



DATE: September 7, 2021
TO: Historic Preservation Commission
FROM: Allyson Kinnard, Associate Planner
SUBJECT: Historic Preservation Ordinance Amendment

For discussion and feedback, the subcommittee has completed their review of Title 25 of the Municipal Code and has submitted the attached summary letter and proposed draft revisions to the Ordinance.

July 22, 2021

Allyson Kinnard, Senior Planner
City of La Mesa
8130 Allison Avenue
La Mesa, CA

Re: Historic Preservation Ordinance Update

Dear Allyson,

The Historic Preservation Ordinance Update Committee of the Historic Preservation Commission has completed our review of the existing La Mesa Code of Ordinance, Title 25 for Historic Preservation. We have prepared the attached update which addresses the City's deficient review process as it related to potential historic structures.

As we have discussed on several occasions, we find the current historical review process fails to provide an adequate review as required by the California Environmental Quality Act (CEQA). The current process is dependent on an outdated (nearly 40 year-old) Historical Resources Inventory that was adopted by the City in 1983. As such, it is extremely outdated and no longer provides a comprehensive or accurate summary of potentially eligible resources. Specifically, it excludes anything that may have attained historical significance within the last 40 years.

Recognizing this shortcoming after the untimely demolition of the several potentially eligible historic resources, most notably the Drew Ford Roundhouse, which have been approved for demolition with absolutely no review or oversight by the HPC, we took the initiative to compile and review policies from other municipalities in California so we could make recommendations for how the City might update their historical review process to bring it up to current standards.

We concluded that the best (and most common practice) is to establish a year trigger for historical review rather than connecting the historical review process to a survey, because historical surveys are inherently difficult and time consuming to update. As a reference: the National Park Service generally recommends that historical surveys be updated every 5 years. Without funding for this effort it is impossible provide these required updates.

At the conclusion of our review, we determined 3 things:

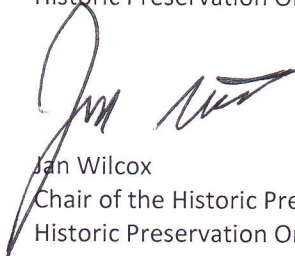
1. The City should establish a year trigger (of 50 years) for historical review of building permit applications.
2. The HPC should review all historical reports submitted to the City as part of this review process.
3. Historical reports should be prepared by a qualified un-biased 3rd part consultant.

The attached ordinance update addresses these items and will bringing the City into compliance with CEQA.

We ask that this letter and the attached Ordinance Update be added as an official actionable item on the next agenda of the Historic Preservation Commission so we can present our findings and recommendations to the entire Commission for their approval. If the Commission is in agreement, the proposed Ordinance Update, should then be forwarded to the City Council for their consideration.

We appreciate your continued efforts to facilitate this process. If there are any questions regarding our recommendations, please let us know. Otherwise, we look forward to a robust discussion at our next meeting in August.

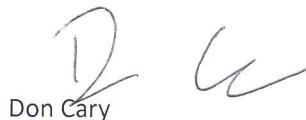
Thank You,
Historic Preservation Ordinance Update Committee



Jan Wilcox
Chair of the Historic Preservation Commission
Historic Preservation Ordinance Update Committee Member



Carmen Pauli
Vice-Chair of the Historic Preservation Commission
Historic Preservation Ordinance Update Committee Member



Don Cary
Historic Preservation Commissioner
Historic Preservation Ordinance Update Committee Member

Title 25 HISTORIC PRESERVATION

Chapters:

Chapter 25.01 GENERAL PROVISIONS, ADMINISTRATION, ENFORCEMENT

Sections:

25.01.010 Short title.

This title shall be known as the "Historic Preservation Ordinance" and may be cited as such.

