~ may be required for alterations, demolition, new construction, and exterior changes in appearance of noncontributing properties in a historic district, as provided below.

B. Ordinary Maintenance And Repair ~~Exemption~~ Exception: A certificate of appropriateness shall not be required for ordinary maintenance and repair of a designated landmark or property within a historic district. Ordinary maintenance and repair shall mean work on a landmark property or property within a historic district that meets the following conditions:

1. Does not, by law, require issuance of a permit; and
2. Involves regular, customary, or usual care of an existing building, structure, object, or site, for the purposes of preserving said property and maintaining it in a safe and sanitary condition; and
3. Does not involve a change of design, material, or appearance of the property.

C. Standards For Review Of Noncontributing Properties In A Historic District: Any construction ~~or demolition~~ work proposed on a noncontributing properties shall be reviewed to assure that the work is undertaken in a manner that ~~does not impair the essential form and~~ is sensitive to, and respectful of, the integrity ~~of the historic character~~ of the district.

~~1.~~ Unless otherwise ~~exempt set forth in pursuant to~~ this article, a certificate of appropriateness shall be required prior to issuance of a permit for the following activities involving noncontributing properties:

~~a. Demolition of any building, structure, or object;~~

~~1.~~ New construction, including new buildings, structures, and objects, and new ancillary features such as fences, gates and walls; and

~~2.~~ Remodeling and additions visible from the public right of way, ~~including increases in the number of stories.~~

An application for a certificate of appropriateness for work proposed on a noncontributing property

shall be reviewed in the same manner as a certificate of appropriateness for work proposed on a landmark or contributing property.

D. Administrative Review: A certificate of appropriateness may be issued by the director or his or her designee for work described in this subsection that meets the following conditions:

1. Requires a permit, and
2. Does not involve a change of design, material, appearance, or ~~a change in~~ visibility of the character defining features ~~or overall significance~~ of a designated landmark or property within a historic district.

All proposed work on a landmark or contributing property shall comply with the "Secretary Of The Interior's Standards For The Treatment Of Historic Properties With Guidelines For Preserving, Rehabilitating, Restoring, And Reconstructing Historic Buildings". All proposed work on a noncontributing property shall comply with the standards set forth in subsection C of this section.

If the director determines that the proposed work: a) would not result in a change of design, material, appearance, or visibility of the property's character defining features and overall historical significance; b) and with respect to landmarks and contributing properties, does not have the potential would comply for a discrepancy between the proposed work and with the "Secretary Of The Interior's Standards For The Treatment Of Historic Properties With Guidelines For Preserving, Rehabilitating, Restoring, And Reconstructing Historic Buildings"; and c) with respect to noncontributing properties, would comply with the standards set forth in subsection C of this section, ~~;~~ then the director shall ~~approve- issue~~ the certificate of appropriateness.

If the director determines that the proposed work: a) may might result in a change of design, material, appearance or visibility of ~~the property's~~ character defining features ~~and overall historical significance;~~ b) or with respect to landmarks or contributing properties, might not comply with has the potential for a discrepancy between the proposed work and the "Secretary Of The Interior's Standards For The Treatment Of Historic Properties With Guidelines For Preserving, Rehabilitating, Restoring, And Reconstructing Historic Buildings"; or c) with respect to noncontributing properties, might not comply with the standards in subsection C of this section, then the director shall refer the application for a certificate of appropriateness to the commission for review.

If the director determines that the proposed work: a) would result in a change of design, material, appearance or visibility of the property's character defining features and overall historical significance; b) with respect to landmarks or contributing properties, or would not comply with create a discrepancy between the proposed work and the "Secretary Of The Interior's Standards For The Treatment Of Historic Properties With Guidelines For Preserving, Rehabilitating, Restoring, And Reconstructing Historic Buildings"; or c) with respect to noncontributing properties, would not comply with the standards set forth in subsection C of this section, then the director may deny the application for a certificate of appropriateness or refer the ~~certificate of appropriateness~~ application to the commission for review.

3. An application for a certificate of appropriateness shall be acted upon by the director within twenty one (21) days of receipt of a complete application.

4. Work that may be approved pursuant to administrative review includes, but is not limited to, the following:

a) In-kind replacement of historically ~~accurate~~ faithful architectural features or building elements that

are deteriorated, damaged beyond repair, or previously removed, including windows, doors, exterior siding, porches, cornices, balustrades, and stairs-;

b) In-kind replacement of historically ~~correct~~ faithful built or cultivated site or landscape features that are deteriorated, damaged beyond repair, or previously removed, including gates, fences, walls, hedges, pergolas, gazebos, walkways, and planting beds-;

c) Replacement or repair of roof covering materials, gutters, and downspouts, with no change in appearance-;

d) Foundation work and repainting of bricks on the exterior of a structure, with no change in appearance-;

e) Addition of new fences and walls-;

f) Addition or replacement of awnings and building-mounted signs-;

g) Landscape alterations, or removal or installation of tree and plant material not specifically designated or listed as character defining features ~~to the designated resource~~ of the property or district;

h) New paving for driveways, walkways, and/or patios-;

i) Repainting of exterior surfaces that were originally intended to be painted. No surfaces that were not intended to be painted shall be painted including unpainted brick, concrete, or stone surfaces-;

j) Installation of new exterior lighting-;

k) Removal of additions intended to restore the original appearance of a building, structure, or object-;

l) Electrical, plumbing, utility work, and other permits for mechanical and other building systems, including rooftop appurtenances not visible from a public street or any property at street level which result in no change in appearance to the property-;

m) One-story residential additions, excluding attached garages, that are no more than fifteen percent (15%) of the size of the existing main residence and have limited or no visibility to public rights of way ~~and adjacent properties~~ and

Other minor rehabilitation work as determined by the director.

E. Commission Review-; When a certificate of appropriateness application is referred to the commission for review, a complete application shall be one that includes a report from a qualified historic preservation consultant detailing the project's compliance with, and potential deviation from, the "Secretary Of The Interior's Standards For The Treatment Of Historic Properties With Guidelines For Preserving, Rehabilitating, Restoring, And Reconstructing Historic Buildings" in the case of landmarks or contributing properties, or subsection C of this article in the case of noncontributing properties.

When a certificate of appropriateness is requested for demolition or relocation of a landmark or contributing property, additional supporting materials and justification ~~shall~~ may be required as

specified in the city's administrative guidelines.

Upon receipt of a complete application, the commission shall ~~act on~~ issue or decline to issue the certificate of appropriateness within seventy five (75) days. The time limits in this section shall be extended by the director when necessary to comply with the provisions of CEQA, ~~or~~ with the written consent of the owner, or to allow city staff an additional period of time not exceeding thirty (30) days in which to analyze information submitted to the city at or near the end of the 75-day period in which to act on the application. A public hearing shall be scheduled and notice provided per this article and CEQA where applicable. The time, place, and purpose of the public hearing on the proposed certificate of appropriateness shall be given by ~~mailing~~ written notice sent via certified mail, return receipt requested, to the owner or owner's designated representative at least ten (10) days prior to the date of the hearing. ~~Notice to the owner or the owner's representative shall be sent via certified mail, return receipt requested.~~

The applicant for a certificate of appropriateness may submit such evidence to the commission as it deems appropriate at or prior to the hearing ~~make submissions to the community development department of any or all relevant information.~~ At the hearing, the commission shall consider ~~Based on~~ this and any other relevant information, as well as ~~the commission shall take into consideration~~ the reasonable economic, environmental, and technical feasibility of the proposed work in determining whether to issue a certificate of appropriateness.

The commission shall issue a certificate of appropriateness if it finds that the work:

1. Complies with the "Secretary Of The Interior's Standards For The Treatment Of Historic Properties With Guidelines For Preserving, Rehabilitating, Restoring, And Reconstructing Historic Buildings"; or
2. Does not demonstrate strict compliance with the "Secretary Of The Interior's Standards For The Treatment Of Historic Properties With Guidelines For Preserving, Rehabilitating, Restoring, And Reconstructing Historic Buildings", but nonetheless protects and preserves the historic and architectural qualities and the character defining features ~~that make the property of~~ a landmark or contributing property; or
3. Satisfies the requirements of subsection C of this section with respect to a noncontributing property;
or
4. Meets the criteria established for demolition, alteration, or relocation of a ~~resource landmark or contributing property~~ in the city's administrative guidelines. (~~Ord. 12-O-2617, eff. 2-24-2012~~)

~~10-3-3220: CERTIFICATE OF APPROPRIATENESS TERM, EXTENSION, MODIFICATION:~~

~~A. Term:~~

- ~~F. General:~~ Term. A certificate of appropriateness shall lapse and become void twenty four (24) months from the date of issuance, unless a building permit (if required) has been issued and the rights granted by the permit or certificate have been exercised and are being pursued to completion. For purposes of this subsection, the term "exercised" means substantial expenditures in good faith reliance upon the permit or certificate. The burden of proof in showing substantial expenditures in good faith reliance upon the permit or certificate shall be placed upon the permit or certificate holder.

~~2. Certificate Of Appropriateness For Demolition: A certificate of appropriateness for the demolition of a property shall expire at the end of one hundred eighty (180) days from the date of issuance of the certificate of appropriateness, unless a demolition permit or a building permit for the demolition work has been obtained and the rights of the permit or certificate are being exercised and pursued to completion. For purposes of this subsection, the term "exercised" means substantial expenditures in good faith reliance upon the permit or certificate. The burden of proof in showing substantial expenditures in good faith reliance upon the permit or certificate shall be placed upon the permit or certificate holder.~~

~~B. Extensions:~~

~~G. General: Extensions. Except as provided below for certificates of appropriateness authorizing demolition,~~ So long as the approved plans have not been modified, a certificate of appropriateness may be extended for a period of up to an additional twelve (12) months upon request by the owner and submittal of an appropriate application and payment of applicable fees. The director may approve, conditionally approve, or deny any request for a time extension, or may refer the request to the commission, which may approve, conditionally approve, or deny any request for a time extension based upon criteria established in the city's administrative guidelines.

~~2. Demolition: A certificate of appropriateness for the demolition of a property may be extended for a period of up to an additional forty five (45) days upon request by the owner and submittal of an appropriate application and payment of applicable fees no later than thirty (30) days prior to expiration. The director may approve, conditionally approve, or deny any request for a time extension, or may refer the request to the commission, which may approve, conditionally approve, or deny any request for a time extension based upon criteria established in the city's administrative guidelines.~~

~~H. Modifications: An application to modify an issued certificate of appropriateness, or a condition of approval imposed thereon, shall be heard and considered in the same manner and by the same body as the original review application unless otherwise determined by the director. Payment of applicable fees is required upon submitting an application for modification. (Ord. 12-O-2617, eff. 2-24-2012)~~

10-3-32210: CERTIFICATE OF ECONOMIC HARDSHIP:

~~A. Issuance: The commission may issue a certificate of economic hardship to allow demolition, alteration, ~~demolition~~, or relocation of a designated landmark or contributing property ~~within a historic district~~ when it ~~finds has been demonstrated~~ that denial of an enabling certificate of appropriateness would cause create an undue economic hardship ~~upon~~ for the property's owner.~~

~~BA. Applications: An application for a certificate of economic hardship shall be made on the prescribed form, shall be accompanied by the applicable fees to process the application and~~

fund a peer review by a city-selected consultant of the information submitted by the applicant,
and shall ~~be accompanied by~~include the following information ~~as requested by the director:~~

1. The estimated market value of the property in its current condition.
2. The estimated market value of the property after completion of the proposed demolition, alteration,
or relocation ~~or demolition.~~
3. The ~~Estimates~~ ~~of the~~ costs of the proposed demolition, alteration, or relocation ~~demolition.~~
- ~~4. In the case of demolition, the estimated market value of the property after rehabilitation of the existing property for continued use and an estimate from an architect, developer, real estate consultant, appraiser, or other real estate professional with experience in rehabilitation as to the economic feasibility of rehabilitation or reuse of the existing structures on the property.~~
- ~~5~~4. A ~~rehabilitation~~ report from a licensed engineer or architect with expertise in rehabilitation as to the structural soundness of any structures on the property and their suitability for rehabilitation.
5. If the property owner contends that there is a dangerous or unsafe condition on the property, a report from an expert consultant identifying the condition, its cause, and all feasible rehabilitation, restoration, and/or reconstruction measures that may be required to abate the condition.
6. The estimated costs of all feasible rehabilitation, restoration, and/or reconstruction measures that may be required to eliminate existing structural deficiencies or unsafe conditions on the property.
7. The estimated market value of the property if the owner undertook all feasible rehabilitation, restoration, and/or reconstruction measures that may be required to eliminate all existing structural deficiencies or unsafe conditions on the property.
- ~~8~~8. For income producing properties, information on annual gross income, operating and maintenance expenses, tax deductions for depreciation, and annual cash flow after debt service, current property value appraisals, assessed property valuations, and real estate taxes.
- ~~7. The remaining balance on any mortgage or other financing secured by the property and annual debt service, if any, for the previous two (2) years.~~
- ~~8. All appraisals obtained within the previous two (2) years by the owner or applicant in connection with the purchase, financing, or ownership of the property.~~
- ~~9. The amount paid for the property if purchased within the previous thirty six (36) months, the date of purchase, and the party from whom purchased, including a description of the relationship, if any, between the owner or applicant and the person from whom the property was purchased, and any terms of financing between the seller and buyer.~~
- ~~10. Any listing of the property for sale or rent, and prices asked, and offers received, if any within the previous two (2) years.~~
- ~~1~~19. Any other information the director may reasonably require in order to determine ~~whether or not~~ the present market value of the property, including but not limited to: does or may yield a reasonable return to the owner.

a) All appraisals obtained within the previous two (2) years by the owner or applicant in connection with the purchase, financing, or ownership of the property;

b) The amount paid for the property if purchased within the previous thirty six (36) months, the date of purchase, and the party from whom purchased, including a description of the relationship, if any, between the owner or applicant and the person from whom the property was purchased, and any terms of financing between the seller and buyer; and

c) Any listing of the property for sale or rent, and prices asked, and offers received, if any within the previous two (2) years.

~~B~~. Public Hearing: The commission shall hold a public hearing on all applications for a certificate of economic hardship; after which it may approve, conditionally approve, or deny the application. Such hearing may be held concurrently with any related application for a certificate of appropriateness. The time, place, and purpose of the public hearing shall be given by written notice sent via certified mail, return receipt requested, to the owner or owner's designated representative at least ten (10) days prior to the date of the hearing.

~~C~~. Findings: The commission shall not approve any application for a certificate of economic hardship unless it makes all of the following findings:

- ~~1. Denial of the application would decrease the value of the subject property so as to leave no substantial value. The current market value of the subject property is less than fifty percent (50%) of the projected net value of the property after demolition, alteration, or relocation, based on the estimated market value of the property after demolition, alteration, or relocation and the estimated costs of demolition, alteration, or relocation; and~~
- ~~2. Sale or rental of the property is not financially feasible, when looking at the cost of holding such property for uses permitted in the applicable zone. The projected net value of the subject property if all required rehabilitation, restoration, and/or reconstruction measures are undertaken, based on the estimated market value of the property after rehabilitation, restoration, and/or reconstruction and the estimated costs of rehabilitation, restoration, and/or reconstruction, is less than fifty percent (50%) of the projected net value of the property after demolition, alteration, or relocation, based on the estimated market value of the property after demolition, alteration, or relocation and the estimated costs of demolition, alteration, or relocation.~~
- ~~3. Adaptive reuse of the property for lawful purposes is prohibited or impractical.~~
- ~~4. Denial of the application would damage the owner of the property unreasonably in comparison to the benefit conferred on the community.~~

~~E~~. Copies Of Certificate: Upon approval, copies of the certificate of economic hardship shall be forwarded to the applicant, the building official, the director, and any other department or agency upon request.

FE. Effectiveness Of Certificate: No certificate of economic hardship shall become effective until the time to appeal its approval has expired. (Ord. 12-O-2617, eff. 2-24-2012)

10-3-3221: CERTIFICATE OF EXEMPTION:

Any owner of a property not listed on the local register may at any time file an application with the city requesting a determination that the subject property is not an eligible property and therefore is exempt from the provisions of this article.

