

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 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 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 64. 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 fifty-seventy-seventy-five percent (50-70-75%) 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 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 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

TILLES, WEBB, KULLA & GRANT
A LAW CORPORATION
433 NORTH CAMDEN DRIVE, SUITE 1010
BEVERLY HILLS, CA 90210

Ronald J. Grant
Stephen P. Webb

TELEPHONE (310) 888-3430
FAX (310) 888-3433
swebb@twkqlaw.com

Norman S. Kulla, Retired
Mandy Tilles, Retired

September 3, 2014

VIA EMAIL

Jeff Kolin, City Manager
City of Beverly Hills
455 North Rexford Drive
Beverly Hills, CA 90210

Reference: Historical Preservation

Dear Jeff:

In light of the council's positive response to my concerns and the direction to have these issues placed on a study session agenda as soon as possible, I want to reiterate and expand upon the comments and concerns as follows:

1. The process and procedures relating to designating a property as a Landmark are very time consuming and punitive especially when a property owner opposes such designation. The 805 N. Linden matter took approximately eight (8) months before the property owner gave up and decided to sell the property rather than fighting the process any further.

With respect to 625 Mountain Drive, the Cultural Heritage Commission called that property up for discussion on July 9, 2014 and gave direction that day for the consultant to provide them with her analysis and opinion for their consideration. Despite Bill Crouch's efforts to prod the consultant on, it has now been almost two (2) months without receipt of the consultant's opinion and, throughout this time, the property owners have to sit and wait before they can determine their next steps; of course there are also significant holding costs involved.

Keep in mind that the ongoing procedure will not end simply with the issuance of her opinion; rather there will be hearings thereafter, ultimately a recommendation by the commission to the council and then

**TILLES, WEBB, KULLA & GRANT
A LAW CORPORATION**

Jeff Kolin, City Manager
City of Beverly Hills
Re: Historical Preservation
September 3, 2014
Page 2

there would, of course, be a council hearing. As I said, 805 N. Linden took approximately eight (8) months for the commission to make its recommendation.

According to staff, the consultant claims that she's busy and will get to it. There may be a simple solution to this problem; rather than relying solely on one consultant to issue these opinions, the City should consider using one of the other consultants who are involved in overseeing the preparation of the "inventory" of city wide historical resources and make certain that they are given a thirty (30) day time limit to complete their report. One of the three should certainly be in a position to make such a commitment in such circumstances.

2. Please note that the current ordinance (10-3-3215F) provides that once the process has been initiated 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 are acknowledged to be outside of the purview of the commission. Simply put, if during the process a property owner wanted to remodel the kitchen (which does not effect the property's historical integrity pursuant to our ordinance) they would be precluded from doing so. That is also clearly punitive in nature.
3. Section 10-3-3215DG 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 resident's request is automatically denied! This is clearly illogical and I believe was a mistake as drafted. This forty-five (45) day restriction should be applicable to a situation where the City initiates the designation process because, as discussed above and currently interpreted, the City can take as long as it wants.
4. As Dr. Gold requested a list of various issues for consideration, I would also request that the following additional items be included in that study session:
 - A. The statute should be amended to preclude the City from designating landmark status of a property when a property owner opposes such designation. At the very least, there must be a much

Jeff Kolin, City Manager
City of Beverly Hills
Re: Historical Preservation
September 3, 2014
Page 3

higher standard for designation in those circumstances. As you are aware, the council has yet to address this issue since no recommendation from the Cultural Heritage Commission to landmark a property over the objections of a property owner has yet to come before the council for a determination and I believe that council direction on this issue is now appropriate which will save both the City and property owners a substantial amount of money by engaging in a process that the council might ultimately vote down.

- B. Whenever the commission seeks to consider designation of a property for landmark status over the objection of a property owner, that property owner is forced to spend tens of thousands of dollars on consultants and advocates to fight the commission's efforts. This is simply unjust. In addition to an expedited process, I believe that the City should be required to contribute towards the cost of such property owner's opposition to such designation, especially if ultimately the council decides not to designate the property.
- C. Obviously the objective of a landmark designation is to preclude a property owner from demolishing relevant portions or all of the property. However, there are other issues that may arise but are not within the purview of the Cultural Heritage Commission.
 - (i) Deteriorating physical condition of the property. Residences that have been constructed in the 20s and 30s may currently be the subject of significant deterioration of materials, lack appropriate earthquake protection, deteriorating brick facades, substantial water intrusion, etc. where demolition would clearly be in the best interest of the property as well as the City.
 - (ii) Similarly, older houses may have significant carcinogenic materials incorporated into the original construction of the home that would pose a health risk. For example, creosote, now a known carcinogenic and health risk, was liberally utilized on wood foundations and beams of many homes built in the early years. I