25.01.020 Policy and purpose.

- A. Policy. It is hereby declared as a matter of public policy of the City of La Mesa that the identification, preservation and enhancement of cultural resources within the City is in the interest of the economic prosperity, cultural enrichment and general welfare of the people.
- B. Purpose. The City of La Mesa finds as a matter of public policy that the identification, designation, recognition, preservation, enhancement, perpetuation and use of improvements, buildings, structures, objects, monuments, sites, places and natural features within the City that reflect special elements of the City's architectural, artistic, cultural, educational, economic, social, political, engineering, or other heritage are required in the interest of the health, economic prosperity, cultural enrichment and general welfare of the people. The purpose of this chapter is to:
1. Safeguard the heritage of the City and enhance its visual character by providing for the preservation of historic resources representing significant elements of its history;
 2. Encourage public knowledge, understanding and appreciation of the City's past as reflected in such historic resources;
 3. Foster civic and neighborhood pride in the beauty and noble accomplishments of its past;
 4. Preserve and enhance the City's historical attractions to residents, tourists, and visitors and serve as a support and stimulus to business and industry;
 5. Preserve diverse and harmonious architectural styles and design preferences reflecting phases of the City's history;
 6. Enhance property values and increase economic and financial benefits to the City and its residents and property owners through an active historic recognition and benefits program;
 7. Identify as early as possible and resolve conflicts between the preservation of cultural resources and alternative land uses; and
 8. Enable owners and lessees of such resources to apply for all financing, tax, land use, and code application benefits permitted by law for such designated historic resources.

25.01.030 Boundaries and areas of application.

This chapter shall apply to all cultural resources, publicly and privately owned, within the corporate limits of the City of La Mesa.

25.01.040 Administration.

The administration of this chapter shall be the responsibility of the Director of Planning.

25.01.050 Definitions.

- A. Alteration means any exterior change or modification in appearance.
- B. Archaeological Site describes an area where remains of man or his activities prior to the keeping of history are still evident.
- C. Certificate of Appropriateness means a certificate issued by the Historic Preservation Commission approving such plans, specifications, designs, statements of work, and any other information which is reasonably required by the Commission to make a decision on any proposed alteration, restoration, construction, removal, relocation, or demolition, in whole or in part, of or to a historic resource or to an improvement within a historic district.
- D. Commission means the Historic Preservation Commission established by this Chapter.
- E. Contributing Structure means a structure within a designated historic district which has a special character, special historic or aesthetic interest or value, and is incorporated into the district for that reason.
- F. Cultural Resource means improvements, buildings, structures, signs, features, sites, places, areas or other objects of scientific, aesthetic, educational, cultural, architectural, or historical significance to the citizens of the City.
- G. Demolition means any act that destroys, in whole or in part, the exterior of a building, structure, or historic resource.
- H. Determination of Historic Significance means an application submitted in association with a nomination for designation as a historic resource; or, in association with a project that includes demolition or alteration of original features visible from the street right-of-way on a structure that is 50 or more years old.
- I. Exterior Architectural Feature means the architectural style, design, general arrangement, components and natural features and all the outer surfaces of the improvement, including, but not limited to, the kind and texture of the building material, the type and style of all windows, doors, lights, signs, walls, fences, and other fixtures appurtenant to such improvement, and the natural form and appearance of but not by way of limitation, any grade, rock, body of water, stream, tree, plant, shrub, road, path, walkway, plaza, fountain, sculpture or other form of natural or artificial landscaping.
- J. Facade means the exterior face of a building which is the architectural front, sometimes distinguished from other faces by elaboration of architectural or ornamental details
- K. Historic District means any area containing a number of improvements which have a special character or special historical, cultural, architectural, archaeological, community or aesthetic value, or which represent one or more architectural periods or styles typical to the history of the City, that has been designated a historic district pursuant to this Ordinance.
- L. Historic Research Report means a report prepared for the City by a third-party historic research consultant providing a complete history of a property and a full analysis of the historic significance of a property per the City's adopted historic designation criteria.
- M. Historic resource means any site or improvement, manmade or natural, which has special historical, cultural, architectural, archaeological, community, or aesthetic character, interest, or value as part of the development, heritage or history of the City, the State of California, or the nation and that has been designated pursuant to this Ordinance.