A. Administrative Procedure. A request for a certificate of exemption shall be made by filing a written application with the department of development. The application shall be completed on a form provided by the department, and shall include all required information and payment of any required fees. Within thirty (30) days after the filing, the director shall review the application materials and determine whether the application is complete or whether additional information is required. If the application is determined to be incomplete, the director shall inform the applicant in writing of the missing information. Within thirty (30) days after the submittal of the missing information, the director shall review the application materials and determine if the application is complete. The processing timelines and procedures set forth in this section shall commence on the next business day after the application is determined to be complete.

Within thirty (30) days after the application is deemed complete, the director shall prepare and serve on the property owner by first-class, prepaid mail a written report stating whether or not the director finds that the subject property is an eligible property. If the director does not find that the property is an eligible property, the director shall issue the requested certificate of exemption; but if the director believes that the property is an eligible property, the director shall not issue the certificate. If the director fails to prepare and serve a report on the subject property within the thirty (30) day time period, such failure will be deemed a finding of non-eligibility, and the director shall issue the requested certificate of exemption without further delay.

B. Appeals. If the director declines to issue a requested certificate of exemption, the property owner may appeal the director's decision to the commission. Any such appeal shall be made in writing on a form approved by the department, and shall set forth all of the facts that the property owner believes establish that the director's decision was erroneous. Thereafter, the commission shall consider the matter de novo at its next regularly scheduled meeting. If the commission determines that the subject property is not an eligible property, it shall issue the requested certificate; but if the commission finds that the subject property is an eligible property, it shall not issue a certificate.

C. Effect Of Issuance of Certificate. Issuance of a certificate of exemption bars the commission or the city council from initiating landmark designation proceedings concerning the subject property for a period of fifteen (15) years.

D. Effect Of Non-Issuance. A final determination not to issue a certificate of exemption bars the owner of the subject property, and any successor in interest, from filing another application for a certificate of exemption concerning the same property for a period of five (5) years. Any such final determination may serve as a basis for the director to list the subject property on the local inventory, but it shall have no effect, and shall not be used as evidence, in any subsequent landmark or historic district designation proceeding concerning the subject property. (Ord. ?, eff. ?)

10-3-3222: APPEALS; FINALITY OF DECISIONS ~~FOR REGARDING~~ CERTIFICATES OF APPROPRIATENESS, ~~AND~~ CERTIFICATES OF ECONOMIC HARDSHIP, AND CERTIFICATES OF EXEMPTION:

- A. Authority To Appeal Decisions: Only the owner of the property subject to a certificate of appropriateness or certificate of economic hardship, or an owner of another property within a historic district in which the subject property ~~subject to a certificate of appropriateness or certificate of hardship~~ is located, shall be entitled to file an appeal of a decision ~~on~~ regarding the certificate pursuant to title 1, chapter 4, article 1 of this code. For certificates of exemption, any individual may appeal a decision pursuant to title 1, chapter 4, article 1 of this code. The city council shall have the authority to call such decisions for review pursuant to the provisions of title 1, chapter 4, article 2 of this code.
- B. Finality Of Director Or Commission Decision: Any decision of the director or the commission ~~on~~ regarding a certificate of appropriateness, ~~or~~ certificate of economic hardship, or certificate of exemption under this article shall become final if no appeal is submitted within the applicable appeal period and the decision is not called for review by the city council pursuant to the provisions of title 1, chapter 4, article 2 of this code.
- C. Appeal Of Director Actions: ~~Appeals of a~~ final decision by the director pursuant to this article may be appealed to the commission within fifteen (15) days from the date of the decision pursuant to the procedures set forth in title 1, article 4, chapter 2 of this code.
- D. Appeal Of Commission Actions: ~~Appeals of a~~ final decision by the commission pursuant to this article may be appealed to the city council within fifteen (15) days from the date of the decision pursuant to the procedures set forth in title 1, chapter 4, article 21 of this code, or may be called for city council review pursuant to the provisions of title 1, chapter 4, article 2 of this code. The city council shall act within ~~ninety thirty (930)~~ ninety thirty (930) days after ~~expiration of the appeal period~~ an appeal is filed or the matter is called up for review, as the case may be, or within any additional period agreed to by the property owner or owners. Failure to act within the permitted time period shall be deemed a denial of the ~~application~~ appeal and approval of the commission's decision. (Ord. 12-O-2617, eff. 2-24-2012)

10-3-3223: HISTORIC ~~RESOURCE~~ PROPERTY DISCLOSURE:

- A. For purposes of this section, the following terms shall have the meanings set forth below:

BUYER: A transferee in a real property transaction, and includes a person who executes an offer

to purchase real property from a seller through an agent, or who seeks the services of an agent with the object of entering into a real property transaction. "Buyer" includes vendee or lessee.

LISTING AGENT: An agent who has obtained a listing of real property of the kind in respect of which he or she is authorized by law to act as an agent for compensation.

OFFER TO PURCHASE: A written contract executed by a buyer acting through a selling agent which becomes the contract for the sale of the real property upon acceptance by the seller.

OWNER: Any person, copartnership, association, corporation, or fiduciary having legal or equitable title or any interest in real property.

REAL PROPERTY TRANSACTION: A transaction for the sale of real property in which an agent is employed by one or more of the principals to act in that transaction, and includes a listing or an offer to purchase.

SALE: A transaction for the transfer of real property from the seller to the buyer, and includes exchanges of real property between the seller and buyer, transactions for the creation of a real property sales contract within the meaning of California Civil Code section 2985, and transactions for the creation of a leasehold exceeding one year's duration.

SELLING AGENT: A listing agent who acts alone, or an agent who acts in cooperation with a listing agent, and who sells or finds and obtains a buyer for the real property, or an agent who locates property for a buyer or who finds a buyer for a property for which no listing exists and presents an offer to purchase to the seller.

- B. If ~~real~~a property has been designated by the city of Beverly Hills as a landmark, is a property within a designated historic district, ~~or has been identified is listed on in~~ the local inventory, ~~or was originally designed by a person identified on the list of master architects any update thereto,~~ the owner or the selling agent of the property shall, in any real property transaction, provide the buyer of the property with notice informing the buyer of the property's historic or potentially historic status. The owner or the selling agent shall provide the notice to the buyer before expiration of any inspection contingency period, or in the absence of such contingency, at least ten (10) calendar days before the first scheduled date for and in any event before the transfer of title to occur.
- C. Any person who violates the provisions of this section shall be subject to the penalties and remedies specified in title 1, chapter 3 of this code. In addition, a buyer who does not receive the notice required by subsection B of this section may bring a civil action for damages and any other remedies available at law or in equity.
- D. The disclosure requirements of this section shall not apply to real estate transactions subject to Civil Code section 1102.2 or any successor or amended section. (Ord. 12-O-2617, eff. 2-24-2012)

10-3-3224: LIMITED APPLICABILITY TO RENOVATIONS OF PROPERTIES REQUIRED TO COMPLY WITH SECRETARY OF INTERIOR STANDARDS:

Notwithstanding anything else set forth in this article, any property that is designated as a landmark on the local register and the renovation of which is required by legislative enactment by the city of Beverly Hills ~~adopted~~ prior to the adoption of this article to comply with the secretary of interior's standards for rehabilitation pursuant to 36 CFR 68.3(b) and related guidelines for rehabilitating historic buildings shall be exempt from the provisions in ~~subsection 10-3-3215F~~ and sections 10-3-3216, 10-3-3217, 10-3-3218, 10-3-3219, 10-3-3220, 10-3-3221 and 10-3-3222 of this chapter; provided, however, that any such property shall be subject to all provisions of this article for demolition, and for off site relocation of significant structures or significant landscaping.

Regardless of the contents of any historic resource resolution, adopted under as set forth in subsection 10-3-3215J of this chapter, the provisions of the legislative enactment imposed on any property that is subject to this section shall control with respect to characteristics to be preserved and standards for future proposed changes. (Ord. 12-O-2617, eff. 2-24-2012)

10-3-3225: ENFORCEMENT AND PENALTIES:

- A. Any person who violates a requirement of this article or fails to obey an order issued by the commission and/or director, or fails to comply with a condition of approval of any certificate or permit issued under this chapter, shall be subject to enforcement actions as set forth in title 1, chapter 3 of this code.
- B. In addition to all other remedies available to the city, any alteration or demolition of a landmark or contributing property ~~historic resource~~ in violation of this article is expressly declared to be a nuisance and may be abated as deemed appropriate by the city.
- C. In addition to all other remedies, the city shall have the authority to impose a temporary moratorium on the development of a property for a period not to exceed sixty (60) months from the date the city becomes aware of any alteration or demolition in violation of this article, unless the owner obtains permits to restore or reconstruct the property to its original condition prior to the violation and the work is consistent with the "Secretary Of The Interior's Standards For The Treatment Of Historic Properties With Guidelines For Preserving, Rehabilitating, Restoring, And Reconstructing Historic Buildings". The purpose of the moratorium is to provide the city an opportunity to study and determine appropriate mitigation measures for the alteration and/or removal of the historic ~~resource~~property, and to ensure such measures are incorporated into any future development plans and approvals for the subject property. Mitigation measures which may be determined to be appropriate by the director, the commission, or the city council ~~and/or director~~ shall be imposed as a condition of any subsequent permit for development of the subject property.

D. The city attorney may maintain an action for injunctive relief to restrain a violation, or cause, where possible, the complete or partial restoration, reconstruction, or replacement of any [part of a historic resource property](#) demolished, partially demolished, altered, or partially altered in violation of this chapter.

E. Any person who constructs, alters, removes, or demolishes a designated landmark or property in a designated historic district without the approval and issuance of a certificate or permit issued pursuant to this article may be required to restore the property to its appearance prior to the violation to the extent such restoration is physically possible, under the guidance of the director. This civil remedy shall be in addition to, and not in lieu of, any criminal penalties available.

F. In addition to any other remedies provided herein, any violation of this article may be enforced by civil action brought by the city. Remedies under this article are in addition to and do not supersede or limit any and all other remedies or penalties, whether civil or criminal. The remedies provided herein are cumulative and not exclusive. In any such action, the city may seek as appropriate, one or both of the following remedies:

1. A temporary or permanent injunction, or both;
2. Assessment of the violator for the costs of any investigation, inspection, or monitoring survey that led to the establishment of the violation, and for the reasonable costs of preparing and bringing legal action under this subsection. (Ord. 12-O-2617, eff. 2-24-2012)

10-3-3226: PREEXISTING ENTITLEMENTS AND BUILDING PERMITS:

This article does not apply to construction, alteration, moving, or demolition of a property, building, structure, or object pursuant to valid entitlements granted by the city prior to the effective date hereof, or started under a valid building permit issued prior to the effective date hereof, as such entitlements or permits may be extended pursuant to provisions of this code and state laws. Once the work authorized by any such entitlement or building permit has been completed the provisions of this article apply. (Ord. 12-O-2617, eff. 2-24-2012)

10-3-3227: FEES:

The city council may, by resolution, establish the fee(s) for submission of a nomination, and all other applications and submissions made pursuant to this chapter. (Ord. 12-O-2617, eff. 2-24-2012)

10-3-3228: WAIVER OF IN-LIEU FEES

Pursuant to the requirements, limitations and procedures set forth in this section, the city council or the planning commission may allow a property owner of a local landmark building to purchase in-lieu parking to serve a site area in excess of sixteen thousand (16,000) square feet of space and may waive, in whole or in part, the fees required by section 10-3-3310 of this article.

A. Required Uses: The city council or planning commission may only take action pursuant to this subsection with regard to site area occupied by, or fees imposed upon, the following uses:

1. Adaptive reuses of properties listed on the local register.

B. Findings Required: The city council or planning commission shall not take action pursuant to this section unless the city council or planning commission finds that:

1. The proposed use will not unreasonably deplete parking resources in the in-lieu parking district.

C. Reviewing Body: The city council shall review an application filed pursuant to this subsection unless that application accompanies an application that otherwise requires review by the planning commission. If the application filed pursuant to this subsection accompanies an application that otherwise requires review by the planning commission, then the planning commission shall be the reviewing body for the application filed pursuant to this section.

D. Procedure: An application filed pursuant to this section shall be submitted to the director. Upon receipt of such application, a hearing regarding the application shall be scheduled before the city council or the planning commission, as provided in subsection C of this section. Notice of the hearing shall be mailed to the applicant at least ten (10) days prior to such hearing. (Ord. 76-O-1608, eff. 6-17-1976; and. Ord. 94-O-2206, eff. 8-5-1994).

10-3-32289: CITY OWNED PROPERTIES; SCHOOL DISTRICT PROPERTIES:

A. The provisions of this article do not apply to city owned properties; however the city council may, in its discretion, add a city owned property to the local register provided the property meets the criteria set forth in either section 10-3-3212 or 10-3-3213 of this chapter following any process it deems appropriate.

B. The provisions of this article shall not apply to properties owned by a public school district, unless a school district files an application requesting landmark or historic district designation of its property and the city designates the facility or facilities as a landmark or historic district. (Ord. 12-O-2617, eff. 2-24-2012)

10-3-32~~29~~30: DANGEROUS AND IMMEDIATELY DANGEROUS PROPERTIES:

Nothing in this article shall prevent the construction, alteration, repair, restoration, stabilization, rehabilitation, or demolition of a property, regardless of designation or eligibility for designation, if the building official determines that the property creates an unsafe or dangerous condition that presents an imminent or persistent threat to the health or welfare of the owner, the public, or an ~~of bodily harm or of damage to~~ adjacent property, and further that, ~~The building official shall notify the director in writing of a finding that~~ the proposed action is necessary ~~in order~~ to mitigate the unsafe or dangerous condition. In that event, the building official shall immediately notify the director in writing of the situation ~~In such event, and no certificate of appropriateness or permit referral shall be required. However, the building official shall make all reasonable efforts to consult with the director, or his or her designated representative to determine if there are feasible alternatives to the proposed action that will adequately protect the public health and safety. Any action taken pursuant to this subsection shall not require a certificate of appropriateness, economic hardship, or exemption.~~ (Ord. 12-O-2617, eff. 2-24-2012)



Attachment 2

Planning Commission Report (amended version), October 9, 2014, including attachments



City of Beverly Hills
Planning Division
455 N. Rexford Drive Beverly Hills, CA 90210
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Planning Commission Report

AMENDED October 3, 2014

(Supersedes the Report dated October 9, 2014, published October 2, 2014)

Meeting Date: October 9, 2014

Subject: Review of Proposed Amendments to Beverly Hills Municipal Code Article 32:
Historic Preservation Ordinance.

Recommendation: Provide direction to staff regarding proposed amendments to the City's historic preservation ordinance, including, but not limited to, discussion of historic preservation project timeframes, holds on building and planning permits, and thresholds required for the creation of historic districts.

CLARIFICATIONS TO THIS STAFF REPORT

Clarifications are provided to the Planning Commission Report originally published on October 2, 2014 and dated October 9, 2014. The Planning Commission last reviewed the subject item at its meeting on November 21, 2013. Subsequent to the Commission's review, the draft Ordinance amendments have been further reviewed by City staff, the City Attorney's office, a Liaison Committee of City Council, Planning Commission, and the Cultural Heritage Commission.

The prior published report included two redline versions of the draft ordinance. One version presented the Planning Commission's approved draft ordinance (PC Resolution 1697), the other version presented the Cultural Heritage Commission's latest recommendations. In an effort to be clear, a single draft ordinance is now presented for Planning Commission review (Attachment 1). This draft ordinance is the document as-approved by the Planning commission on November 21, 2013, but with recent amendments added (in gray tone) following the City Council, Planning Commission, Cultural Heritage Commission Liaison meeting of September 16, 2014, as well as an added definition of 'Adaptive Re-use' and other non-substantive changes proposed by the City Attorney and City staff (in green tone). The Cultural Heritage Commission's further recommendations from its September 30, 2014 meeting are summarized on pages four through eight of this report. It is suggested that the Planning Commission review these recommendations and provide direction as the Planning Commission may find appropriate.