TILLES, WEBB, KULLA & GRANT
A LAW CORPORATION

Jeff Kolin, City Manager
City of Beverly Hills
Re: Historical Preservation
September 3, 2014
Page 4

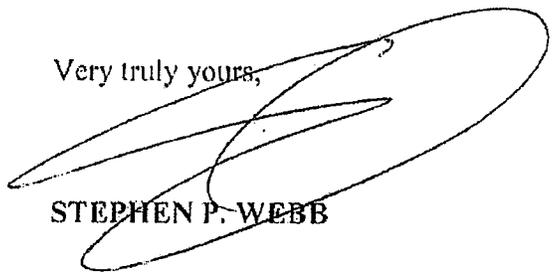
can't imagine that under those circumstances the City would want to preclude demolition and indirectly force a property owner to reside in such an environment.

As such, there should be established an expedited procedure for these properties to be investigated before the City and the property owner is forced to spend tens of thousands of dollars in the process of determining whether a property should be landmarked when the Building and Safety Department might agree that regardless the property should be demolished.

Quite frankly, the first step should really be obtaining a determination from the council as to whether or not the commission should undertake any effort to designate the property for landmark purposes over the objection of the property owner. If the commission is precluded from commencing the process without an owner's approval, the most of the issues identified above may become moot.

I believe that the landmark designation of properties with the owner's consent should certainly be encouraged, and with the new proposed entitlements being considered by the planning commission and with all of the properties landmarked to date having occurred with the consent of the property owner, historical preservation has and will continue to have a positive impact on our community without the need of forcing property owners to accept such designation without their approval.

Very truly yours,



STEPHEN P. WEBB

SPW/vt

Cc: Mahdi Aluzri
Susan Healy Keene
William Crouch

ATTACHMENT 3

30-Day Pending Demolition for Master Architect Properties older than 45 Years
Property Memos Reviewed by CC and CHC

	Date of Notice	Property Address	Master Architect	Date Built	Called up?	CHC or CC initiated landmark nomination proceedings	CHC recommended landmark designation of the property to CC	CC designated property as a Local Landmark	Status	Complete or In-Process
1	9/2/2014	400 Walker Dr.	William Stephenson	1962	pending				Pending 30-day review (ends 10/2/14)	In Progress
2	7/31/2014	375 Trousdale Pl.	William Stevenson	1964	No				Not called up for initiation	Complete
3	6/19/2014	631 Crescent Dr.	Meyer & Holler; Milwaukee Building Co	1921	No				Not called up for initiation	Complete
4	6/12/2014	625 Mountain Dr.	Paul Williams	1937	Yes				Pending	In Progress
5	6/9/2014	609 N. Rodeo Dr.	Paul Williams	1926	No				Not called up for initiation	Complete
6	5/15/2014	801 Alpine Dr.	Marshall Wilkinson	1924	No				Not called up for initiation	Complete
7	5/14/2014	1006 Laurel Way	H. Roy Kelley	1948	No				Not called up for initiation	Complete
8	5/13/2014	1157 Hillcrest	G. A. MacLean	1962	No				Not called up for initiation	Complete
9	4/17/2014	627 Arden Dr.	C.S. Arganbright	1930	No				Not called up for initiation	Complete
10	3/26/2014	156 S. Wetherly	Paul Williams	1927	No				Not called up for initiation	Complete
11	1/29/2014	1218 Coldwater Canyon	Carleton L. Burgess	1937	No				Not called up for initiation	Complete
12	1/21/2014	1004 N. Rexford Dr.	Gerard Colcord	1936	No				Not called up for initiation	Complete
13	12/16/2013	911 N. Hillcrest	William Stephenson	1957	No				Not called up for initiation	Complete
14	12/13/2013	928 N. Beverly Dr.	W. Asa Hudson	1924	No				Not called up for initiation	Complete

30-Day Pending Demolition for Master Architect Properties older than 45 Years
Property Memos Reviewed by CC and CHC