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- N. Historic resource alteration permit means a permit approving a proposed alteration to a historic resource or Historic District.
- O. Historic Resource Preservation (Mills Act) Agreement means an agreement executed between the City and a property owner of a historic resource for a minimum 10-year term providing for property tax savings in exchange for preservation of a designated historic resource.
- P. Improvement means any building, structure, place, site, work of art, landscape feature, plant-life, life-form, scenic condition, parking facility, fence, gate, wall, or other object constituting a physical betterment of real property, or any part of such betterment.
- Q. Inventory means the La Mesa Historic Resources Inventory, prepared by SANDAG and Dr. Raymond Brandes and adopted on May 10, 1983, as an appendix to the Historic Preservation Element of the General Plan.
- R. Landmark means any site or improvement, manmade or natural, which has special historical, cultural, architectural, archaeological, community, or aesthetic character, interest, or value as part of the development, heritage or history of the City, the State of California, or the nation and that has been designated pursuant to this Ordinance.
- S. Noncontributing resource means a historic resource within a Historic District that does not possess the qualifications or characteristics of a contributing resource, but which has been included within the Historic District because of its geographic location within the Historic District.
- T. Notable work means an important or remarkable example from the body of work of a professional trained as a builder, designer, architect, artisan or landscape professional.
- U. Notice of designation means the notice filed by the City Clerk of the City of La mesa with the County Recorder's Office to record the designation of a historic resource or Historic District.
- V. Ordinary Maintenance means any cleaning, painting, and restoration which does not result in the alteration of any exterior architectural feature of an improvement.
- W. Owner means the person appearing as the owner of such property, improvement, natural feature or site on the last equalized assessment roll of the County of San Diego.
- X. Paleontological Site describes an area where fossilized or otherwise preserved remains of plants or animals which generally predate man's emergence on the earth are still evident.
- Y. Person means any individual, association, partnership, firm, corporation, public agency, or political subdivision.
- Z. Potential Landmark Registry means a list of properties from the Inventory of Historic Resources which are determined to be of most significance in achieving the goals of the Historic Preservation Element in terms of representing properties which have the highest potential for meeting the criteria for designation as an historic landmark as noted in Section 25.03.010.
- AA. Preservation means the identification, study, protection, restoration, rehabilitation or enhancement of a historic resource.
- BB. Relocation means the change of place of any historic resource.
- CC. Restoration means the act or process of accurately recovering 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.
- DD. Secretary of the Interior's Standards for Rehabilitation means the Secretary of the Interior's Standards for Rehabilitations and Guidelines for Rehabilitating Historic Buildings (Revised 1983) by the U.S. Department of the Interior, National Park Service.

EE. Site means any parcel or portion of real property which has special character or special historical, cultural, archaeological, architectural, community, or aesthetic value.

(Ord. 2582 § 1; June 25, 1991)

25.01.060 Historic Preservation Commission.

- A. Creation, Members, Vote. A Historic Preservation Commission (hereinafter referred to as the "Commission") in the City of La Mesa is hereby created and established to consist of seven (7) members and one ex-officio representative of the Planning Commission. Each member shall be entitled to vote on matters before the Commission. All members of the Commission must have knowledge of and a demonstrated interest in historic preservation and local history. Members of the Commission shall have the following qualifications:
1. Two (2) members who are registered voters and are licensed architects, landscape architects, city planners, urban designers, architectural historians, or persons practicing structural or interior design.
 2. Two (2) members who are current resident electors of the City.
 3. Three (3) members who are registered Voters and are selected from a list of persons submitted by the La Mesa Historical Society. (Amended by Ord. 2401, § 7; November 12, 1985).
- B. Appointment. Each member of the Historic Preservation Commission shall be appointed by the Mayor with the approval of the City Council. The Chairman of the Planning Commission shall appoint a member of the Planning Commission to serve as the ex-officio representative to the Historic Preservation Commission.
- C. Terms of Office. The term of office for each member shall be four years, which term shall commence on July 1 and terminate on June 30, four years thereafter. Members' terms shall be maintained so that no more than three terms shall expire in any given year; therefore, initially two members shall be appointed for a two-year term, two members shall be appointed for three-year terms, and three members shall be appointed for four-year terms. The term of the ex-officio Planning Commissioner shall be concurrent with his term on the Planning Commission.
- D. Filling vacancies. Each vacancy on the Historic Preservation Commission shall be filled for the unexpired portion of the term vacated in the manner set forth in Section 25.01.060-B.
- E. Expiration of Term. In the event the reappointment in the manner set forth in Section 25.01.060-B is not made upon the expiration of a term of office, a member shall continue in office until reappointment or until his successor is appointed and qualified.
- F. Statements of Economic Interests. Each appointee shall comply with the provisions of the Conflict of Interest Code of the City of La Mesa.
- G. Powers and Duties. The Commission shall have the power and duty to:
1. Review determination of historic significance applications in association with the nomination of a property as a historic resource; or in association with any project that includes demolition of original features visible from the street right-of-way of any structure that is 50 or more years old.
 2. Conduct or cause to be conducted a survey of cultural resources in the City which the Commission, on the basis of information available or presented to it, has reason to believe may be eligible for designation as a historic resource or historic district or for recognition as a structure of merit.
 3. Recommend to the City Council amendments to the La Mesa Historic Resources Inventory.
 4. Recommend to the City Council that certain areas, places, buildings, structures, natural features, works of art or other improvements having significant historical, cultural, architectural, archaeological,