Attachment(s):

1. Proposed text amendments to BHMC Article 32: Historic Preservation Ordinance, ~~(color-coded)~~ as recommended by the Planning Commission on 11-21-13 and with additional changes from the CC-PC-CHC Liaison Committee; a new definition of 'adaptive reuse'; and other non-substantive changes suggested by the City Attorney's Office and City staff
2. Cultural Heritage Commission Report, September 30, 2014
3. Public Correspondence – Letter from LA Conservancy, March 26, 2014
4. Handout - Certified Local Government
5. Planning Commission Resolution No. 1697, Adopted November 21, 2013

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INTRODUCTION

During the first two and a half years of implementing the City's Historic Preservation Ordinance (Beverly Hills Municipal Code [BHMC] Article 32), the need for modifications and improvements to the Ordinance to address certain concerns has become apparent. This is the first update to the Historic Preservation Ordinance which became effective in February 2012. The proposed amendments have been developed and reviewed by Community Development Department staff, the Planning Commission, Cultural Heritage Commission, representatives of the City Council, members of the public, and the State Office of Historic Preservation.

The major changes currently proposed as part of the Ordinance amendment for Planning Commission review are summarized as follows.

1. Clarify which properties are included on the "Local Inventory of Potential Historic Resources" [BHMC §10-3-3210] (Included in PC Reso. 1697)
 - Include all properties that are identified as eligible through survey evaluation
2. Include National Register Properties on the Local Register [BHMC §10-3-3212] (Included in PC Reso. 1697)
 - Automatically listing National Register properties onto Local Register, if the owner consents
3. Loosen hold on permits as an Interim Protection Measure [BHMC §10-3-3215] (new; proposed by CC-PC-CHC Liaison)
 - Allow for permits to be issued on work that would not affect character-defining features of a potential historic resource
4. Revisit Timeframes for Landmark Proceedings [BHMC §10-3-3218] (new; proposed by CC-PC-CHC Liaison)
 - Specify timeframes within which Cultural Heritage Commission and City Council must act upon an initiated property
 - When a pending demolition or alteration to a Master Architect-designed property is subject to 30-day review/hold
5. Clarify Homebuyer Disclosure [BHMC §10-3-3223] (Included in PC Reso. 1697)
 - Clarify the responsibilities of "Listing Agents," "Owners," and "Buyers"
6. Expand In-Lieu Parking Incentive [BHMC §10-3-3228] (Included in PC Reso. 1697)
 - Allow adaptive reuse of Local Landmark properties to be eligible to apply for the In-Lieu Parking Program
 - Applicants may apply for a waiver of In-Lieu Parking Fees, subject to approval by City Council.

7. Review Historic District thresholds [BHMC §10-3-3213] (Included in PC Reso. 1697)
 - For the percentage of properties that must contribute to the District, and
 - For the percentage of property owners within the District who must sign the petition to be designated as a local historic district

~~The issue of Historic District thresholds has been reviewed extensively but no changes were ultimately recommended by a majority of the Cultural Heritage Commission and no changes are included in the current draft ordinance. This is fully discussed in "Staff Analysis" below.~~

BACKGROUND

The Historic Preservation Ordinance Amendments have been reviewed and discussed on the following occasions, by:

- Cultural Heritage Commission (CHC) on October 7, 2013;
- A joint sub-committee of Planning and Cultural Heritage Commissioners, consisting of Planning Commissioners Rosenstein and Yukelson and CHC Commissioners Furie and Waldow;
- Planning Commission (PC) on November 21, 2013;
- Cultural Heritage Commission on June 3, 2014;
- ~~Joint subcommittee Liaison Meeting~~ of City Council, Planning Commission, and Cultural Heritage Commission representatives on September 16, 2014; and
- Cultural Heritage Commission on September 30, 2014.

Additionally, a joint sub-committee of Planning and Cultural Heritage Commissioners is scheduled for Monday, October 6, 2014 (subsequent to the publishing of this report). A verbal report summarizing the discussion of the Planning Commission/Cultural Heritage Commission joint sub-committee can be provided at the Planning Commission meeting on October 9, 2014.

Proposed text amendments to BHMC Article 32: Historic Preservation Ordinance, including comments from various sources are colored coded in Attachment 1, including the latest ~~(italicized for easy reference)~~-code amendments ~~to Code Sections 10-3-3215 (F), 10-3-3215 (G) and 10-3-3218~~ in response to ~~the CC-PC-CHC Liaison Meeting on September 16, 2014. the Cultural Heritage Commission's final recommendations on September 30, 2014.~~ Color codes representing comments / updates from various sources are as follows:

Red = SHPO requested administrative 'fixes'.

Orange = City Council recommended changes

Blue = Planning Commission (PC) recommended changes

Purple = Cultural Heritage Commission (CHC) recommended changes

~~Italics = most recent CHC recommended changes~~

Green = City staff / City Historic Consultant recommended changes

Grey = In response to City Council/PC/CHC Special Liaison Meeting

The outcomes of the most recent Planning Commission, Cultural Heritage Commission, and Liaison Subcommittee meetings are summarized below.

Planning Commission Review, November 21, 2013

At its meeting of November 21, 2013, the Planning Commission proposed substantive changes to BHMC Article 32: Historic Preservation Ordinance (Adopted in Planning Commission Resolution No. 1697 incorporated herein as Attachment 5), which were presented to the Cultural Heritage Commission in June 2014, as follows:

1. Amend BHMC 10-3-3210, 'Establishment of a Local Inventory of Potential Historic Resources' to make it clear that the Local Inventory is a listing of all properties identified through the survey process as being potentially eligible for landmark designation.
2. Amend BHMC 10-3-3212, 'Landmark Designation Criteria' to automatically include any property listed on the National Register of Historic Places as a local landmark upon the request of the property owner. Currently the State Office of Historic Preservation automatically lists any property listed on the National Register of Historic Places onto the California Register.
3. Amend BHMC 10-3-3213, 'Historic District Designation Procedures' to require at least seventy-five percent (75%) of properties in a proposed district to be contributing properties to the district, and, in the R-1 zone, a historic district shall be comprised of a continuous city block or blocks, and not partial blocks.
4. Amend BHMC 10-3-3215, 'Landmark or Historic District Designation Procedures' to require a petition of support signed by more than seventy-five percent (75%) of property owners of legal lots within any proposed historic district. The intent of the Planning Commission when drafting the original ordinance was to create a high threshold for the creation of proposed historic districts in the City. This amendment is designed to keep a high standard of participation by property owners in the creation of any future historic district(s) in the City.
5. Amend BHMC 10-3-3223, 'Historic Resource *Disclosure*' to make clear the responsibility of all 'Listing Agents' and 'Owners' to disclose to potential 'Buyers' information regarding the historic nature of any historic resource or potential historic resource being offered for 'Sale'.
6. Add BHMC 10-3-3228, 'Waiver of Fees and Other Exemptions' for in lieu parking to allow the Planning Commission and City Council to allow property owners of local landmarks in excess of 16,000 s. ft. and included in an adaptive re-use project of a local register property, to purchase in-lieu parking pursuant to BHMC Article 33, and to allow also for waiver of some or all of the otherwise applicable in-lieu parking fees.

Cultural Heritage Commission Review, September 30, 2014

At its meeting on September 30, 2014, the Cultural Heritage Commission (CHC) discussed and recommended refinements to the proposed Ordinance amendments. The CHC voted to recommend various amendments in three separate motions, which are summarized below. These amendments are

not reflected in the Planning Commission approved draft Ordinance from November 21, 2013. Staff suggests that the Planning Commission review the recent recommendations from the Cultural Heritage Commission and provide direction as the Planning Commission may find appropriate.

Motion No. 1: CHC voted 5-0 to recommend the following amended language:

§10-3-3210 – Establishment of a Local Inventory of Potential Historic Resources

- Clarification that the Local Inventory of Potential Historic Resources *may* serves as a reference document which *can be used* as a source of information regarding future designation of historic landmarks and/or districts.

§10-3-3215F – Landmark or Historic District Designation Procedures, Interim Protection Measures

- This section is intended to protect a potential historic resource while it is under formal review during landmark designation proceedings. The Ordinance currently prohibits the City from issuing any building permit or planning entitlement during this process. In order to allow property owners to proceed with work on a property when it can be determined that the work would not impact the potential resource, the CHC recommended inclusion of the following language:

Any permits issued pursuant to this subsection F shall be limited only to work that would not alter any character-defining features, and the Director shall have the authority to impose conditions of approval. Any such permit shall only be issued after the property owner and contractor sign a disclosure form acknowledging the limitations on the work and disclosure of the landmark designation process.

§10-3-3215G - Landmark or Historic District Designation Procedures, Findings

- The CHC agreed upon including processing timeframes, *with a provision to allow the timeframes to be waived* at the request of the applicant and acceptance by the Director or CHC.

§10-3-3218 – Hold Period for Permits to Alter, Demolish or Relocate Certain Buildings, Structures and Objects Forty-Five Years of Age and Older

- The CHC concurred that language be added to BHMC 10-3-3218 to impose a ninety (90) day time limit for the Cultural Heritage Commission to hold a public hearing and reach a final decision or recommendation regarding the historic status of a property which is to be demolished or significantly remodeled by the property owner. The ninety (90) day period begins when/if the commission determines that a subject property warrants formal consideration. This provision subjects the CHC to similar time period limitations imposed upon property owners seeking a landmark nomination, while providing sufficient time for the City to commission and receive a historic resource assessment report from a consultant.
- Similar to §10-3-3215G, the CHC agreed that the timeframes should include a provision to allow the timeframes to be waived at the request of the applicant and acceptance by the Director or CHC.

Motion No. 2: CHC voted 3-2 to recommend the following regarding the creation of Historic Districts:

- That §10-3-3213 and §10-3-3215 should remain unchanged from the current code language with regard to Historic District designation criteria.

(For reference, the Planning Commission had recommended the following changes, which were not supported by the CHC on 9-30-14:

10-3-3213 – Historic District Designation Criteria

- That in the R-1 zone, a Historic District shall be comprised of a continuous city block or blocks, and not partial blocks.
- That at least seventy-five percent (75%) of the properties in the proposed district have been identified as contributing properties.)

Motion No. 3: CHC voted to recommend all other previously-reviewed and recommended amendments. The remainder of these recommendations are outlined in the CHC Staff Report dated September 30, 2014 (Attachment 2) and are incorporated in the proposed Ordinance language found in Attachment 1.

Joint City Council, Planning Commission, and Cultural Heritage Commission Liaison Meeting, September 16, 2014

At the City Council Study Session on September 2, 2014, Steve Webb, resident and former mayor, addressed the City Council to draw attention to certain perceived inequities and timeline concerns evident in the existing Historic Preservation Ordinance. Mr. Webb's concerns were discussed at a specially convened joint City Council, Planning Commission and Cultural Heritage Commission Liaison Meeting on September 16, 2014.

The main substantive changes that emerged out of the liaison meeting were:

- 1) That timeframes be instituted for review of potential landmark properties when not initiated by the property owner, similar to those that exist in the Ordinance for when an application is initiated by the property owner; and
- 2) That the requirement to place a hold on all permit issuance once a property has been initiated and is under review for landmark designation proceedings be loosened to allow certain permits to be issued so long as the work would not affect the character-defining features of the potential resource.

Full discussion of the Liaison Meeting can be found in Attachment 2, CHC Staff Report dated September 30, 2014. For further details on substantive changes requested as part of the State Office of Historic Preservation's review of the Ordinance amendments, as well as comments generated in the City Council/Planning Commission/Cultural Heritage Commission Liaison Meeting on September 16, 2014, please reference the Cultural Heritage Commission Staff Report of September 30, 2014 (Attachment 2).

Finally, one piece of correspondence was received from the Los Angeles Conservancy, which is included as Attachment 3.

STAFF ANALYSIS

Much of the discussion to date by both the Planning Commission and the Cultural Heritage Commission regarding proposed amendments to the current Historic Preservation Ordinance has been concerned with the thresholds that should be required for the creation of historic districts. At present there are no locally designated historic districts within the City of Beverly Hills. However, property owners from Arnaz Drive did petition to the State Office of Historic Preservation in August 2000, and were successful in having the Arnaz Drive Historic District included on the California Register of Historical Resources (CRHR). Located along the 100 block of North Arnaz Drive, this district is one block long with approximately 25 properties. The state listing describes North Arnaz Drive as a rare example of historic regional architecture and "an early twentieth century Southern California prototype which is rapidly disappearing within the City under the pressure of high-density development." The district includes a variety of duplexes and two-story apartment buildings built in the 1920s and '30s in revival Spanish, French, and Tudor styles.

Currently BHM 10-3-3213, 'Historic District Designation Procedures' requires at least ~~fifty-seventy~~ percent (~~50/70~~%) of properties in a historic district to be contributing structures and BHM 10-3-3215, 'Landmark or Historic District Designation Procedures' requires a petition of support signed by more than fifty percent (50%) of property owners of legal lots within any proposed historic district. In accordance with BHM 10-3-3215, 'Landmark or Historic District Designation Procedures,' it is the responsibility of City Council to exercise final review of all matters relating to the creation of Historic Landmarks and Historic Districts within the City. By written resolution the City Council may reject, approve, or give modified approval to applications for designation of a nominated property or district.

In the meeting of October 7, 2013, the Cultural Heritage Commission recommended requiring at least seventy percent (70%) of properties in a historic district to be contributing structures and raising the threshold of support for the creation of historic districts from more than fifty percent (>50%) to more than seventy percent (>70%) of property owners of legal lots within any proposed historic district. The Planning Commission, in its meeting of November 21, 2013, recommended requiring higher thresholds of at least seventy-five percent (75%) of properties in a historic district to be contributing structures and raising the threshold of support for the creation of historic districts to more than seventy-five percent (>75%) of property owners of legal lots within any proposed historic district. The Planning Commission added a further stipulation requiring that in the R-1 zone, a historic district shall be comprised of a continuous city block or blocks, and not partial blocks. The intent of the Planning Commission was to ensure a high threshold of property owner support for the creation of any future historic districts in the City and to disallow the creation of partial block districts or of discontinuous thematic districts.

Upon further consideration, at its meeting of September 30, 2014, the Cultural Heritage Commission voted to recommend that the district thresholds remain unchanged from the current Ordinance requirements (>~~70~~50% contributing structures and more than 50% owner support, and no block-face requirement).

It is noted that the State Office of Historic Preservation has indicated concern over the higher thresholds for historic districts in that they would likely result in the designation of few, if any, historic districts.

Adopting higher thresholds could result in the State Office of Historic Preservation declining to give the City the Certified Local Government (CLG) designation for the City's Historic Preservation Program (Attachment 4). After considering this input from the State Office, the CHC amended its prior position to increase required property owner consent to more than 70%. On September 30, 2014, the CHC voted to keep the owner threshold at more than 50%, as is stipulated in the current Ordinance. However, this issue is now before the Planning Commission.

ENVIRONMENTAL REVIEW

Approval of proposed amendments to BHMC Article 32: Historic Preservation Ordinance was assessed in accordance with the authority and criteria contained in the California Environmental Quality Act (CEQA), the State CEQA Guidelines, and the environmental regulations of the City. It has been determined that approval of proposed amendments to BHMC Article 32: Historic Preservation Ordinance would not have a significant environmental impact and is exempt from CEQA pursuant to Sections 15308 and 15331 of Title 14 of the California Code of Regulations because approval of proposed amendments to BHMC Article 32: Historic Preservation Ordinance is an action of the City to protect and preserve a historic resource.

GENERAL PLAN CONSISTENCY

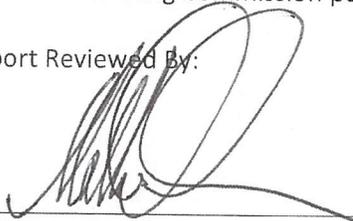
Approval of proposed amendments to BHMC Article 32: Historic Preservation Ordinance is consistent with the objectives, principles, and standards of the General Plan. General Plan Policy "HP 1.3 – Promote National, State, and Local Designation of Historic Resources" encourages the establishment of programs encouraging the nomination of landmarks.

NEXT STEPS

At this time, the Planning Commission is being asked to review and comment upon the proposed amendments to the Historic Preservation Ordinance. Following Planning Commission review, it is anticipated the matter will move forward as follows:

1. A liaison committee meeting of the City Council and Commissions or a City Council Study Session to discuss proposed changes.
2. A Planning Commission public hearing for formal consideration of a draft ordinance.