15	12/10/2013	1012	N. Hillcrest	Lundberg, Armet and Davis	1958	No				CHC declined to initiate nomination proceedings	Complete
16	11/27/2013	1484	Carla Ridge	William Stephenson	1960	Yes	12/17/2013	n/a	n/a	CHC declined to designate as a local landmark, 2/20/14	Complete
17	11/27/2013	370	Trousdale	Harold Levitt	1965	Yes	12/17/2013	n/a	n/a	CHC directed staff to ensure compliance with SOI Stds.	Complete
18	11/27/2013	711	N. Rodeo Dr.	Houseman Brothers	1936	?				work approved by staff, in compliance	Complete
19	9/24/2013	1002	N. Rexford Dr.	Gable and Wyant	1924	No				Not called up for initiation	Complete
20	9/16/2013	1177	Loma Linda Dr.	S. Charles Lee	1950	No				Not called up for initiation	Complete
21	8/24/2013	805	N. Linden Dr.	Wallace Neff	1925	Yes	10/9/2013	Nom. 7/9/2014; rescinded 7/31/14	n/a	Nomination rescinded by CHC so owner can comply with SOI stds.	In Progress
22	8/22/2013	718	N. Roxbury Dr.	Paul Laszlo	1959	No				Not called up for initiation	Complete
23	8/22/2013	1021	N. Beverly	H. Roy Kelley	1936	No				Not called up for initiation	Complete
24	8/22/2013	1054	Shadow Hill Way	Wallace Neff	1960	No				Not called up for initiation	Complete

30-Day Pending Demolition for Master Architect Properties older than 45 Years
Property Memos Reviewed by CC and CHC

25	7/30/2013	439	Spalding	Robert Byrd	1949	No				Not called up for initiation	Complete
26	7/12/2013	353	S. Almont Dr.	W. Asa Hudson	1926	No				Not called up for initiation	Complete
27	6/24/2013	253	S. Almont Dr.	Lincoln Mortgage Company	1925	No				Not called up for initiation	Complete
28	5/30/2013	724	N. Camden Dr.	Pacific Ready-Cut Homes	1921	Yes				CHC declined to designate as a local landmark, 8/13/13	Complete
29	5/21/2013	1175	Hillcrest	G.A. McLean Group	1963	No				Not called up for initiation	Complete
30		1174	Hillcrest	Rex Lotery	1958	Yes	3/6/2013	n/a	n/a	CHC declined to designate as a local landmark, 4/10/13	Complete

SUMMARY

# of pending demos reviewed	30	Percent	
# called up for CHC consideration	6	% called up	20%
# not called up	22	% not called up	73%
# pending	2	% pending	7%
# resolved at staff level	2		7%
# Initiated by CHC	4		13%
# nominated by CHC	0		0%
# designated by CC	0		0%



Attachment 3

Public Correspondence
Letter from LA Conservancy, March 26, 2014



LOS ANGELES
CONSERVANCY

523 West Sixth Street, Suite 826
Los Angeles, CA 90014

213 623 2489 OFFICE
213 623 3909 FAX
laconservancy.org

March 26, 2014

Submitted electronically

Beverly Hills Planning Department
Attention: William Crouch, Urban Designer
455 N. Rexford Drive
Beverly Hills, CA 90212
Email: wcrouch@beverlyhills.org

**RE: Proposed revisions to sections 10-3-3213 and 10-3-3215 of the
Beverly Hills Cultural Heritage Ordinance**

Dear Bill,

On behalf of the Los Angeles Conservancy, I am writing to express some concerns we have in regards to substantive revisions to sections of Beverly Hills' Cultural Heritage Ordinance. If adopted, the Conservancy believes these would severely limit the ability of the city to designate local historic districts in the future.

The Conservancy is specifically concerned about three proposed revisions affecting the historic district designation criteria and procedures. If adopted, these will change the required percentage of contributing structures within a proposed historic district, increasing it from seventy to seventy-five percent. The required percentage of property owner support within a proposed district will increase from fifty to seventy-five percent. Further, a new provision is proposed that would require single-family residential district boundaries to conform to entire blocks.

Combined, these three proposed amendments set harder-to-attain thresholds for establishing local historic districts and represent requirements that are much more stringent than standard models generally employed by other communities, especially so for jurisdictions with CLG status which strive to follow accepted state and national models.