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- community or aesthetic value as part of the heritage of the City be designated as a historic landmark or historic district.
5. Maintain a local register of designated landmarks and historic districts within the City.
 6. Approve or disapprove, in whole or in part, applications for a Certificate of Appropriateness pertaining to alteration, modification, or removal of any exterior architecture feature of a designated landmark or improvement within a historic district.
 7. Adopt guidelines to be used by the Commission in reviewing applications for Certificates of Appropriateness.
 8. Review and comment upon applications for demolition permits pertaining to designated cultural resources and applications for demolition and alteration permits for cultural resources included in the La Mesa Historic Resources Inventory.
 9. Explore means for protection, retention and use of any designated or potential landmark including, but not limited to, appropriate legislation and financing.
 10. Recommend and encourage the protection, enhancement, appreciation and use of structures of historical, cultural, architectural, community or aesthetic value which have not been designated as landmarks but are deserving of recognition as structures of merit so as to emphasize their importance in the lifestyle of La Mesa.
 11. Encourage public understanding of an involvement in the unique architectural and environmental heritage of the City through educational and interpretative programs. Such may include, but shall not be limited to, lectures, tours, walks, reports, publications, films, open houses, special events.
 12. Encourage private efforts to acquire property and raise money on behalf of historic preservation; however, the Commission is specifically denied the power to acquire property or invest therein for or on behalf of itself or the City.
 13. Render advice and guidance on any structure at the request of the property owner as time permits (i.e., painting, color, materials, landscaping, fencing, lighting). This advice shall not be construed to impose any controls, but shall be offered in a spirit of friendly help.
 14. Investigate and report to the City Council on the use of various federal, state, local or private funding sources and mechanisms available to promote historic resource preservation in the City.
 15. Cooperate with local, county, state and federal governments in the pursuit of the objectives of historic preservation.
 16. Implement other historic preservation plans and programs including, but not limited to, those listed as Complementary Programs in the General Plan Element.
 17. Prepare or cause to be prepared nominations to the National Register of Historic Places, as time permits.
 18. Consult with professionals and experts in fields such as archaeology, paleontology, history, preservation, architecture, design, and engineering whenever such consultation is desired or necessary.
- H. Organization Rules and Procedures. The Historic Preservation Commission shall establish such rules, regulations, and procedures not inconsistent with this Chapter for the transaction of business and shall keep a public record of its resolutions, transactions, findings and determinations.
- I. Limitation of Office. No member shall be elected to serve as chairperson of the Historic Preservation Commission for more than two consecutive years.

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- J. Absence from Meetings. If any member of the Historic Preservation Commission absents himself from three consecutive regular meetings of the Commission without permission secured before the third meeting or absence granted by the vote of not less than four members of the Commission, his office shall become vacant, and shall be filled as any other vacancy as provided for herein.
 - K. Decorum at Meetings. Members of the Commission and persons in attendance at meetings of the Commission shall conduct themselves in an orderly manner and in compliance with the Commission's rules or, in the absence of such rules, with the rulings of the presiding officer respecting applause, noise making and conduct. Any person found by the presiding officer to be in violation of any of the foregoing or to be disrupting the orderly progress of the meeting, shall be ordered by the presiding officer to remove himself, and to remain barred, from the meeting at which such violation occurs.
 - L. Compensation. All members shall be paid an allowance as compensation for expenses related to their attendance at authorized meetings within the city of La Mesa as the council may from time to time fix by resolution.