Report Reviewed By:



William R. Crouch AIA, AICP
Urban Designer



Attachment 1

Proposed text amendments to BHMC Article 32: Historic Preservation Ordinance, as recommended by the Planning Commission on 11-21-13 and with additional changes from the CC-PC-CHC Liaison Committee; a new definition of 'adaptive reuse'; and other non-substantive changes suggested by the City Attorney's Office and City staff.

(color-coded)

Article 32: Historic Preservation

- 10-3-3201: Title
- 10-3-3202: Definitions
- 10-3-3203: Intent, Purpose, And Authorization
- 10-3-3204: Administrative Guidelines
- 10-3-3205: Permit Required
- 10-3-3206: Minimum Maintenance Requirements
- 10-3-3207: Cultural Heritage Commission
- 10-3-3208: Powers And Duties Of The Commission
- 10-3-3209: Preservation Incentives
- 10-3-3210: Establishment Of A Local Inventory Of Historic Resources
- 10-3-3211: Establishment Of A Local Register Of Historic Properties
- 10-3-3212: Landmark Designation Criteria
- 10-3-3213: Historic District Designation Criteria
- 10-3-3214: Street Improvements In Historic Districts
- 10-3-3215: Landmark Or Historic District Designation Procedures
- 10-3-3216: Amendment Or Rescission Of Landmark Or Historic District Designation
- 10-3-3217: Pending Demolition, Alteration Or Relocation: Temporary Protections Pending Designation
- 10-3-3218: Hold Period For Permits To Alter Certain Buildings, Structures And Objects Forty Five Years Of Age And Older
- 10-3-3219: Certificate Of Appropriateness
- 10-3-3220: Certificate Of Appropriateness Term, Extension, Modification
- 10-3-3221: Certificate Of Economic Hardship
- 10-3-3222: Appeals: Finality Of Decisions For Certificates Of Appropriateness And Certificates Of Economic Hardship
- 10-3-3223: Historic Resource Disclosure
- 10-3-3224: Limited Applicability To Renovations Of Properties Required To Comply With Secretary Of Interior Standards
- 10-3-3225: Enforcement And Penalties
- 10-3-3226: Preexisting Entitlements And Building Permits
- 10-3-3227: Fees
- 10-3-3228: Waiver of Fees and Other Exemptions
- 10-3-32289: City Owned Properties; School District Properties
- 10-3-323029: Dangerous And Immediately Dangerous Properties

10-3-3201: TITLE:

This article shall be known as the *HISTORIC PRESERVATION ORDINANCE OF THE CITY OF BEVERLY HILLS*. (Ord. 12-O-2617, eff. 2-24-2012)

10-3-3202: DEFINITIONS:

For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

ADDITION: Any expansion or increase in floor area or height of a building or structure.

ALTERATION: Any physical modification or change to a building, structure, site, or object that may have a negative effect on character defining features of a historic resource. Alterations shall also include construction of additions but shall not include ordinary maintenance and repair.

ADAPTIVE REUSE: Adaptive reuse refers to the process of reusing an old site(s) or building(s) for a new purpose in a way that is consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties.

ARCHAEOLOGICAL SITE: A bounded area of real property containing archaeological deposits or features that is defined, in part, by the character and location of such deposits or features. A single specific location which has yielded or is likely to yield information on local history, prehistory, or paleontology. ~~A n area where remains of man or man's activities prior to keeping of history are still evident.~~

BUILDING: A structure that is created principally to house any form of human activity, such as a house, barn, church, hotel, or similar construction, including accessory structures, such as guesthouses, detached garages and sheds. "Building" may also be used to refer to a historically and functionally related unit, such as a courthouse and jail, or a house and barn.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA): Collectively, Public Resources Code section 21000 et seq., and the state of California CEQA guidelines, 14 California Code Of Regulations 15000 et seq., as may be amended from time to time.

CALIFORNIA REGISTER OF HISTORICAL RESOURCES: The authoritative and comprehensive listing and guide to California's significant historical resources as defined in California Public Resources Code section 5020.1, as may be amended. Also referred to as the California register.

CERTIFICATE OF APPROPRIATENESS: A certificate issued to approve alteration, restoration, construction, removal, relocation in whole or in part, or demolition of a designated landmark or property within a historic district.

CERTIFICATE OF ECONOMIC HARDSHIP: A certificate authorizing work described in an accompanying certificate of appropriateness because of extreme financial privation or adversity and in accordance with the procedures and findings of this article.

CERTIFIED LOCAL GOVERNMENT: A local government that participates in the program authorized by the national historic preservation act of 1966 (16 USC section 470 et seq.) and the subsequent participatory agreement between the city and the state of California office of historic preservation.

CHARACTER DEFINING FEATURE: A prominent or distinctive aspect, quality, detail, or characteristic of a historic resource that contributes significantly to its physical character and historical significance. Such features may include, but are not limited to, landscaping, setbacks, massing, distinguishing aspects, roof attributes, architectural details, materials, moldings, sculptures, fountains, light fixtures, windows, doors, and monuments.

CITY OF BEVERLY HILLS REGISTER: A register containing those properties and geographical areas formally designated by the city council as landmarks or historic districts pursuant to the provisions of this article. The register also includes contributing properties within historic districts. Also referred to as the local register.

COMMISSION: The cultural heritage commission as defined in section 10-3-3207 of this chapter.

CONTRIBUTING PROPERTY: A property, including all buildings, structures, objects, and character defining features located on it that adds or contributes to the significance of a historic district under

criteria set forth in this article.

DEMOLITION OR DEMOLISH: Any act or process that destroys in part or in whole an individual historic resource such that the historic character and character defining features of the property are completely removed and cannot be repaired or replaced. The terms demolition or demolish shall include, but are not limited to, the act of pulling down, destroying, removing, or razing a property, or commencing work thereof with the intent of completing the same.

DIRECTOR: The city's director of community development, or her/his designee.

DISTRICT: See definition of Historic District Or District.

ECONOMIC HARDSHIP: The facts and circumstances which establish that there are no feasible measures that can be taken which will enable the property owner to make a reasonable beneficial use of the property or derive a reasonable economic return from the property in its current form.

EXCEPTIONAL SIGNIFICANCE: A property having extraordinary importance under applicable evaluation criteria and context as defined in: "Criteria Consideration G: Properties That Have Achieved Significance Within The Last Fifty Years" in the "National Register Bulletin: How To Apply The National Register Criteria For Evaluation".

HISTORIC CONTEXT: An organizing structure for interpreting history that groups information about historical resources sharing a common theme, geographical area, or chronology. A broad pattern of historical development in a community or its region, that may be represented by historic resources. The development of such contexts is a foundation for decisions regarding the planning, identification, evaluation, registration, and treatment of historic resources based upon comparative historic significance.

HISTORIC DISTRICT OR DISTRICT: A geographic area having a significant concentration, linkage, or continuity of sites, buildings, structures, objects, or character defining features united historically or aesthetically by plan or physical development that has been designated pursuant to this article.

HISTORIC RESOURCE: Historic property. A property determined to be a historic resource under CEQA, NEPA, section 106 of the national historic preservation act of 1966, as amended; or any other provision of California law; or a property listed, nominated, or eligible for listing in the local register, including landmarks, historic districts, and contributing properties.

HISTORIC RESOURCES INVENTORY OR LOCAL INVENTORY: A list roster maintained by the city, which contains all properties surveyed for historical or architectural significance determined to be eligible historic resources and all properties within neighborhoods or areas determined to be eligible historic districts. In creating and maintaining the inventory, surveys, either of individual properties or of several properties at once, shall be conducted, and the information obtained shall be compiled in accordance with professional standards. Surveys may be conducted and the resulting information compiled: a) by or on behalf of the city; or b) by a qualified historic preservation consultant for a specific property, in which case the individual survey shall be submitted to, and deemed sufficient by, the director. The director shall determine whether an individual survey merits inclusion of the specific property on the local inventory.

HISTORIC RESOURCES LIST: A roll maintained by the City, which contains all Properties surveyed and evaluated for historical or architectural significance within a community, neighborhood, project area, or region.

INTEGRITY: The ability of a landmark or contributing property to convey its historical significance,

with consideration of the following aspects that constitute integrity: location, design, setting, materials, workmanship, feeling, and association.

LANDMARK: Any property, including any building, structure, object, place, landscape, or natural feature located in it that is listed on the local register as approved by the city council pursuant to this article.

LIST OF LOCAL MASTER ARCHITECTS: A list maintained by the city that includes master architects as defined in this article who have designed properties in the city, and architects, designers and builders who may not be of recognized greatness, but who have designed or built properties in the city and are of local importance as determined by the city council on recommendation from the cultural heritage commission.

LOCAL REGISTER OF HISTORIC PROPERTIES: See definition of City Of Beverly Hills Register.

MAINTENANCE AND REPAIR: See definition of Ordinary Maintenance And Repair.

MASTER ARCHITECT: An architect of recognized greatness in the field of architecture who is included on the list of such architects compiled by the cultural heritage commission, and updated from time to time. See definition of List Of Local Master Architects.

MILLS ACT: The California Government Code sections 50280 et seq., as it may be amended from time to time.

NATIONAL REGISTER OF HISTORIC PLACES: The official list of districts, sites, buildings, structures, and objects significant in American history, architecture, archaeology, and/or culture which is maintained by the secretary of the interior under the authority of the historic sites act of 1935 and the national historic preservation act of 1966, as amended (16 USC 470 et seq., 36 CFR sections 60, 63).

NATURAL FEATURE: Any naturally occurring tree, plant, plant community or geographical or geological site or feature.

NOMINATED RESOURCE: A property included in the local inventory that has been nominated as a landmark or a contributing property of a historic district for listing on the local register as provided for in this article.

NONCONTRIBUTING PROPERTY: A property within a historic district that is not a "contributing property", as previously defined.

OBJECT: The term "object" is used to distinguish from buildings and structures those constructs that are primarily artistic in nature or are relatively small in scale and of simple construction. Although it may be, by nature or design, movable, an object is associated with a specific setting or environment. Fountains and sculpture are examples of objects.

ORDINARY MAINTENANCE AND REPAIR: Any work that meets the criteria established in subsection 10-3-3219B of this chapter.

OWNER: Any person(s), association, partnership, firm, corporation, or public entity identified as the holder of title on any property. For purposes of this article, the term owner shall also refer to an appointed representative of an association, partnership, firm, corporation, or public entity which is a recorded owner. Absent contrary evidence, the owner shown on the latest assessment roll of the county of Los Angeles shall be presumed to be the owner.

PERIOD OF SIGNIFICANCE: The span of time that a property or geographic area was associated with important events, activities, or persons, or attained the character defining features that qualify it for designation as a landmark or historic district.

PRESERVATION: The act or process of applying measures necessary to sustain the existing form, integrity, and/or materials of a historic resource.

PROPERTY: The entirety of a site, including the buildings, structures, landscaping, objects, and other physical aspects of the location, regardless of historic designation.

PROPERTY WITHIN A HISTORIC DISTRICT: Refers to both the definitions of contributing properties and noncontributing properties. For the definition of "contributing properties in historic districts" see definition of Contributing Property.

QUALIFIED HISTORIC PRESERVATION CONSULTANT: A consultant that meets the secretary of the interior's professional qualifications standards, as defined in 36 CFR 61, or its successor.

RECONSTRUCTION: The act or process of reproducing by new construction the exact form and detail of a building, structure, object, landscape, or a part thereof, as it appeared at a specified period of time prior to alteration or demolition.

REGISTER OF HISTORIC PROPERTIES (REGISTER): See definition of City Of Beverly Hills Register.

REHABILITATION: Any act or process of making a compatible use for a property through repair, alterations, and additions while preserving those portions or character defining features which convey its historical, cultural, or architectural values.

RELOCATION: The act or process of moving all or part of a historic resource from one site to another site, or to a different location on the same site.

RESOURCE: See definition of Historic Resource.

RESTORATION: The act or process of accurately refurbishing the form and details of a property and its setting as it appeared at a particular period of time by means of the removal of later work or by the replacement of missing earlier work.

SECRETARY OF THE INTERIOR'S STANDARDS: The "Secretary Of The Interior's Standards For The Treatment Of Historic Properties With Guidelines For Preserving, Rehabilitating, Restoring, And Reconstructing Historic Buildings" found at 36 CFR 68.3, as it may be amended from time to time.

SIGNIFICANT PERSONS: An individual whose activities, contributions and impact to an important local, state or national historic context can be demonstrated through scholarly research and judgment. Properties associated with a Historic Personage illustrate (rather than commemorate) a person's important achievements and must reflect the time period in which he or she achieved significance. Refers to individuals associated with Beverly Hills, in the past, whose activities, achievements, and contributions are demonstrably important within the city, state, or national and directly associated with a property. The property must be associated with the person during the person that the person's significant achievements and contributions occurred. A person would not be considered historically significant by virtue of position/title, affiliation, race, gender, ethnicity, or religion.

SITE: The location of a significant event, a prehistoric or historic occupation or activity, or a building, structure, or object, whether standing, ruined, or vanished, where the location itself possesses historic, cultural, or archaeological value regardless of the value of any existing construction.

STABILIZATION: The act or process of applying measures designed to reestablish a weather resistant enclosure or the structural stability of an unsafe or deteriorated property while maintaining the essential form as it exists at present.

STATE HISTORICAL BUILDING CODE: Part 2.7 of the California Health And Safety Code, commencing with section 18950, and the regulations promulgated there under, as they may be amended from time to time.

STRUCTURE: The term "structure" includes both buildings and other generally functional constructions made for purposes other than housing human activity, such as reservoirs and retaining walls.

SUBSTANTIAL ALTERATION: Any destruction, relocation, or alteration activities that would materially change a historic resource's character defining features or impair its historical significance.

SURVEY: A systematic and standardized process for identifying and gathering data on the city's potential historic resources by which properties are documented and evaluated for inclusion on the local inventory and potential eligibility for listing on the city's register, the California register, or the national register. (Ord. 12-O-2617, eff. 2-24-2012)

10-3-3203: INTENT, PURPOSE, AND AUTHORIZATION:

The intent and purpose of this article is to provide the ability to acknowledge, honor, and encourage the continued maintenance and preservation of those select properties in the city that, through exceptional architecture, contribute to the city's cultural history. The standards and requirements in this article are intended to be flexible taking into account financial feasibility on the part of a property owner to meet the article's provisions. Further, it is the intent and purpose of this article to promote the public health, safety, and general welfare by providing for the identification, recognition, designation, protection, enhancement, perpetuation, and use of historic resources that reflect associations important in the city's history, and to:

- A. Safeguard the character and history of the city which is reflected in its unique architectural, historical, and cultural heritage;
- B. Foster civic and neighborhood pride and a sense of identity based on the recognition of the city's past accomplishments as reflected through its buildings, structures, objects, landscaping, natural features, infrastructure, and engineering;
- C. Promote public education and awareness by preserving and encouraging interest in Beverly Hills' cultural, social, and architectural history;
- D. Strengthen the city's economy by protecting and enhancing the city's attractions to residents, tourists, visitors, and others, thereby serving as a stimulus and support to local business and industry;
- E. Enhance property values, stabilize neighborhoods, and render city landmarks and contributing properties in historic districts eligible for financial benefits and incentives;

- F. Acknowledge the critical role served by owners of city landmarks and contributing properties in historic districts in furthering the goal of historic preservation pursuant to the city's general plan;
- G. Encourage preservation and adaptive reuse of landmarks and contributing properties in historic districts by allowing changes to historic properties to accommodate new functions, and not to "freeze" historic properties in time;
- H. Identify financial and other incentives that are intended to encourage owners to designate, maintain, reuse, rehabilitate, and improve landmarks and contributing properties in historic districts. (Ord. 12-O-2617, eff. 2-24-2012)

10-3-3204: ADMINISTRATIVE GUIDELINES:

The director is authorized to develop and make publicly available guidelines for the designation and preservation of historic resources and other support documents as necessary or desirable to implement this article. These administrative guidelines shall serve as baseline standards for evaluation and designation of historic resources, and processing certificates of appropriateness pursuant to this article.