While there has been some neighborhood interest to date in establishing a local historic district, no application has yet been submitted with which to test the historic district designation process as currently established, or to base any conclusions that it might be ineffectual as currently written. In the absence of such a pilot historic district application, the proposed revisions appear to be premature



and instead will discourage the formation of local historic districts by setting the bar too high.

Of the three proposed revisions, the newly introduced provision stating “In the R-1 zone, a Historic District shall be comprised of a continuous city block or blocks, and not partial blocks” is particularly problematic. It departs from standardized national, state, and local models for historic district designation criteria and could lead to scenarios that unduly render proposed historic districts ineligible. Requiring complete blocks for boundaries would likely lead to the otherwise unnecessary inclusion of more non-contributing structures within proposed district boundaries, which could in turn lower the percentage of contributors to a level insufficient for local historic district status. Similarly, this requirement could potentially lead to the otherwise unnecessary inclusion of more property owners unsupportive of the proposed district, thus undermining the ability to achieve the proper percentage of property owner support.

Other models of historic district designation criteria and designation exist that do not discourage the formation of local historic districts, such as that utilized by both Glendale and Burbank. This example requires a two-step process for the formation of local historic districts: district proponents distribute petitions through the neighborhood, with the first petition asking the city to conduct a historic resource survey requiring at least twenty-five percent property owner support, and the second petition asking the city to implement the historic district requiring at least fifty percent property owner support. This alternative model has proven to be successful. Since 2008, Glendale has successfully designated five local historic districts, with two additional districts currently pending.

The city of Beverly Hills has made exceptional progress in historic preservation over the past few years, adopting an innovative historic preservation ordinance in 2012 and earning the grade of “A+” in the Conservancy’s 2014 Historic Preservation Report Card for Los Angeles County. The Conservancy works to encourage strong preservation practices throughout the county and applauds those communities, such as Beverly Hills, which have made significant improvements in establishing historic preservation programs. Beverly Hills’ goal of attaining CLG status is particularly notable—it would become only the twelfth jurisdiction in all of Los Angeles County to bear that distinction.

Given that the proposed amendments will likely have a chilling effect on local preservation and runs counter to Beverly Hills’ commitment to protect its architectural heritage, we urge you to consider alternatives. The Conservancy is happy to work with you and planning staff to explore options. Accordingly, the Conservancy urges the city to recommend against adopting the aforementioned proposed revisions to the Cultural Heritage Ordinance and the local historic district designation process.

About the Los Angeles Conservancy:

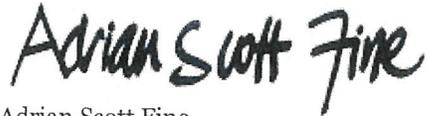
The Los Angeles Conservancy is the largest local historic preservation organization in the United States, with nearly 6,500 members throughout the Los Angeles area. Established in 1978, the Conservancy works



to preserve and revitalize the significant architectural and cultural heritage of Los Angeles County through advocacy and education.

Please do not hesitate to contact me at (213) 430-4203 or afine@laconservancy.org should you have any questions and if we can be of assistance.

Sincerely,



Adrian Scott Fine
Director of Advocacy





Attachment 4

Handout- Certified Local Government



California Department of
Parks and Recreation



OHP

PROGRAMS

TOOLS

PARTNERS

COMMISSION

WHY BECOME A CERTIFIED LOCAL GOVERNMENT (CLG)?

What's in it for the local jurisdiction? Why would you want to associate your local preservation program with state and federal programs? Would you be giving up autonomy?

Credibility

When your local preservation program is consistent with federal and state standards and regulations you have the backing of programs that have stood the test of time. The National Historic Preservation Act has been around since 1966. The National Register of Historic Places and its criteria are widely recognized and they have been tested legally (reviewed, refined by adoption into regulations, tested and upheld in courts). Although the California Register of Historical Resources is much newer (1992), its criteria and procedures parallel the National Register.

When your local survey and designation program is consistent with the National Register and California Register you know you are on safe ground. Similarly, in project review or adoption of Certificates of Appropriateness, the adoption and use of the Secretary of the Interior's Standards provides criteria for project evaluation that, again, have stood the tests of time, reasonableness, and the courts. It insulates the local preservation program from charges of being arbitrary and capricious. Becoming a CLG provides the local program the added value of prestige and cachet.