(Ord. 2016-2850 § 3, December 13, 2016)

25.01.070 Enforcement and penalties.

- A. Enforcement. The Planning Director or his designee shall have the authority to enforce the provisions of this Title.

Whenever any alteration of any exterior architectural feature is being done contrary to the provisions of this title, the Planning Director or his designee may order the alteration stopped by notice in writing served on any person or persons engaged in the doing or causing such alteration, and any such person or persons shall forthwith stop such alteration until authorized by the Planning Director or his designee to proceed with the alteration.

It shall be unlawful for any person to carry out any alteration of any building or structure in violation of a notice stopping such alteration.

Any violation of the provisions of this Title shall constitute public nuisance.

- B. Penalties. Any person violating any provision of this Title shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in an amount not exceeding Five Hundred (\$500) Dollars or be imprisoned for a period not exceeding six (6) months or be so fined and imprisoned. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder.

25.02.030 Application of the State Historical Building Code.

Notwithstanding the provisions of this Ordinance or any other ordinance, it shall be lawful to repair, restore, or rehabilitate designated historic landmarks, contributing structures within designated historic districts, and cultural resources included in the inventory according to the provisions of the California State Historical Building Code, provided that such proposed repair, restoration or rehabilitation shall be approved by the Planning Director and the Building Department and such building or structure shall be safe and not hazardous to its occupants or the public.

Chapter 25.03 HISTORIC LANDMARKS, HISTORIC DISTRICTS, CERTIFICATES OF APPROPRIATENESS

Sections:

25.03.010 Historic Landmark and Historic District Designation Criteria.

A cultural resource may be recommended for designation as a landmark or historic district, if it meets one or more of the following criteria:

- A. It exemplifies or reflects special elements of the City's cultural, social, economic, political, aesthetic, engineering, or architectural history; or
- B. It is identified with persons or events significant in local, state, or national history; or
- C. It embodies distinctive characteristics of a style, type, period, or method of construction, or is a valuable example of the use of indigenous materials or craftsmanship; or
- D. It is representative of the notable work of an acclaimed builder, designer, or architect; or
- E. It is identified with a person or persons or groups who significantly contributed to the culture and development of the City; or
- F. It embodies elements of outstanding attention to architectural design, detail, materials or craftsmanship; or
- G. It is an archeological or paleontological site which has the potential of yielding information of scientific value; or
- H. It is a geographically definable area possessing a concentration of sites, buildings, structures, improvements, or objects linked historically through location, design, setting, materials, workmanship, feeling, and/or association, in which the collective value of the improvements may be greater than the value of each individual improvement.

25.03.020 Historic Landmark Designation and Determination of Historical Significance Procedures.

A determination of historic significance application shall be filed with the Planning Department in association with the nomination of a property as a historic resource; or in association with any project that includes demolition of original features visible from the street right-of-way of any structure that is 50 or more years old.

A. Application.

1. A determination of historic significance application involving private property must include the consent of the property owner.
2. A determination of historic significance application shall be submitted to the Planning Department on forms provided by the City of La Mesa Community Development Department.
3. A determination of historic significance application fee shall be paid at the time of application submittal in accordance with the Planning Department Fee Schedule.

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4. Upon the determination that a determination of historic significance application is complete, the Planning Department shall forward the application to an unbiased third-party historic consultant for preparation of a historic research report to be considered by the Historic Preservation Commission at a noticed public hearing.
 5. Upon receipt of the Historic Research Report from the historic research consultant, the Planning Department shall set the application for public hearing at the next available Historic Preservation Commission meeting.