The administrative guidelines shall include a process for the director to determine that a property is, at a certain time, ineligible for designation, which determination shall remain valid for a five (5) year period. (Ord. 12-O-2617, eff. 2-24-2012)

10-3-3205: PERMIT REQUIRED:

No permit shall be issued for any activity regulated by this article unless and until the proposed activity has been granted final approval or conditional approval pursuant to the provisions of this article, and then the permit shall be issued in conformity with such approval or conditional approval. (Ord. 12-O-2617, eff. 2-24-2012)

10-3-3206: MINIMUM MAINTENANCE REQUIREMENTS:

Every owner of and every person in possession or control of a landmark property or contributing property, to the maximum extent practicable, shall maintain and keep the property in good repair, as defined in sections 5-7-3 and 5-7-4 of this code. In the case that a property constitutes a public nuisance or is subject to vandalism, the city may issue any order it deems appropriate to prevent further vandalism or public nuisance pursuant to sections 1-3-101 and 5-7-6 of this code. (Ord. 12-O-2617, eff. 2-24-2012)

10-3-3207: CULTURAL HERITAGE COMMISSION:

- A. Establishment Of Commission: There is hereby established the cultural heritage commission. The commission shall have and exercise the powers and perform the duties set forth in this article with respect to historic preservation.
- B. Appointment And Qualifications: The commission shall be composed of five (5) members appointed by the city council, all of whom shall be residents of the city. Members of the commission shall have the duties and functions set forth in this article.

The commissioners shall have a demonstrated interest in, competence in, or knowledge of historic preservation. To the extent feasible and legally permissible, at least two (2) of the commissioners should be professionals who meet the qualifications for certain professional

disciplines, including those outlined by the U.S. secretary of the interior, code of federal regulations, 36 CFR part 61. These professional disciplines include history, architecture, architectural history, planning, prehistoric and historic archaeology, folklore, cultural anthropology, curation, conservation, and landscape architecture, or related disciplines such as urban planning, American studies, American civilization, or cultural geography, to the extent that these professionals are available in the community. Of the five (5) members, at least one should be a registered architect, licensed contractor, or a California real estate licensee.

- C. Term: The term of office for each commissioner shall begin with March 1, and shall be an initial term of two (2) years, except that three (3) of the initially appointed commissioners shall be appointed for an initial term of four (4) years. Each commissioner shall thereafter have the opportunity for reappointment to an additional four (4) year term. An appointment to fill a vacancy on the commission shall be for the period of the unexpired term.
- D. Rules And Orders: The city council shall appoint the first chair and vice chair of the commission. Thereafter, the commission shall elect officers and establish its own rules and regulations, which shall be consistent with the cultural heritage commission bylaws and this code. Copies of the commission's bylaws shall be kept on file in the office of the city clerk. The commission shall keep a record of its resolutions, proceedings, and transactions, and the city clerk shall be the repository for all such records.
- E. Secretary Of The Commission: The director shall assign an employee of the community development department, other than the director, to be the secretary of the commission, and assign duties to the employee which shall be in addition to the duties regularly prescribed for that employee.
- The secretary shall attend commission meetings and keep a record of the proceedings and transactions of the commission, specifying the names of the commissioners in attendance at each meeting and the ayes and noes upon all roll calls. The secretary shall, among other duties, post and publish all orders, resolutions, and notices which the commission shall order to be posted and published.
- F. Scheduled Meetings: The commission shall meet at least four (4) times per year. In the event the commission has more than one regular meeting per quarter, the term "regular meeting" shall mean the first such meeting in any given quarter. The commission shall establish a time and place for regular meetings to be held. Each meeting shall be noticed and held in accordance with the Ralph M. Brown act. The commission chairperson shall have the authority to call and notice special meetings in a manner specified in the Ralph M. Brown act.
- G. Quorum And Actions Of The Commission: A majority of the members of the commission must be present at any meeting to constitute a quorum. The powers conferred upon the commission shall be exercised by resolution or motion and adopted by a majority vote of the members present and recorded in the minutes with the ayes and noes. The action shall be attested to by the signature of the secretary of the commission.
- H. Commission Authority In Development Review: When this article is applicable in the review of a project consisting of a development entitlement pursuant to other articles of this title, the cultural heritage commission shall be authorized to review all development entitlement applications for the project in its entirety unless any part of the development entitlement would require approval of the planning commission, in which case the planning commission shall be the commission authorized to review all development entitlement applications for the project in its entirety, including application of this article. (Ord. 12-O-2617, eff. 2-24-2012)

10-3-3208: POWERS AND DUTIES OF THE COMMISSION:

Unless otherwise specified herein, the duties of the cultural heritage commission shall be as follows:

- A. Exercise the authority set forth in this article and as otherwise provided in this code;
- B. Inspect, investigate, and recommend for designation by the city council landmarks and historic districts, and make any preliminary or supplemental determinations or conclusions in order to implement this article;
- C. Review a citywide survey of historic resources, which is periodically updated, and other surveys on a case by case basis, and recommend adoption of the survey conclusions by the city council;
- D. Compile or cause to be compiled and maintained a local register listing and describing all designated landmarks, historic districts, and contributing properties within the city;
- E. Compile or cause to be compiled and maintained a "list of local master architects" as defined by this article;
- F. Conduct studies and evaluations of applications or proposals seeking the designation of potential landmarks and historic districts, make determinations and recommendations as appropriate for consideration of such applications, and make any preliminary or supplemental determinations or conclusions, in order to implement this article;
- G. Develop designs for suitable signs, plaques, or other markers that may be placed, at private expense, on or near a designated landmark, historic district, or contributing property indicating that the resource has been designated as such;
- H. Review and approve applications for certificate of appropriateness and certificates of hardship, as applicable;
- I. Recommend, promulgate, and amend, from time to time, such rules and regulations as it may deem necessary to implement the purposes of this article;
- J. Assume the responsibilities and duties that may be assigned to the commission by the city under the certified local government provisions of the national historic preservation act of 1966, as amended, including, but not limited to, compliance with the national environmental protection act (NEPA) and the California environmental quality act with regard to historic resources;
- K. Review and make recommendations to the city council on Mills act contracts;
- L. Upon request, advise the city council, city departments, and city commissions on the significance of historic resources as defined by CEQA and recommend to the city council, city departments, and city commissions appropriate action in compliance with the city's adopted CEQA procedures;
- M. Provide recommendations to the city council regarding the utilization and promotion of incentives and grants from federal and state agencies, private groups, and individuals, and regarding budgetary appropriations to advance the preservation of historic resources in the city;

- N. Participate in, promote, and conduct public information, educational, and interpretive programs pertaining to historic resources, and provide public participation in all aspects of the city's historic preservation program;
- O. Coordinate with other local, county, state, and federal governments in the pursuit of the city's historic preservation goals;
- P. Upon request, review and make recommendations to the planning commission on zoning and general plan amendments related to preserving historic resources;
- Q. Develop a program to celebrate historic resources, and recognize outstanding maintenance, rehabilitation, and preservation of landmarks, historic districts, and contributing properties;
- R. Require that each commissioner attend at least one informational or educational meeting, seminar, workshop, or conference per year in accordance with the requirements of the certified local government program;
- S. Perform any other functions that may be designated by resolution or motion of the city council (ord. C-6961 section 1 (part), 1992). (Ord. 12-O-2617, eff. 2-24-2012)

10-3-3209: PRESERVATION INCENTIVES:

The city council may by resolution establish preservation incentives to encourage owners to designate, maintain, preserve, rehabilitate, and improve city landmarks, historic districts, and contributing properties. Preservation incentives shall be made available to owners of landmarks and contributing properties. (Ord. 12-O-2617, eff. 2-24-2012)

10-3-3210: ESTABLISHMENT OF A LOCAL INVENTORY OF POTENTIAL HISTORIC RESOURCES:

The commission, acting with the administrative support of the director or his or her designee, shall maintain a local inventory of potentially eligible historic resources and all properties within areas identified to be potentially eligible historic districts within the city as such is defined and provided for in the CEQA guidelines section 15064.5(a) (2), and shall periodically review, amend, and update the local inventory. Resources listed on the city's historic resources inventory, or individually assessed and identified as potentially eligible, are eligible for nomination to the city's local register of historic properties. (Ord.

12-O-2617, eff. 2-24-2012)

The Local Inventory of Potential Historic Resources shall serve as a reference document which can be used as a foundation for future designation of historic landmarks and/or districts, reviewing and evaluating proposed alterations or removal of structures and proposed development projects on sites identified herein.

10-3-3211: ESTABLISHMENT OF A LOCAL REGISTER OF HISTORIC PROPERTIES:

A local register of historic resources is hereby created. The purpose of the local register is to provide a means to preserve, protect, and enhance the most significant historic resources within the community. Properties listed on the local register may be identified on site with an exterior marker or plaque displaying pertinent information about the resource. A record of properties on the local

register shall be kept by the city, and shall be provided to the regional information center of the state office of historic preservation and other agencies as required. (Ord. 12-O-2617, eff. 2-24-2012)

10-3-3212: LANDMARK DESIGNATION CRITERIA:

A nominated property may be designated as a landmark if it is more than forty five (45) years of age and satisfies the requirements set forth below.

Properties that are less than forty five (45) years of age can be designated, but in addition to meeting the criteria below, they must also exhibit "exceptional significance" as defined in this article.

For the purposes of this section, any interior space or spaces open to the general public, including, but not limited to, a lobby area, may be included in the landmark designation of a property if the city council finds that the public space(s) satisfies the following criteria:

To be designated as a landmark, a property must satisfy the following criteria.

A. Automatic designation. Any property listed in the National Register of Historic Places may be automatically designated as a Landmark at the request of the property owner.

In all other cases, a property may be designated a Landmark if it satisfies the following requirements:

AB. The property meets at least two (2) of the following significance criteria:

1. Is identified with important events in the main currents of national, state, or local history, or directly exemplifies or manifests significant contributions to the broad social, political, cultural, economic, recreational, or architectural history of the nation, state, city, or community;
2. Is directly associated with the lives of significant persons important to national, state, city or local history;
3. Embodies the distinctive characteristics of a style, type, period, or method of construction;
4. Represents a notable work of a party person included on the city's list of master architects or possesses high artistic or aesthetic value;
5. Has yielded or has the potential to yield, information important in the prehistory or history of the nation, state, city, or community;
6. Is listed on or has been formally determined eligible by the national park service for listing on the national register of historic places, or is listed or has been formally determined eligible by the state historical resources commission for listing on the California register of Historical Resources.

B. The property retains integrity from its period of significance. The proposed landmark retains integrity of location, design, setting, materials, workmanship, feeling, and association. Integrity shall be judged with reference to the particular criteria specified in subsection A of this section. A proposed landmark's deferred maintenance, dilapidated condition, or illegal alterations shall not, on their own, be construed to equate to a loss of integrity.

C. The property has historic value. The proposed landmark is of significant architectural value to the community, beyond its simple market value, and its designation as a landmark is reasonable, appropriate, and necessary to promote, protect, and further the goals and purposes of this article. (Ord. 12-O-2617, eff. 2-24-2012)

10-3-3213: HISTORIC DISTRICT DESIGNATION CRITERIA:

A. Historic District Designation Criteria: A geographic area may be designated a historic district if the proposed district is found to meet the following criteria:

1. In the R-1 zone, a Historic District shall be comprised of a continuous city block or blocks, and not partial blocks.
- 2.1. ~~At least seventy~~ ~~seventy-five~~ percent (75%~~70%~~) of the properties in the proposed district have been identified as contributing properties.
- 3.2. The district meets at least two (2) of the following significance criteria:
 - a. Is identified with important events in the main currents of national, state, or local history, or directly exemplifies or manifests significant contributions to the broad social, political, cultural, economic, recreational, or architectural history of the nation, state, city, or community;
 - b. Is directly associated with the lives of significant persons important to national, state, city or local history;
 - c. Embodies the distinctive characteristics of a style, type, period, or method of construction;
 - d. Represents a notable work of a party person included on the city's list of master architects or possesses high artistic or aesthetic value;
 - e. Has yielded or has the potential to yield, information important in the prehistory or history of the nation, state, city, or community;
 - f. Is listed on or has been formally determined eligible by the national park service for listing on the national register of historic places, or is listed or has been ~~formally~~ determined eligible by the state historic preservation office for listing on the California register of Historical Resources.
- 4.3. The proposed district retains integrity of location, design, setting, materials, workmanship, feeling, and association. Integrity shall be judged with reference to the particular criteria specified in this subsection A. A proposed contributing property's or district's deferred maintenance, dilapidated condition, or illegal alterations shall not, on their own, be construed to equate to a loss of integrity.
- 5.4. The nominated district is of significant architectural value to the community, beyond its simple market value, and its designation as a district is reasonable, appropriate, and necessary to promote, protect, and further the goals and purposes of this article.
- 6.5. The district is a contiguous or noncontiguous grouping of thematically related properties, or a definable area possessing a concentration of historic, scenic, or thematic sites, which contribute to each other and are unified aesthetically by plan, physical development, or architectural quality.

7.6. The district reflects significant geographical patterns, including those associated with different eras of settlement and growth, particular transportation modes, or distinctive examples of park or community planning.

8.7. The proposed designation is in conformance with the purpose of the city's historic preservation provisions set forth in this article and the city's general plan.

B. Consideration Factors: In determining whether a geographic area meets the criteria in subsection A of this section, the following factors shall be considered:

1. The historic district should have integrity of design, setting, materials, workmanship, feeling, and association.
2. The collective historic value of the properties in a historic district taken together may be greater than the historic value of each individual property. (Ord. 12-O-2617, eff. 2-24-2012)

10-3-3214: STREET IMPROVEMENTS IN HISTORIC DISTRICTS:

Whenever streetscape improvements are proposed by the city in areas that are designated districts, the city shall consider the use of materials, landscaping, light standards, and signage that are compatible with the area's historic and architectural character. (Ord. 12-O-2617, eff. 2-24-2012)

10-3-3215: LANDMARK OR HISTORIC DISTRICT DESIGNATION PROCEDURES:

A property, or properties, included in the local inventory may be designated as a landmark or historic district, respectively, and added to the city's local register in accordance with the procedures set forth in this section.

- A. City Council Or Commission Initiation Of Nomination Proceedings: Any property, or properties, may be nominated for designation as a city landmark or historic district, respectively, by the city council or cultural heritage commission. Initiation by the city council or the commission shall be by majority vote. The city council or the commission shall forward the initiation to the director for a report and recommendation.
- B. Application For Nomination By A Property Owner Or Property Owners: If proposed by the property owner, an application for the proposed designation shall be completed on a form provided by the department, and shall include all information required, payment of required fee, and filing of the application with the department. In the event that owners wish to nominate an area for designation as a local historic district, a petition in support of the application shall have signatures from the owners of more than ~~seventy~~ seventy-five percent (70-75%) of the property owners of legal lots within the proposed district area must demonstrate support for the application. The director shall conduct an evaluation of the proposed designation and shall make a recommendation to the commission as to whether the application warrants formal consideration.
- C. Initial Notification To The Property Owner: Within ten (10) days of a decision by the city council or commission to initiate nomination proceedings, or of the filing of a designation application, the owner(s), designated agent or agents, and tenants of the subject property(ies), if applicable, shall be notified by mail of the intent to have the commission consider the preliminary evaluation

of the property(ies). Once completed, the owner(s) or designated agent or agents shall receive a copy of the evaluation assessment report.