Technical Assistance

A prerequisite for becoming a CLG is access to a listserv hosted by the State Office of Historic Preservation. Membership to the listserv is limited to SHPO staff, CLG coordinators, members of CLG boards/commission, and other interested staff in the CLG. It is a communication tool that offers the Office of Historic Preservation and CLGs the opportunity to submit suggestions or questions to other members of the listserv. SHPO staff also uses the listserv to forward information about

WHY BECOME A CERTIFIED LOCAL GOVERNMENT (CLG)?

training opportunities, publications, grants, and a variety of technical assistance to CLGs.

Streamlining

The use of the National Register/California Register criteria and the Secretary of the Interior Standards integrates local, state, and federal levels of review. It brings clarity to the question of what resources are significant when it comes to CEQA and Section 106 of the National Historic Preservation Act. Adopting the Secretary of the Interior's Standards will allow the use of categorical exemptions under CEQA, and likely result of findings of no adverse effect under Section 106. The use of these criteria and standards make environmental review faster, more efficient, and reduces costs and delays.

Involvement

The CLG program brings local preservation boards and commissions into broader land use planning and project approval processes. CLGs are obligated to involve their boards/commissions in the CEQA and Section 106 review process, as well.

Funding

Each state is required to pass through 10% of its annual Historic Preservation Fund grant from the National Park Service to CLGs to fund their preservation activities. In California, the CLG grant program is competitive for a wider variety of preservation planning activities. This funding is not a large amount, but it can support important activities including completion of a preservation element or plan, a survey, preparation of a National Register district application, or the update of an ordinance. When work is carried out under the CLG grant program, there is the assurance that the work conforms to time-tested state and federal standards.

Autonomy

When your local governments decides to become a CLG, it agrees to carry out the intent of the NHPA and the Secretary of the Interior's Standards. OHP's role is advisory. Recognizing that individual local governments and individuals employed by those local governments often do not have all the background, training, and skills to achieve a good balance between development and preservation, OHP reviews the structure and processes of the local preservation program, and may comment on or make suggestions about strategies a local government can use to accomplish its goals and objectives. Beyond that, neither the NPS nor OHP have any regulatory authority over local governments.

Neither the NPS nor OHP dictate the content of historic preservation plans or ordinances; neither the NPS nor OHP review nor is their approval needed prior to the selection and appointment of individual local preservation commissioners by local government officials. In no way is the autonomy of a local government decreased by becoming a CLG. However, a CLG may be decertified if it establishes policies or adopts practices that violate the intent of the National Historic Preservation Act.

Economic Benefits

Although there are no direct economic benefits to being a CLG other than the opportunity to compete for CLG grants, your CLG's commitment to historic preservation does result in multiple economic benefits. Where preservation is supported by local government policies and incentives, designation can increase property values and pride of place. Revitalization of historic downtowns and adaptive reuse of historic districts and buildings conserves resources, uses existing infrastructure, generates local jobs and purchasing, supports small business development and heritage tourism and enhances quality of life and community character.



Attachment 5

Planning Commission Resolution No. 1697, Adopted November 21, 2013

RESOLUTION NO. 1697

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BEVERLY HILLS RECOMMENDING AMENDMENT OF ARTICLE 32 OF CHAPTER 3 OF TITLE 10 OF THE BEVERLY HILLS MUNICIPAL CODE REGARDING HISTORIC PRESERVATION.

The Planning Commission of the City of Beverly Hills hereby finds, resolves and determines as follows:

Section 1. Historic Preservation is a means of preserving, conserving and protecting buildings, structures, objects, sites, landscapes or other artifacts of historical significance. Local historic preservation programs have been established by many cities throughout Southern California.

Section 2. The Council of the City of Beverly Hills directed the Planning Commission and the Community Development Department to study and develop a historic preservation program for the City and established the Cultural Heritage Commission.

Section 3. As part of the City's application to have the City's Historic Preservation Program recognized by the State Office of Historic Preservation as a Certified Local Government Historic Preservation Program, the State Office has requested various minor administrative amendments to BHMC Article 32: Historic Preservation Ordinance to bring the ordinance in line with State Office requirements. Additionally, because the ordinance has now been in effect for more than twelve months other needed changes to the Ordinance have also become apparent and were discussed in a joint sub-committee of Planning and Cultural Heritage Commissioners. The text amendments resulting from those discussions are included in the proposed zone text amendments.

Section 4. The Cultural Heritage Commission considered proposed zone text amendments to the Beverly Hills Municipal Code Article 32 Chapter 3 Title 10 at their meeting of October 9, 2013, and recommended approval.