B. Historic Preservation Commission Hearing.

1. At a noticed public hearing within forty-five (45) days of the date of the request, the Commission shall review the landmark application according to the criteria of Section 25.03.010.
2. Notice of the date, place, time and purpose of the hearing shall be mailed, return receipt requested, to the owner of the proposed landmark property at least fourteen (14) days prior to the date of the public hearing, using the name and address of such owner as shown on the latest equalized assessment rolls. Failure to send notice by mail to any property owner when the address of such owner is not on the latest equalized assessment roll shall not invalidate any proceedings in connection with the proposed designation.
3. A notice of the scheduled public hearing before the Historic Preservation Commission shall be forwarded to the Building Department by the Planning Department and no building or demolition permits for any alteration to any exterior architectural feature of the proposed landmark shall be issued while the public hearing is pending.
4. The Commission shall make its recommendation at the close of the hearing. If the Commission determines that the improvement does not meet landmark criteria, the process shall terminate and the Commission shall notify the property owner and applicant of such termination within fourteen (14) days of the Commission's determination.
5. If the Commission determines that the cultural resource warrants landmark designation and the property owner has consented to same in writing, then the Commission shall submit a written recommendation to the City
6. Council and City Clerk, incorporating its reasons in support of the proposed landmark designation, within fourteen (14) days of reaching its decision. Without the property owner's consent to the proposed designation, the process shall terminate.
7. The City Clerk, upon receipt of a said recommendation in support of a proposed historic landmark designation, shall set the matter for public hearing by the City Council within thirty (30) days of the receipt of the recommendation.
8. At the conclusion of the public hearing of the proposed designation, the City Council shall, by resolution, designate or conditionally designate the historic landmark, or shall by motion disapprove it in its entirety. Written notice of the City Council action shall be mailed to the property owner. Such designation shall be filed with the County Recorder.

(Ord. 2482 § 1; October 27, 1987)

25.03.030 Historic District Designation Procedures.

Historic districts shall be established by the City Council in the following manner:

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- A. Any person may request the designation of an area as a historic district by submitting a written request for such designation to the Commission. The Commission, Planning Director, or City Council may also initiate such proceedings on their own motion.
 - B. Any such request shall be filed with the Planning Department upon the prescribed form and shall include the following data:
 - 1. Boundaries of the proposed district and a list of names and addresses of property owners, Assessor's Parcel Numbers and addresses of properties within the boundaries.
 - 2. Description of the proposed historic district, including special aesthetic, cultural, architectural, or engineering interest or value of a historical nature.
 - 3. Sketches, photographs, or drawings.
 - 4. Statement of condition of structures and improvements within the district.
 - 5. Explanation of any known threats to any cultural resource within the district.
 - 6. Other information requested by the Planning Department.
 - C. At a noticed public hearing within ninety (90) days of the date of the initiation or request, the Commission shall review the historic district application according to the criteria of section 25.03.010.
 - D. Notice of the date, place, time and purpose of the hearing shall be mailed, return receipt requested, to the owners of property in the proposed historic district at least fourteen (14) days prior to the date of the public hearing, using the name and address of such owner as shown on the latest equalized assessment rolls. Failure to send notice by mail to any property owner when the address of such owner is not on the latest equalized assessment rolls shall not invalidate any proceedings in connection with the proposed historic district designation.
 - E. A notice of the scheduled public hearing shall be forwarded to the Building Department by the Planning Department and no building or demolition permits for any alteration to any exterior architectural feature or landscape feature of the proposed district shall be issued while the public hearing is pending.
 - F. The Commission shall make its recommendation at the close of the hearing. If the Commission determines that the area does not meet historic district criteria, the process shall terminate and the Commission shall notify the property owners and applicants of such termination within fourteen (14) days of the Commission's determination. Further, if written documentation of the consent of two-thirds (66- $\frac{2}{3}$ %) of the owners of property within the proposed district to the proposed designation is not obtained at the time of the Historic Preservation Commission hearing, the process shall terminate and the Commission shall notify the property owners and applicant of said termination within fourteen (14) days of the Commission's determination.
 - G. If the Commission determines that the area warrants historic district designation, it shall submit a written recommendation to the City Council and City Clerk, incorporating its reasons in support of the proposed historic district designation, within fourteen (14) days of reaching its decision. Such recommendation shall include a report containing the following information:
 - 1. A map showing the proposed boundaries of the historic district and identifying all structures within the boundaries, contributing or non-contributing.
 - 2. An explanation of the significance of the proposed district and description of the cultural resources within the proposed boundaries.
 - 3. Recommendations as to appropriate permitted uses, special uses, height and area regulations, minimum dwelling size, floor area, sign regulations, parking regulations, and any other

modification to existing development standards necessary or appropriate to the preservation of the proposed historic district.