- D. Preliminary Consideration Of The Property Owner Application By The Commission: When nomination procedures are initiated by an owner(s), a hearing to determine whether the property(ies) warrant formal consideration by the commission shall be scheduled within sixty (60) days of filing of an application. If, based on the criteria set forth in section 10-3-3212 or 10-3-3213 of this chapter the commission determines that the application warrants formal consideration, it shall schedule a public hearing within forty five (45) days of such determination. A decision that an application does not warrant formal consideration shall be a final action of the commission, which is appealable pursuant to title 1, chapter 4, article 2 of this code. Any determination of the commission regarding whether an application warrants formal consideration shall be in writing, shall be filed by the commission secretary with the director, and shall be provided to the owner(s).
- E. Notice Of Public Hearing: Written notice of the date, time, place, and purpose of a public hearing to formally consider an application shall be given by first class, prepaid mail not less than ten (10) days prior to said hearing to the applicant and all owner(s) of the property proposed for nomination. A public hearing notice regarding designation of a historic district shall be provided to all owners within the proposed district. Failure to send notice by mail to any such owners where the address of such owner is not a matter of public record shall not invalidate any proceedings in connection with the proposed designation. When the owner(s) petition the city for designation, it is the petitioner's obligation to furnish to the director a current list of names and legal mailing addresses of all owners to be notified, and to pay such fee to cover the costs of providing notification as shall be established by resolution of the city council. When the proposed designation is by city initiative, the community development department shall be responsible for preparing the notification list. The commission may also direct that other notice be provided as it deems appropriate.
- F. Interim Protection Measures: Upon initiation by the city council or commission, or upon determination that the application submitted by an owner(s) warrants formal consideration by the commission, any alteration, restoration, construction, removal, relocation, or demolition, in whole or in part, of a nominated property or property located in a nominated district is prohibited, and no permits shall be issued by any city department, board, or commission, including, but not limited to, a conditional use permit, a tentative tract map or tentative parcel map permit, a development review permit, any administrative approval, design review approval, or architectural review approval. No building permit authorizing any alteration, restoration, construction, removal, relocation, or demolition shall be granted while a nominated property or property within a nominated district is under consideration or any appeal related thereto is pending. Pending permit applications may be processed, but no final action shall be taken until after the conclusion of the nominating process.
- The foregoing notwithstanding, the director may waive the hold on building permits if the director determines that the proposed work would not alter any character defining features, or that the work would comply with the Secretary Of The Interior's Standards For The Treatment Of Historic Properties With Guidelines For Preserving, Rehabilitating, Restoring, And Reconstructing Historic Buildings". Permits may also be issued to mitigate an immediate threat to the public health, safety, and welfare, pursuant to Section 10-3-3230.
- G. Findings: At the conclusion of a public hearing, or any continuation thereof, but in no case more than forty five (45) days from the date set for the initial public hearing, the commission shall recommend approval, in whole or in part, or disapprove the application for the designation of the nominated property or district. The decision of the commission shall be in writing and shall state the findings of fact and reasons relied upon to reach the decision, and such decision shall be filed with the director. If the commission fails to take action on the application for the nominated resource within the forty five (45) day time period, the application for such designation shall be deemed disapproved, and it shall be the duty of the director to certify such disapproval. Upon the

commission's rendering of a decision regarding nomination of a property or district, the director shall give written notification to the owner(s) of the subject property or owners of properties in the proposed district.

The foregoing notwithstanding, the processing timeframes may be extended with mutual agreement of the applicant and the director.

H. Recommendation Or Action By Commission: The commission shall base its action or recommendation on the criteria, considerations and assessment of integrity and significance outlined in this article. If it recommends listing the nominated property or district on the local register as a landmark, the commission shall specify the significant elements or character defining features of the nominated historic resource. In the case of a recommendation for listing of a historic district on the local register, the commission shall identify all properties that contribute to the area's designation as a district (contributing properties) along with the buildings, structures, and objects located on each, and all character defining features. Properties, buildings, structures, objects, features and other resources that happen to be located within the district, but that have no relevance to the area's identified period of significance, significant physical features, or identifying historic characteristics, shall be deemed noncontributing properties.

Decisions of the commission to disapprove nominations shall be in writing setting forth the basis for rejection. Only an owner of property subject to the designation proceedings shall have the authority to appeal. The city council shall have the authority to call such decisions for review pursuant to the provisions of title 1, chapter 4, article 2 of this code.

I. Hearing And Decision By The City Council: The city council shall consider the matter as soon as practicable after receiving the commission's recommendation or after receiving a timely appeal of a commission decision rejecting the proposed nomination. The city council by written resolution may approve, reject, or give modified approval to an application for the designation of a nominated property or district. The city clerk shall then notify the owner(s) of the property or the owners of property in the district of the city council's action.

J. Historic Resource Resolution: The resolution designating a landmark, historic district, or contributing property within a historic district shall include:

1. A description of the particular characteristics that justify the designation and which should therefore be preserved;
2. The reasons for designation;
3. A set of general guidelines to establish standards for future proposed changes; and
4. Delineation of the location and boundaries of the designated resource or resources.

K. Recordation Of Resolution: A certified copy of such resolution shall be recorded in the office of the county recorder of the county of Los Angeles by the city clerk immediately following its effective date. The city clerk shall also send a copy of said resolution to the director, the director of public works and transportation, the building official, the owner(s), and the occupant(s) of the property or properties. The document to be recorded shall contain:

1. A legal description of the property or properties;
2. The date and substance of the designation;
3. A statement explaining that demolition, alteration, or relocation of the property is restricted; and
4. A reference to this section authorizing the recordation.

- L. Disapproval Of Nominated Resource: Whenever an application for designation of a property or properties as a landmark or district, respectively, has been rejected by the commission or by the city council, no application that contains the same or substantially the same information as the one disapproved shall be resubmitted to or reconsidered by the commission within a period of five (5) years from the effective date of the final action on the prior application. However, if significant new information is made available and provided by and at the expense of the owner(s), the director may waive the time limit and permit a new application to be filed.
- M. Disapproval Of Deletion Of A Listed Resource: Where an application for repeal of a listed historic resource from the local register has been denied, no new application to delete the same listed resource may be filed or submitted for a period of one year from the effective date of the denial.
- N. Effect Of Designation: Upon designation, and thereafter, the provisions of this article shall apply to the designated property, historic district, and properties within the historic district. From and after the adoption by the city council of a resolution designating the property(ies) a local landmark or historic district, any removal or demolition, exterior construction, alteration or remodeling, or landscaping of the property, or of contributing properties within historic districts, is subject to the provisions of this article. The owner(s) of such property(ies) shall maintain and preserve the historic resource at such a level that it does not become a safety hazard to the occupants or to the public. (Ord. 12-O-2617, eff. 2-24-2012)

10-3-3216: AMENDMENT OR RESCISSION OF LANDMARK OR HISTORIC DISTRICT DESIGNATION:

Once a landmark or historic district designation is made, it shall not be repealed by the city council unless it is determined at any time that:

- A. The evidence used to establish the designation was erroneous, or that material procedural errors were made during the designation process; or
- B. The landmark or historic district no longer meets the criteria for designation under section 10-3-3212 or 10-3-3213 of this chapter, respectively, due to damage caused by natural disaster (e.g., flood, earthquake, etc.) or reasons otherwise outside of the control of the owner.

Changes of use, differences of opinion of subsequent city councils, desires of property owners, or financial considerations are not sufficient reasons to repeal a designation. The repeal of a landmark or historic district may be initiated by the commission, the city council, or an owner. The city council must consider an application for repeal of a previously designated landmark or historic district utilizing the same procedures for designation as provided by this article. If the determination of landmark or historic district status is repealed, the city's register of historic properties shall be updated accordingly. (Ord. 12-O-2617, eff. 2-24-2012)

10-3-3217: PENDING DEMOLITION, ALTERATION OR RELOCATION; TEMPORARY PROTECTIONS PENDING DESIGNATION:

Upon the determination by the director that an owner's application for landmark or historic district designation is substantively complete, or upon initiation by the city council or the commission, no permit shall be issued and no work shall be performed on the property or properties pursuant to subsection 10-3-3215F, "Interim Protection Measures", of this chapter pending final determination on

whether the property or properties, respectively, shall be designated as a landmark or a historic district. No building or demolition permit shall be issued for a proposed landmark or for any eligible contributing property identified in a proposed historic district, until a final determination has been made regarding designation.

The commission shall deny or recommend designation, and the city council shall act on any recommended designation. If, after the expiration of the final period of time to act, the city council has not taken an action on the application or initiation to designate, then any pending permit(s) may be issued and demolition, alteration, or relocation of the property may proceed.

If the commission or city council determines, in a final decision, that the property or properties proposed to be designated does not or do not meet the evaluation criteria for landmark or historic district designation set forth in section 10-3-3212 or 10-3-3213 of this chapter, then the temporary prohibition on the issuance of a permit to demolish, alter, or relocate the nominated property or nominated contributing property within a nominated historic district shall terminate. (Ord. 12-O-2617, eff. 2-24-2012)

10-3-3218: HOLD PERIOD FOR PERMITS TO ALTER, DEMOLISH OR RELOCATE CERTAIN BUILDINGS, STRUCTURES AND OBJECTS FORTY FIVE YEARS OF AGE AND OLDER:

Any work involving a change in design, material, or appearance, including demolition and relocation, proposed on a property forty five (45) years or older and designed in whole or in part by a person party listed on the city's list of master architects, or on a property determined to be potentially eligible by the Director, shall be subject to a thirty (30) day holding period prior to the issuance of permits. Permit applications may be processed, but no final action shall be taken until after the thirty (30) day period has ended. The director may waive the thirty (30) day holding period if the director determines that the property is not eligible for listing on the local register, or that the proposed work would not alter any character defining features, or that the work would comply with the "Secretary Of The Interior's Standards For The Treatment Of Historic Properties With Guidelines For Preserving, Rehabilitating, Restoring, And Reconstructing Historic Buildings". Work proposed on locally designated landmarks, historic districts, and properties within a historic district is subject to the provisions of this article and may require a certificate of appropriateness. (Ord. 12-O-2617, eff. 2-24-2012)

When nomination procedures are initiated by the city council or cultural heritage commission during a thirty (30) day holding period, a hearing to determine whether a subject property warrants formal consideration by the commission shall be scheduled within fifteen (15) days of the expiration of a 30 day holding period. If, based on the criteria set forth in section 10-3-3212 or 10-3-3213 of this Article the commission determines that the subject property warrants formal consideration, it shall schedule a public hearing and conclude its decision making process within ninety (90) days of such determination, unless a longer period of time is agreed upon between the Director and the property owner. A decision that a subject property does not warrant formal consideration shall be a final action of the commission, which is reviewable by the City Council pursuant to title 1, chapter 4, article 2 of this code.

Any determination of the commission regarding whether a subject property warrants formal consideration shall be in writing, shall be filed by the commission secretary with the director, and shall be provided to the owner(s). At the conclusion of a public hearing, or any continuation thereof, the commission shall recommend approval, in whole or in part, or disapprove a landmark nomination for the subject property. The decision of the commission shall be in writing and shall state the findings of fact and reasons relied upon to reach the decision, and such decision shall be filed with the director. If the commission fails to take action on the subject property within the stipulated time period, the commission's designation process shall be deemed to be a final decision of the City not to designate the property, and it shall be the duty of the director to certify that determination. Upon the commission's rendering of a decision regarding nomination of a subject property, the director shall give written notification to the owner(s) of the subject property.

If the commission recommends designation, the City Council shall complete its consideration of the recommendation within 90 days of the commission action, unless a longer period of time is agreed upon by the director and the property owner. If the City Council fails to take action on the subject property within the stipulated time period, the commission's designation process shall be deemed to be a final decision of the City not to designate the property, and it shall be the duty of the director to certify that determination.

10-3-3219: CERTIFICATE OF APPROPRIATENESS:

- A. Certificate Of Appropriateness Required; Designated Landmarks And Contributing Properties: No person, owner, or other entity shall restore, rehabilitate, alter, develop, construct, demolish, remove, or change the exterior appearance of a designated landmark or contributing property within a designated local historic district without first having applied for and been granted a certificate of appropriateness or certificate of economic hardship exemption, unless the work proposed qualifies as "ordinary maintenance and repair" as defined in this article. Further, a certificate of appropriateness or certificate of economic hardship exemption may be required for alterations, demolition, new construction, and exterior changes in appearance of noncontributing properties in a historic district, as provided below.
- B. Ordinary Maintenance And Repair Exemption: A certificate of appropriateness shall not be required for ordinary maintenance and repair of a designated landmark or property within a historic district. Ordinary maintenance and repair shall mean work on a landmark property or property within a historic district that meets the following conditions:

1. Does not, by law, require issuance of a permit; and
 2. Involves regular, customary, or usual care of an existing building, structure, object, or site, for the purposes of preserving said property and maintaining it in a safe and sanitary condition; and
 3. Does not involve a change of design, material, or appearance of the property.
- C. Standards For Review Of Noncontributing Properties In A Historic District: Any construction or demolition work proposed on noncontributing properties shall be reviewed to assure that the work is undertaken in a manner that does not impair the essential form and integrity of the historic character of the district.
1. Unless otherwise exempt pursuant to this article, a certificate of appropriateness shall be required prior to issuance of a permit for the following activities involving noncontributing properties:
 - a. Demolition of any building, structure, or object;
 - b. New construction, including new buildings, structures, and objects, and new ancillary features such as fences, gates and walls; and
 - c. Remodeling and additions, including increases in the number of stories.

A certificate of appropriateness for work proposed on a noncontributing property shall be reviewed in the same manner as a certificate of appropriateness for work proposed on a landmark or contributing property.

D. Administrative Review: A certificate of appropriateness may be issued by the director or his or her designee for work described in this subsection that meets the following conditions:

1. Requires a permit, and
2. Does not involve a change of design, material, appearance, or a change in visibility of the character defining features or overall significance of a designated landmark or property within a historic district.

All proposed work on a landmark or contributing property shall comply with the "Secretary Of The Interior's Standards For The Treatment Of Historic Properties With Guidelines For Preserving, Rehabilitating, Restoring, And Reconstructing Historic Buildings". All proposed work on a noncontributing property shall comply with the standards set forth in subsection C of this section.

If the director determines that the proposed work would not result in a change of design, material, appearance or visibility of the property's character defining features and overall historical significance, and does not have the potential for a discrepancy between the proposed work and the "Secretary Of The Interior's Standards For The Treatment Of Historic Properties With Guidelines For Preserving, Rehabilitating, Restoring, And Reconstructing Historic Buildings", the director shall approve the certificate of appropriateness.

If the director determines that the proposed work may result in a change of design, material, appearance or visibility of the property's character defining features and overall historical significance, or has the potential for a discrepancy between the proposed work and the "Secretary

Of The Interior's Standards For The Treatment Of Historic Properties With Guidelines For Preserving, Rehabilitating, Restoring, And Reconstructing Historic Buildings", the director shall refer the certificate of appropriateness to the commission for review.

If the director determines that the proposed work would result in a change of design, material, appearance or visibility of the property's character defining features and overall historical significance, or would create a discrepancy between the proposed work and the "Secretary Of The Interior's Standards For The Treatment Of Historic Properties With Guidelines For Preserving, Rehabilitating, Restoring, And Reconstructing Historic Buildings", the director may deny the certificate of appropriateness or refer the certificate of appropriateness to the commission for review.

A certificate of appropriateness shall be acted upon by the director within twenty one (21) days of receipt of a complete application.

Work that may be approved pursuant to administrative review includes, but is not limited to, the following:

In-kind replacement of historically accurate architectural features or building elements that are deteriorated, damaged beyond repair, or previously removed, including windows, doors, exterior siding, porches, cornices, balustrades, and stairs.

In-kind replacement of historically correct built or cultivated site or landscape features that are deteriorated, damaged beyond repair, or previously removed, including gates, fences, walls, hedges, pergolas, gazebos, walkways, and planting beds.

Replacement or repair of roof covering materials, gutters, and downspouts, with no change in appearance.

Foundation work and repainting of bricks on the exterior of a structure, with no change in appearance.

Addition of new fences and walls.

Addition or replacement of awnings and building mounted signs.

Landscape alterations, or removal or installation of tree and plant material not specifically designated or listed as character defining features to the designated resource.

New paving for driveways, walkways, and/or patios.

Repainting of exterior surfaces that were originally intended to be painted. No surfaces that were not intended to be painted shall be painted including unpainted brick, concrete, or stone surfaces.

Installation of new exterior lighting.

Removal of additions intended to restore the original appearance of a building, structure, or object.

Electrical, plumbing, utility work, and other permits for mechanical and other building systems, including rooftop appurtenances not visible from a public street or any property at street level which result in no change in appearance to the property.

One-story residential additions, excluding attached garages, that are no more than fifteen percent (15%) of the size of the existing main residence and have limited or no visibility to public rights of way and adjacent properties.

Other minor rehabilitation work as determined by the director.

- E. Commission Review: When a certificate of appropriateness application is referred to the commission for review, a complete application shall be one that includes a report from a qualified historic preservation consultant detailing the project's compliance with, and potential deviation from the "Secretary Of The Interior's Standards For The Treatment Of Historic Properties With Guidelines For Preserving, Rehabilitating, Restoring, And Reconstructing Historic Buildings".