Section 5. The Planning Commission considered the zone text amendments to the Beverly Hills Municipal Code Article 32 Chapter 3 Title 10 as set forth in Exhibit A at a duly noticed public hearing on November 21, 2013 at which time the Planning Commission received oral and documentary evidence relative to the proposed amendments. The substantive changes being proposed to Beverly Hills Municipal Code Article 32 Chapter 3 Title 10 include the following:

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 a Historic District in the R-1 Zone to be composed of a continuous city block or blocks, and not partial blocks.
4. Amend BHMC 10-3-3213, 'Historic District Designation Procedures' to require at least seventy-five percent (75%) of the properties in a proposed Historic District to be contributing properties to the Historic District.

5. 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.
6. 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'.
7. Add BHMC 10-3-3228, 'Waiver of Fees and Other Exemptions' 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 and to allow also for the waiving of some or all of these in-lieu parking fees.

Section 6. The Amendments are consistent with the objectives, principles, and standards of the General Plan. The City's General Plan includes the following goals that relate to historic preservation: "HP 1 Value and Preserve Significant Cultural Resources", "HP 2 Promotion of the City's Historic Resources"; in addition, the General Plan includes "Implementation Program 2.3 Other Development Regulations and Ordinances" which lists

adoption of a historic preservation ordinance as one of the implementation actions of the General Plan.

Section 7. The Amendments were 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 adoption of the Amendments would not have a significant environmental impact and is exempt from CEQA pursuant to Section 15061(b)(3) of Title 14 of the California Code of Regulations. In addition, adoption of the Amendments would be categorically exempt from environmental review as a project that meets the criteria of the Class 31 exemption ("Historical Resource Restoration/Rehabilitation"). The records related to this determination are on file with the City's Community Development Department, 455 N. Rexford Drive, Beverly Hills, California, 90210.

Section 8. The Planning Commission does hereby recommend that the City Council adopt an Ordinance approving and enacting the proposed Amendments substantially as set forth in Exhibit A, which is attached hereto and incorporated herein by reference.

///

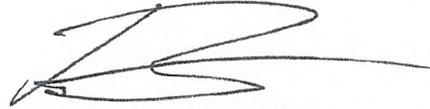
///

///

///

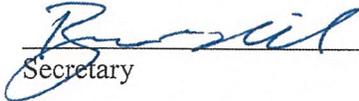
Section 9. The Secretary of the Planning Commission shall certify to the passage, approval, and adoption of this resolution, and shall cause this resolution and his/her Certification to be entered in the Book of Resolutions of the Planning Commission of the City.

Adopted: November 21, 2013



Brian Rosenstein
Chair of the Planning Commission of the
City of Beverly Hills, California

Attest:



Secretary

Approved as to form:



David M. Snow
Assistant City Attorney

Approved as to content:



Jonathan Lait, AICP
Assistant Director of Community
Development/ City Planner

Exhibit A – Proposed Amendments to the Zoning Code (BHMC 10-3-32)

EXHIBIT A

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.

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. ~~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 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 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 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 64. 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 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 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 fiftyseventyseventy-five percent (50-70-75%) of the property owners of legal lots within the proposed district areamust 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. Permits may be issued to mitigate an immediate threat to the public health, safety, and welfare.
- 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.

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 party person 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)

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 sellinglisting 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 sellinglisting 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: 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 may waive, in whole or in part, the fees required by section 10-3-3310 of this article.

- A. ELIGIBLE 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 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 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. 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)

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS.
CITY OF BEVERLY HILLS)

I, JONATHAN LAIT, Secretary of the Planning Commission and City Planner of the City of Beverly Hills, California, do hereby certify that the foregoing is a true and correct copy of Resolution No. 1697 duly passed, approved and adopted by the Planning Commission of said City at a meeting of said Commission on November 21, 2013, and thereafter duly signed by the Secretary of the Planning Commission, as indicated; and that the Planning Commission of the City consists of five (5) members and said Resolution was passed by the following vote of said Commission, to wit:

AYES: Commissioners Block, Corman, Yukelson, Vice Chair Fisher, Chair
 Rosenstein.

NOES: None.

ABSTAIN: None.

ABSENT: None.



JONATHAN LAIT, AICP
Secretary of the Planning Commission /
City Planner
City of Beverly Hills, California