4. Proposed design guidelines for applying the criteria for review of Certificates of Appropriateness to the nominated historic district.
- H. The City Clerk, upon receipt of a said recommendation in support of a proposed historic district designation, shall set the matter for public hearing by the City Council within thirty (30) days of the receipt of the recommendation.
- I. At the conclusion of the public hearing on the proposed designation, the City Council shall, by resolution, designate or conditionally designate the historic district, or shall by motion disapprove it in its entirety. Written notice of the City Council action shall be mailed to the owners of property within the district. A record of such designation of the district shall be filed for each individual property within the district with the County Recorder.

(Ord. 2482 § 2; October 27, 1987)

25.03.040 Certificate of appropriateness.

- A. For the purposes of this chapter, no person shall alter, relocate, or demolish a historic resource or contributing resource in a historic district any alteration to any exterior architectural feature of such structures, improvements, or sites, including construction or relocation, without a Certificate of Appropriateness.
- B. If no permit is required to pursue work on a designated cultural resource, whoever is responsible for the work whether it is the tenant, resident, or property owner shall apply for the Certificate of Appropriateness directly.
- C. An application for a Certificate of Appropriateness shall be filed with the Planning Department and shall contain the following materials and information:
 1. A clear statement of the proposed work.
 2. Plans describing the size, height, and appearance of the proposed work.
 3. A site plan showing all existing buildings, improvements, landscape features and the proposed work.
 4. Other information deemed necessary by the Planning Department.
- D. The Planning Department shall refer all applications to the Historic Preservation Commission, which shall complete its review and make a decision within sixty (60) days of the receipt of the application. All decisions of the Commission shall be made at a scheduled public meeting of the Commission. The Commission shall approve, approve with modifications, or deny each application in writing, stating the findings of fact and reasons relied upon in reaching its decision.
- E. The Commission, or the City Council, upon appeal, shall issue a Certificate of Appropriateness for the proposed work if and only if it determines:
 1. The action proposed is consistent with the purposes of this Chapter; and
 2. The action proposed is consistent with the Secretary of the Interior's Standards for Rehabilitation; or
 3. The action proposed will not be detrimental to a structure or feature of significant aesthetic, cultural, architectural or engineering interest or value of a historical nature; or

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4. In the case of construction of a new improvement, building or structure within a historic district, that the exterior of such improvements will not adversely affect and will be compatible with the external appearance of existing improvements, buildings and structures in said district; or
 5. The applicant has demonstrated that the action proposed is necessary to correct an unsafe or dangerous condition on the property.
- F. The action of the Historic Preservation Commission in approving, approving with modifications, or denying a Certificate of Appropriateness shall become final on the tenth day following the Commission's determination unless appealed in writing within this time period. Upon approval of an application, and following the appeal period, the Commission shall issue a Certificate of Appropriateness, copies of which shall be forwarded to the applicant and the Building Department.
- G. Decisions of the Commission may be appealed to the City Council. Appeals must be filed with the City Clerk within ten (10) days of the Commission's decision. Upon the filing of an appeal, the City Clerk shall set the matter for public hearing. Such hearing shall be held within forty-five (45) days of the filing of the appeal. The City Council shall render its decision on the appeal at the close of the public hearing.

25.03.050 Ordinary Maintenance Exclusion.

Nothing in this Title shall be construed to prevent ordinary maintenance that does not involve alteration of any exterior architectural feature.

25.03.070 Removal of damaged historic structures.

In the event any historic landmark, contributing structure within a historic district, or structure in the process of designation as such, is damaged by earthquake, fire, or Act of God to such an extent that in the opinion of the Building official it cannot reasonably be repaired or restored, the same may be removed from the provisions of Section 26.03.060 for said removal.

Chapter 25.04 SEVERABILITY

Sections:

25.04.010 Severability.

If any section, sentence, clause or phrase of this Title is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Title. The City Council hereby declares that it would have passed this Ordinance and adopted this Title and each chapter, section, sentence, clause or phrase thereof, irrespective of the fact that any one or more chapters, sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

(Ord. 2345; March 29, 1984)