When a certificate of appropriateness is requested for demolition or relocation of a landmark or contributing property, additional supporting materials and justification shall be required as specified in the city's administrative guidelines.

Upon receipt of a complete application, the commission shall act on the certificate of appropriateness within seventy five (75) days. The time limits in this section shall be extended by the director when necessary to comply with the provisions of CEQA or with the written consent of the owner. A public hearing shall be scheduled and notice provided per this article and CEQA where applicable. The time, place, and purpose of the public hearing on the proposed certificate of appropriateness shall be given by mailing written notice to the owner or owner's representative at least ten (10) days prior to the date of the hearing. Notice to the owner or the owner's representative shall be sent via certified mail, return receipt requested.

The applicant for a certificate of appropriateness may make submissions to the community development department of any or all relevant information. Based on this and any other relevant information, the commission shall take into consideration the reasonable economic, environmental, and technical feasibility of the work in determining whether to issue a certificate of appropriateness.

The commission shall issue a certificate of appropriateness if it finds that the work:

1. Complies with the "Secretary Of The Interior's Standards For The Treatment Of Historic Properties With Guidelines For Preserving, Rehabilitating, Restoring, And Reconstructing Historic Buildings"; or
2. Does not demonstrate strict compliance with the "Secretary Of The Interior's Standards For The Treatment Of Historic Properties With Guidelines For Preserving, Rehabilitating, Restoring, And Reconstructing Historic Buildings", but nonetheless protects and preserves the historic and architectural qualities and the character defining features that make the property a landmark or contributing property; or
3. Meets the criteria established for demolition, alteration, or relocation of a resource in the city's administrative guidelines. (Ord. 12-O-2617, eff. 2-24-2012)

10-3-3220: CERTIFICATE OF APPROPRIATENESS TERM, EXTENSION, MODIFICATION:

A. Term:

1. General: A certificate of appropriateness shall lapse and become void twenty four (24) months from the date of issuance, unless a building permit (if required) has been issued and the rights granted by the permit or certificate have been exercised and are being pursued to completion. For purposes of this subsection, the term "exercised" means substantial expenditures in good faith reliance upon the permit or certificate. The burden of proof in showing substantial expenditures in good faith reliance upon the permit or certificate shall be placed upon the permit or certificate holder.
2. Certificate Of Appropriateness For Demolition: A certificate of appropriateness for the demolition of a property shall expire at the end of one hundred eighty (180) days from the date of issuance of the certificate of appropriateness, unless a demolition permit or a building permit for the demolition work has been obtained and the rights of the permit or certificate are being exercised and pursued to completion. For purposes of this subsection, the term "exercised" means substantial expenditures in good faith reliance upon the permit or certificate. The burden of proof in showing substantial expenditures in good faith reliance upon the permit or certificate shall be placed upon the permit or certificate holder.

B. Extensions:

1. General: Except as provided below for certificates of appropriateness authorizing demolition, so long as the approved plans have not been modified, a certificate of appropriateness may be extended for a period of up to an additional twelve (12) months upon request by the owner and submittal of an appropriate application and payment of applicable fees. The director may approve, conditionally approve, or deny any request for a time extension, or may refer the request to the commission, which may approve, conditionally approve, or deny any request for a time extension based upon criteria established in the city's administrative guidelines.
2. Demolition: A certificate of appropriateness for the demolition of a property may be extended for a period of up to an additional forty five (45) days upon request by the owner and submittal of an appropriate application and payment of applicable fees no later than thirty (30) days prior to expiration. The director may approve, conditionally approve, or deny any request for a time extension, or may refer the request to the commission, which may approve, conditionally approve, or deny any request for a time extension based upon criteria established in the city's administrative guidelines.

C. Modifications: An application to modify an issued certificate of appropriateness, or a condition of approval imposed thereon, shall be heard and considered in the same manner and by the same body as the original review application unless otherwise determined by the director. Payment of applicable fees is required upon submitting an application. (Ord. 12-O-2617, eff. 2-24-2012)

10-3-3221: CERTIFICATE OF ECONOMIC HARDSHIP:

- A. Issuance: The commission may issue a certificate of economic hardship to allow alteration, demolition, or relocation of a landmark or property within a historic district when it has been demonstrated that denial of a certificate of appropriateness would create an undue hardship upon the owner.
- B. Applications: An application for a certificate of economic hardship shall be made on the prescribed form and shall be accompanied by the following information as requested by the director:
 1. The estimated market value of the property in its current condition.

2. The estimated market value of the property after completion of the proposed alteration or demolition.
 3. Estimates of the costs of the proposed alteration or demolition.
 4. In the case of demolition, the estimated market value of the property after rehabilitation of the existing property for continued use and an estimate from an architect, developer, real estate consultant, appraiser, or other real estate professional with experience in rehabilitation as to the economic feasibility of rehabilitation or reuse of the existing structures on the property.
 5. A rehabilitation report from a licensed engineer or architect with expertise in rehabilitation as to the structural soundness of any structures on the property and their suitability for rehabilitation.
 6. For income producing properties, information on annual gross income, operating and maintenance expenses, tax deductions for depreciation, and annual cash flow after debt service, current property value appraisals, assessed property valuations, and real estate taxes.
 7. The remaining balance on any mortgage or other financing secured by the property and annual debt service, if any, for the previous two (2) years.
 8. All appraisals obtained within the previous two (2) years by the owner or applicant in connection with the purchase, financing, or ownership of the property.
 9. The amount paid for the property if purchased within the previous thirty six (36) months, the date of purchase, and the party from whom purchased, including a description of the relationship, if any, between the owner or applicant and the person from whom the property was purchased, and any terms of financing between the seller and buyer.
 10. Any listing of the property for sale or rent, and prices asked, and offers received, if any within the previous two (2) years.
 11. Any other information the director may reasonably require in order to determine whether or not the property does or may yield a reasonable return to the owner.
- C. Public Hearing: The commission shall hold a public hearing on all applications for a certificate of economic hardship; after which it may approve, conditionally approve, or deny the application. Such hearing may be held concurrently with any related application for a certificate of appropriateness.
- D. Findings: The commission shall not approve any certificate of economic hardship unless it makes all of the following findings:
1. Denial of the application would decrease the value of the subject property so as to leave no substantial value.
 2. Sale or rental of the property is not financially feasible, when looking at the cost of holding such property for uses permitted in the applicable zone.
 3. Adaptive reuse of the property for lawful purposes is prohibited or impractical.

4. Denial of the application would damage the owner of the property unreasonably in comparison to the benefit conferred on the community.
- E. Copies Of Certificate: Upon approval, copies of the certificate of economic hardship shall be forwarded to the applicant, the building official, the director, and any other department or agency upon request.
- F. Effectiveness Of Certificate: No certificate of economic hardship shall become effective until the time to appeal its approval has expired. (Ord. 12-O-2617, eff. 2-24-2012)

10-3-3222: APPEALS; FINALITY OF DECISIONS FOR CERTIFICATES OF APPROPRIATENESS AND CERTIFICATES OF ECONOMIC HARDSHIP:

- A. Authority To Appeal Decisions: Only the owner of the property subject to a certificate of appropriateness or certificate of economic hardship, or an owner of property within a historic district in which the property subject to a certificate of appropriateness or certificate of hardship is located, shall be entitled to file an appeal of a decision on the certificate. The city council shall have the authority to call such decisions for review pursuant to the provisions of title 1, chapter 4, article 2 of this code.
- B. Finality Of Director Or Commission Decision: Any decision of the director or commission on a certificate of appropriateness or certificate of economic hardship under this article shall become final if no appeal is submitted within the applicable appeal period and the decision is not called for review by the city council pursuant to the provisions of title 1, chapter 4, article 2 of this code.
- C. Appeal Of Director Actions: Appeals of a final decision by the director pursuant to this article may be appealed to the commission within fifteen (15) days from the date of the decision pursuant to the procedures set forth in title 1, article 4, chapter 2 of this code.
- D. Appeal Of Commission Actions: Appeals of a final decision by the commission may be appealed to the city council within fifteen (15) days from the date of the decision pursuant to the procedures set forth in title 1, chapter 4, article 2 of this code, or may be called for city council review pursuant to the provisions of title 1, chapter 4, article 2 of this code. The city council shall act within ninety (90) days after expiration of the appeal period, or within any additional period agreed to by the property owner or owners. Failure to act within the permitted time period shall be deemed a denial of the application. (Ord. 12-O-2617, eff. 2-24-2012)

10-3-3223: HISTORIC RESOURCE DISCLOSURE:

- A. For purposes of this section, the following terms shall have the meanings set forth below:

BUYER: A transferee in a real property transaction, and includes a person who executes an offer to purchase real property from a seller through an agent, or who seeks the services of an agent with the object of entering into a real property transaction. "Buyer" includes vendee or lessee.

LISTING AGENT: An agent who has obtained a listing of real property of the kind in respect of which he or she is authorized by law to act as an agent for compensation.

OFFER TO PURCHASE: A written contract executed by a buyer which becomes the contract for

the sale of the real property upon acceptance by the seller.

OWNER: Any person, co-partnership, association, corporation, or fiduciary having legal or equitable title or any interest in real property.

REAL PROPERTY TRANSACTION: A transaction for the sale of real property in which an agent is employed by one or more of the principals to act in that transaction, and includes a listing or an offer to purchase.

SALE: A transaction for the transfer of real property from the seller to the buyer, and includes exchanges of real property between the seller and buyer, transactions for the creation of a real property sales contract within the meaning of California Civil Code section 2985, and transactions for the creation of a leasehold exceeding one year's duration. ~~SELLING AGENT: A listing agent who acts alone, or an agent who acts in cooperation with a listing agent, and who sells or finds and obtains a buyer for the real property, or an agent who located property for a buyer or who finds a buyer for a property for which no listing exists and presents an offer to purchase to the seller.~~

- B. If real property has been designated by the City of Beverly Hills as a landmark, is a property within a designated historic district, was designed or constructed in whole or in part by a party on the City's List of Master Architects, or has been identified in the City's local inventory or any update thereto, the owner or the selling-listing agent of the property shall, in any real property transaction, provide the buyer of the property with notice informing the buyer of the property's historic status. The owner or the selling-listing agent shall provide the notice to the buyer before expiration of any inspection contingency period and in any event before transfer of title.
- C. Any person who violates the provisions of this section shall be subject to the penalties and remedies specified in title 1, chapter 3 of this code. In addition, a buyer who does not receive the notice required by subsection B of this section may bring a civil action for damages.
- D. The disclosure requirements of this section shall not apply to real estate transactions subject to Civil Code section 1102.2 or any successor or amended section. (Ord. 12-O-2617, eff. 2-24-2012)

10-3-3224: LIMITED APPLICABILITY TO RENOVATIONS OF PROPERTIES REQUIRED TO COMPLY WITH SECRETARY OF INTERIOR STANDARDS:

Notwithstanding anything else set forth in this article, any property that is designated a landmark on the local register and the renovation of which is required by legislative enactment by the city of Beverly Hills adopted prior to the adoption of this article to comply with the secretary of interior's standards for rehabilitation pursuant to 36 CFR 68.3(b) and related guidelines for rehabilitating historic buildings shall be exempt from the provisions in subsection 10-3-3215F and sections 10-3-3217, 10-3-3218, 10-3-3219, 10-3-3220, 10-3-3221 and 10-3-3222 of this chapter; provided, however, that any such property shall be subject to all provisions of this article for demolition, and for off-site relocation of significant structures or significant landscaping.

Regardless of the contents of a historic resource resolution, as set forth in subsection 10-3-3215J of this chapter, the provisions of the legislative enactment imposed on any property that is subject to this section shall control with respect to characteristics to be preserved and standards for future proposed changes. (Ord. 12-O-2617, eff. 2-24-2012)

10-3-3225: ENFORCEMENT AND PENALTIES:

- A. Any person who violates a requirement of this article or fails to obey an order issued by the commission and/or director, or fails to comply with a condition of approval of any certificate or permit issued under this chapter, shall be subject to enforcement actions as set forth in title 1, chapter 3 of this code.
- B. In addition to all other remedies available to the city, any alteration or demolition of a historic resource in violation of this article is expressly declared to be a nuisance and may be abated as deemed appropriate by the city.
- C. In addition to all other remedies, the city shall have the authority to impose a temporary moratorium on the development of a property for a period not to exceed sixty (60) months from the date the city becomes aware of any alteration or demolition in violation of this article, unless the owner obtains permits to restore or reconstruct the property to its original condition prior to the violation and the work is consistent with the "Secretary Of The Interior's Standards For The Treatment Of Historic Properties With Guidelines For Preserving, Rehabilitating, Restoring, And Reconstructing Historic Buildings". The purpose of the moratorium is to provide the city an opportunity to study and determine appropriate mitigation measures for the alteration and/or removal of the historic resource, and to ensure measures are incorporated into any future development plans and approvals for the subject property. Mitigation measures which may be determined by the commission and/or director shall be imposed as a condition of any subsequent permit for development of the subject property.
- D. The city attorney may maintain an action for injunctive relief to restrain a violation or cause, where possible, the complete or partial restoration, reconstruction, or replacement of any historic resource demolished, partially demolished, altered, or partially altered in violation of this chapter.
- E. Any person who constructs, alters, removes, or demolishes a designated landmark or property in a designated historic district without the approval and issuance of a certificate or permit issued pursuant to this article may be required to restore the property to its appearance prior to the violation to the extent such restoration is physically possible, under the guidance of the director. This civil remedy shall be in addition to, and not in lieu of, any criminal penalties available.
- F. In addition to any other remedies provided herein, any violation of this article may be enforced by civil action brought by the city. Remedies under this article are in addition to and do not supersede or limit any and all other remedies or penalties, whether civil or criminal. The remedies provided herein are cumulative and not exclusive. In any such action, the city may seek as appropriate, one or both of the following remedies:
 - 1. A temporary or permanent injunction, or both;
 - 2. Assessment of the violator for the costs of any investigation, inspection, or monitoring survey that led to the establishment of the violation, and for the reasonable costs of preparing and bringing legal action under this subsection. (Ord. 12-O-2617, eff. 2-24-2012)

10-3-3226: PREEXISTING ENTITLEMENTS AND BUILDING PERMITS:

This article does not apply to construction, alteration, moving, or demolition of a property, building, structure, or object pursuant to valid entitlements granted by the city prior to the effective date hereof, or started under a valid building permit issued prior to the effective date hereof, as such

entitlements or permits may be extended pursuant to provisions of this code and state laws. Once the work authorized by any such entitlement or building permit has been completed the provisions of this article apply. (Ord. 12-O-2617, eff. 2-24-2012)

10-3-3227: FEES:

The city council may, by resolution, establish the fee(s) for submission of a nomination, and all other applications and submissions made pursuant to this chapter. (Ord. 12-O-2617, eff. 2-24-2012)

10-3-3228: IN LIEU PARKING; WAIVER OF FEES AND OTHER EXEMPTIONS

Pursuant to the requirements, limitations and procedures set forth in this section, the city council or the planning commission may allow a property owner of a local landmark building to purchase in-lieu parking to serve a site area in excess of sixteen thousand (16,000) square feet of space and the City Council may waive, in whole or in part, the fees required by section 10-3-3310 of this chapter.

- A. ELIGIBLE USES: The city council or planning commission may only take action pursuant to this section with regard to site area occupied by, or fees imposed upon, the following uses:
 - 1. Adaptive reuses of properties listed on the local historic register.
- B. FINDINGS REQUIRED: The city council or planning commission shall not take action pursuant to this section unless the city council or planning commission finds that:
 - 1. The proposed use will not unreasonably deplete parking resources in the in-lieu parking district.
- C. REVIEWING BODY: The city council shall review an application filed pursuant to this subsection unless that application accompanies an application that otherwise requires review by the planning commission. If the application filed pursuant to this subsection accompanies an application that otherwise requires review by the planning commission, then the planning commission shall be the reviewing body for the application filed pursuant to this section.
- D. PROCEDURE: An application filed pursuant to this section and section 10-3-3307 of this chapter shall be submitted to the director of planning and community development. Upon receipt of such application, a hearing regarding the application shall be scheduled before the city council or the planning commission, as provided in subsection C of this section, and otherwise shall be processed in accordance with the procedures of article 33 of this chapter. Notice of the hearing shall be mailed to the applicant at least ten (10) days prior to such hearing. (Ord. 76-O-1608, eff. 6-17-1976; and. Ord. 94-O-2206, eff. 8-5-1994).

10-3-3229: CITY OWNED PROPERTIES; SCHOOL DISTRICT PROPERTIES:

- A. The provisions of this article do not apply to city owned properties; however the city council may, in its discretion, add a city owned property to the local register provided the property meets the criteria set forth in either section 10-3-3212 or 10-3-3213 of this chapter following any process it deems appropriate.

B. The provisions of this article shall not apply to properties owned by a public school district, unless a school district files an application requesting landmark or historic district designation of its property and the city designates the facility or facilities as a landmark or historic district. (Ord. 12-O-2617, eff. 2-24-2012)

10-3-323029: DANGEROUS AND IMMEDIATELY DANGEROUS PROPERTIES:

Nothing in this article shall prevent the construction, alteration, repair, restoration, stabilization, rehabilitation, or demolition of a property, regardless of designation, if the building official determines the property creates an unsafe or dangerous condition that presents an imminent threat to the public of bodily harm or of damage to adjacent property. The building official shall notify the director in writing of a finding that the proposed action is necessary in order to mitigate the unsafe or dangerous condition. In such event, no certificate of appropriateness or permit referral shall be required. However, the building official shall make all reasonable efforts to consult the director, or his or her designated representative to determine if there are feasible alternatives to the proposed action that will adequately protect the public health and safety. (Ord. 12-O-2617, eff. 2-24-2012)



Attachment 2

Cultural Heritage Commission Report, September 30, 2014



City of Beverly Hills

Planning Division

455 N. Rexford Drive Beverly Hills, CA 90210
TEL. (310) 485-1141 FAX. (310) 858-5966

Cultural Heritage Commission Report

Meeting Date: September 30, 2014

Subject: Review and Approval of Proposed Amendments to Beverly Hills Municipal Code Article 32: Historic Preservation Ordinance.

Recommendation: The Commission is being asked to review proposed amendments to Beverly Hills Municipal Code Article 32: Historic Preservation Ordinance, and to recommend adoption of these amendments to the Planning Commission and City Council.

BACKGROUND

During the City's first two and a half years of implementing BHMC Article 32: Historic Preservation Ordinance, the need for modifications and improvements to the Ordinance to address certain concerns has become apparent. Proposed amendments to address identified issues will be addressed as part of updates to the Historic Preservation Ordinance.

Additionally, as part of the City's application to have its Historic Preservation Program recognized by the State Office of Historic Preservation as a Certified Local Government (CLG) Historic Preservation Program, the State Office has also requested some minor administrative amendments to BHMC Article 32: Historic Preservation Ordinance to bring the ordinance in line with State Office of Historic Preservation requirements.

DISCUSSION

Proposed amendments to BHMC Article 32: Historic Preservation Ordinance, were discussed by the Cultural Heritage Commission on October 7, 2013, by a joint sub-committee of Planning and Cultural Heritage Commissioners including Cultural Heritage Commissioners Furie and Waldow and Planning Commissioners Rosenstein and Yukelson, by the Planning Commission on November 21, 2013 and again by the Cultural Heritage Commission on June 3, 2014.

Attachment(s):

1. Proposed text amendments to BHMC Article 32: Historic Preservation Ordinance. (color coded)
2. Correspondence from Stephen P. Webb of Tilles, Webb, Kulla & Grant dated September 3, 2014,
3. Statistical Analysis of 'Call Ups' by the Cultural Heritage Commission of Pending Demolitions/ Remodeling Projects.

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At its meeting of November 21, 2013 the Planning Commission proposed substantive changes to BHMC Article 32: Historic Preservation Ordinance, which were presented to the Cultural Heritage Commission in June 2014, as follows:

1. Amend BHMC 10-3-3210, 'Establishment of a Local Inventory of Potential Historic Resources' to make it clear that the Local Inventory is a listing of all properties identified through the survey process as being potentially eligible for landmark designation.
2. Amend BHMC 10-3-3212, 'Landmark Designation Criteria' to automatically include any property listed on the National Register of Historic Places as a local landmark upon the request of the property owner. Currently the State Office of Historic Preservation automatically lists any property listed on the National Register of Historic Places onto the California Register.
3. Amend BHMC 10-3-3213, 'Historic District Designation Procedures' to require at least seventy-five percent (75%) of properties in a proposed district to be contributing properties to the district, and, in the R-1 zone, a historic district shall be comprised of a continuous city block or blocks, and not partial blocks.
4. Amend BHMC 10-3-3215, 'Landmark or Historic District Designation Procedures' to require a petition of support signed by more than seventy-five percent (75%) of property owners of legal lots within any proposed historic district. The intent of the Planning Commission when drafting the original ordinance was to create a high threshold for the creation of proposed historic districts in the City. This amendment is designed to keep a high standard of participation by property owners in the creation of any future historic district(s) in the City.
5. Amend BHMC 10-3-3223, 'Historic Resource *Disclosure*' to make clear the responsibility of all 'Listing Agents' and 'Owners' to disclose to potential 'Buyers' information regarding the historic nature of any historic resource or potential historic resource being offered for 'Sale'.
6. Add BHMC 10-3-3228, 'Waiver of Fees and Other Exemptions' for in lieu parking to allow the Planning Commission and City Council to allow property owners of local landmarks in excess of 16,000 s. ft. and included in an adaptive re-use project of a local register property, to purchase in-lieu parking pursuant to BHMC Article 33, and to allow also for waiver of some or all of the otherwise applicable in-lieu parking fees.

UPDATE FROM STATE OFFICE OF HISTORIC PRESERVATION

At the meeting of June 3, 2014 the Cultural Heritage Commission considered comments from the State Office of Historic Preservation advising that some of the ordinance amendments under consideration will require revision to more closely align with the intent of the National Historic Preservation Act before

the State Office will be able to recommend that the National Parks Service certify the City through its CLG Program.

Through the Certified Local Government Program local governments make a commitment to historic preservation and become an active partner in the Federal Historic Preservation Program. Certified cities and counties are expected to carry out their preservation efforts through a model that supports the goals and intent of the National Historic Preservation Act. With that in mind, the State Office of Historic Preservation expressed serious concerns regarding the proposed language in Sections 10-3-3213 and 10-3-3215 of BHMC Article 32: Historic Preservation Ordinance related to the identification and designation of historic districts. In particular, these concerns are as follows:

- Section 10-3-3213 A.1 proposes that, "In the R-1 zone, a Historic district shall be comprised of a continuous city block or blocks, and not partial blocks." The National Register of Historic Places states that, "The identity of a district results from the interrelationship of its resources, which can convey a visual sense of the overall historic environment or be an arrangement of historically or functionally related properties." While districts are typically geographically linked, best practices in historic preservation do not support rigid minimum boundary requirements such as the "continuous city block" requirement proposed in the proposed ordinance revisions.
- Section 10-3-3213 A.2 proposes that, "At least seventy-five percent (75%) of the properties in the proposed district have been identified as contributing properties." Though there is no widely accepted percentage that must be used, seventy-five percent is higher when compared to other local governments. It is more common to see an ordinance require that a "majority" of the properties within a historic district be identified as contributors.
- And finally, Section 10-3-3215 B. addresses the designation procedures for landmarks and historic districts. It proposes that if owners wish to nominate an area for designation as a historic district, "a petition in support of the application shall have signatures from more than seventy-five percent (75%) of the property owners of legal lots within the proposed district area." As is the case with the number of properties that must contribute to a district, there is no hard rule or percentage. However, seventy-five percent is beyond what is more usually accepted. Many recently written ordinances that are based on current best practices require that a majority of property owners object to the designation, otherwise it will be designated. For local governments that still prefer to base district designation on owner support, a requirement that a majority of property owners supporting designation is very common.

The Cultural Heritage Commission considered these concerns from the State Office of Historic Preservation and expressed willingness to leave BHMC, Article 32, Sections 10-3-3213 and 10-3-3215

unaltered; removing language requiring at least 75% of properties in a historic district to be contributing structures with no partial block districts in the R1 zone, and requiring more than 75% of property owners in support of the creation of a historic district.

JOINT CITY COUNCIL, PLANNING COMMISSION AND CULTURAL HERITAGE COMMISSION LIAISON MEETING ON SEPTEMBER 16, 2014.

At the City Council Study Session of September 2, 2014 former Mayor Steve Webb addressed Council to draw attention to certain perceived inequities and timeline concerns evident in the existing Historic Preservation Ordinance. Mr. Webb's concerns were discussed at a specially convened joint City Council, Planning Commission and Cultural Heritage Commission Liaison Meeting on September 16, 2014. Staff has considered Mr. Webb's concerns and the thoughts expressed at the Special Liaison meeting and are bringing forward to the Cultural Heritage Commission the following suggested ordinance changes to address concerns as follows:

- Currently, BHMC 10-3-3215 F provides that once the landmark nomination process has been initiated on a property and until its conclusion, the City is prohibited from issuing any permits relating to the property even with respect to remodeling interior portions of the premises which, for single family residential properties, are acknowledged to be outside of the purview of the City's historic preservation program. Staff is suggesting language be added to BHMC 10-3-3215 F to allow the director to waive the hold on building permits for work that would not affect the integrity of the potential historic resource and is in compliance with the Secretary of the Interior Standards for the Treatment of Historic Properties.
- Currently, section 10-3-3215G provides that if a property owner initiates a request for landmark status then the process must be completed by the City within forty-five (45) days of the initial hearing and if not, the property owner's request is automatically denied. Staff suggests language be added to BHMC 10-3-3215 G to allow additional time for property owners seeking landmark nomination when agreed upon by the property owner and the director.
- Staff suggests language be added to BHMC 10-3-3218 to impose a ninety (90) day time limit for the Cultural Heritage Commission to hold a public hearing and reach a final decision or recommendation regarding the historic status of a property which is to be demolished or significantly remodeled by the property owner. The ninety (90) day period begins when/if the commission determines that a subject property warrants formal consideration. This subjects the commission to similar time period limitations imposed upon property owners seeking a landmark nomination, while providing sufficient time for the City to commission and receive a historic resource assessment report.

By way of summary, proposed text amendments to BHMC Article 32: Historic Preservation Ordinance, generated by comments from various sources are colored coded in the attachment, including the latest (italicized for easy reference) code amendments to Code Sections 10-3-3215 (F), 10-3-3215 (G) and 10-3-3218 in response to discussion with the participants at the Special Liaison Meeting on September 16, 2014. Color codes representing comments / updates from various sources are as follows:

Red = SHPO requested administrative 'fixes'.
Orange = City Council recommended changes
Blue = Planning Commission recommended changes
Purple = Cultural Heritage Commission recommended changes
Green = City staff / City Historic Consultant recommended changes
Italicized = Latest revisions in response to Special Liaison Meeting

STAFF ANALYSIS

Most of the discussion to date by both the Planning Commission and the Cultural Heritage Commission regarding proposed amendments to the current Historic Preservation Ordinance has been concerned with the possible creation of historic districts. At present there are no locally designated Historic districts within the City of Beverly Hills. However, property owners from Arnaz Drive did petition to the State Office of Historic Preservation in August 2000, and were successful in having the Arnaz Drive Historic district included on the California Register of Historical Resources (CRHR). Located along the 100 block of North Arnaz Drive, this district is one block long with approximately 25 properties. The state listing describes North Arnaz Drive as a rare example of historic regional architecture and "an early twentieth century Southern California prototype which is rapidly disappearing within the City under the pressure of high-density development." The district includes a variety of duplexes and two-story apartment buildings built in the 1920s and '30s in revival Spanish, French, and Tudor styles.

Currently BHMC 10-3-3213, 'Historic District Designation Procedures' requires at least fifty percent (50%) of properties in a historic district to be contributing structures and BHMC 10-3-3215, 'Landmark or Historic District Designation Procedures' requires a petition of support signed by more than fifty percent (50%) of property owners of legal lots within any proposed historic district. In the meeting of October 7, 2013 the Cultural Heritage Commission initially recommended requiring at least seventy percent (70%) of properties in a historic district to be contributing structures and raising the threshold of support for the creation of historic districts from more than fifty percent (>50%) to more than seventy percent (>70%) of property owners of legal lots within any proposed historic district.

However, the Planning Commission in their meeting of November 21, 2013 recommended requiring at least seventy-five percent (75%) of properties in a historic district to be contributing structures and raising the threshold of support for the creation of historic districts to more than seventy-five percent (>75%) of property owners of legal lots within any proposed historic district. The Planning Commission added a further stipulation requiring that in the R-1 zone, a Historic district shall be comprised of a continuous city block or blocks, and not partial blocks.

The intent of the Planning Commission was to ensure a high threshold of property owner support for the creation of any future historic districts in the City and to disallow the creation of partial block districts or of dis-contiguous thematic districts.

In accordance with BHMC 10-3-3215, 'Landmark or Historic District Designation Procedures'; it is the responsibility of City Council to exercise final review of all matters relating to the creation of Historic Landmarks and Historic Districts within the City. By written resolution the City Council may reject, approve, or give modified approval to applications for designation of a nominated property or district.

With regard to the creation of historic districts there are three options to consider:

1. Recommend that City Council do not adopt historic districts in the Beverly Hills Municipal Code.
2. Recommend that City Council adopt the recommendation of either the Cultural Heritage Commission (at least 70% of properties in a historic district are contributing structures and more than 70% of property owners support creation of a historic district) or the Planning Commission (at least 75% of properties in a historic district are contributing structures with no partial block districts in the R1 zone and more than 75% of property owners support creation of a historic district) and forgo the Certified Local Government (CLG) designation of the City's Historic Preservation Program by the State Office of Historic Preservation.
3. Allow the existing Historic Preservation Ordinance to remain unaltered with regard to thresholds for any future historic districts (at least 50% of properties in a historic district are contributing structures and more than 50% of property owners support creation of a historic district) as preferred by the State Office of Historic Preservation and which may then allow for the Certified Local Government (CLG) designation of the City's Historic Preservation Program.

It appears the State Office of Historic Preservation's concern over the higher thresholds for historic districts is that it would result in the designation of few, if any, historic districts. So an alternative approach might be to adopt higher thresholds and evaluate their effect after a period of time.

Lastly, at the joint City Council, Planning Commission and Cultural Heritage Commission Liaison Meeting of September 16, 2014 there was general consensus to adopt time frames to give property owners some certainty with regard to the process of review for 'call ups' by the Cultural Heritage Commission of Pending Demolitions and Remodeling of Master Architect properties in the City (Statistics are attached for Commission review of this procedure). The Commission is now being asked to review the various proposed amendments to Beverly Hills Municipal Code Article 32: Historic Preservation Ordinance, and to recommend adoption of these amendments to the Planning Commission and City Council.

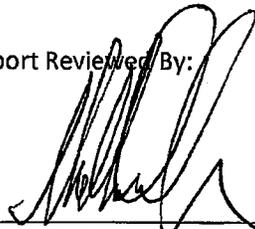
ENVIRONMENTAL REVIEW

Approval of proposed amendments to BHMC Article 32: Historic Preservation Ordinance was assessed in accordance with the authority and criteria contained in the California Environmental Quality Act (CEQA), the State CEQA Guidelines, and the environmental regulations of the City. It has been determined that approval of proposed amendments to BHMC Article 32: Historic Preservation Ordinance would not have a significant environmental impact and is exempt from CEQA pursuant to Sections 15308 and 15331 of Title 14 of the California Code of Regulations because approval of proposed amendments to BHMC Article 32: Historic Preservation Ordinance is an action of the City to protect and preserve a historic resource.

GENERAL PLAN CONSISTENCY

Approval of proposed amendments to BHMC Article 32: Historic Preservation Ordinance is consistent with the objectives, principles, and standards of the General Plan. General Plan Policy "HP 1.3 – Promote National, State, and Local Designation of Historic Resources" encourages the establishment of programs encouraging the nomination of landmarks.

Report Reviewed By:



William R. Crouch AIA, AICP
Urban Designer

ATTACHMENT 1