

City of Glendale (1997)

Municipal Code, Title 2, Chapter 2.76

2.76.010 Created. There is created a historic preservation commission in and for the city. (Prior code § 3-130)

2.76.020 Composition. The historic preservation commission shall consist of five members. (Prior code § 3-131)

2.76.030 Appointment-Compensation. Members of the historic preservation commission shall serve without compensation and shall be appointed by a majority of the council. (Prior code § 3-132)

2.76.040 Qualifications. Each member of the historic preservation commission shall be a qualified elector of the city at the time of appointment and during incumbency. All members shall demonstrate interest, competence and knowledge in historic preservation. Composition of the commission shall include at least one member doing business in one or more of the disciplines of architecture, history, architectural history, planning, archaeology, or other historic preservation related fields. (Ord. 5110 § 1, 1996: prior code § 3-134)

2.76.050 Terms of office. All five members shall be appointed for a term of three years. (Ord. 5110 § 2, 1996: prior code § 3-135)

2.76.060 Vacancies. Vacancies for any unexpired term of membership in the historic preservation commission shall be filled by appointment as provided by Section 2.76.030. (Prior code § 3-133)

2.76.070 Removal of members. Any member of the historic preservation commission may be removed by a majority vote of the council when, in the discretion of the council, the best interests of the city will be served. (Prior code § 3-136)

2.76.080 Chairperson and chairperson pro tempore. The historic preservation commission shall select one of its members as chairperson of the commission. In case of the absence of the chairperson, the members present at any meeting shall select one of their members to act as chairperson pro tempore. (Ord. 5110 § 3, 1996: prior code § 3-137)

2.76.090 Meetings and record of proceedings. The historic preservation commission shall meet at least once a month at such time and place as may be fixed by resolution. All meetings of the historic preservation commission shall be open to the public and held in compliance with the provisions of the Ralph M. Brown Act of the state. The historic preservation commission shall keep a record of minutes of all of its proceedings and actions which shall be available for public inspection. (Ord. 5110 § 4, 1996: prior code § 3-138)

2.76.100 Powers and duties generally. The historic preservation commission shall have the power and it shall be its duty to perform the following acts:

- A. To consider and recommend to the city council additions to and deletions from the register of historic resources;
- B. To keep current and publish a register of historic resources;
- C. To make recommendations to the planning commission, and the city council on amendments to the historic preservation element of the city general plan;
- D. To grant or deny applications for permits for demolition, or major alterations of historic resources;
- E. To grant or deny appeals from decisions of the director of planning and the permit services administrator as specified in Section 15.20.030 of this code;
- F. To encourage public understanding of and involvement in the unique historical, architectural and environmental heritage of the city through educational and interpretative programs;
- G. To explore means for the protection, retention and use of any historic resource, historic district, or potential historic resource or district;
- H. To make recommendations to the city council on applications for properties to be included in the property tax incentives program which may be subject to historic property contracts as set forth in Section 15.20.070 of this code;
- I. To encourage private efforts to acquire property and raise funding on behalf of historic preservation; however, the commission is specifically denied the power to acquire any property or interest therein for or on behalf of itself or the city;
- J. To 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 historic resources but are deserving of recognition;
- K. To encourage the cooperation between public and private historic preservation groups;
- L. To advise city council and city boards and commissions as necessary on historic preservation issues;

M. To render decisions on design review applications affecting designated historic resources pursuant to Section 30.16.820;

N. To perform any other functions that may be designated by resolution or motion of the city council.

(Ord. 5110 § 5, 1996: Ord. 4986 § 1, 1992: prior code § 3-139)

2.76.110 Procedural rules. The historic preservation commission may adopt, from time to time, such rules of procedure as it may deem necessary to properly exercise its powers and duties. All rules shall be kept on file in the offices of the director of planning and the city clerk. (Ord. 5110 § 6, 1996: prior code § 3-140)

2.76.120 Limitation on liability. Neither the historic preservation commission nor any member thereof shall incur any financial liability in the name of the city. (Prior code § 3-141)

Title 15, Chapter 15.20

15.20.010 Purpose. The city council declares that the recognition, preservation, protection and use of historic resources are required in the interest of the health, prosperity, social and cultural enrichment and general welfare of the people. The purpose of this chapter is to:

A. Safeguard the heritage of the city by preserving resources which reflect elements of the city's history;

B. Encourage public understanding and involvement in the unique architectural and environmental heritage of the city;

C. Strengthen civic pride in the notable accomplishments of the past;

D. Deter the demolition, misuse or neglect of historic resources, historic districts, and potential historic resources or districts which represent an important link to Glendale's past;

E. Promote the conservation, preservation, protection and enhancement of historic resources, historic districts, potential historic resources or districts; and

F. Promote the private and public use of historic resources for the education, appreciation and general welfare of the people. (Ord. 5110 § 7, 1996: prior code § 21-00)

15.20.020 Definitions. For the purposes of this chapter the following words and phrases shall have the meaning(s) ascribed herein:

"Demolition" means destruction that is so extensive that the historic character of a designated historic resource is completely removed and cannot be repaired or replaced.

"Glendale register of historic resources" means the official list of designated historic resources in the city of Glendale and any properties specified in the historic preservation element of the Glendale general plan.

"Historic district" means a geographic area including thematic areas encompassing designated historic resources within specific boundaries as adopted by city council.

"Historic resource" means any site, building, structure, area or place, man-made or natural, which is historically or archaeologically significant in the cultural, architectural, archaeological, engineering, scientific, economic, agricultural, educational, social, political or military heritage of the city of Glendale, the state of California, or the United States and which has been designated as historically significant in the National Register of Historic Places, the state of California Register of Historical Resources, the Glendale register of historic resources, or the historic preservation element of the Glendale general plan.

"Major alteration to historic resources" means alteration to a structure or site which does not conflict with the historic integrity of the historic resource which exceeds the size specification for minor alterations as defined herein.

"Minor alteration to historic resources" means alteration to a structure which does not conflict with the historic integrity of the historic resource and does not involve an addition of square footage or modification of an existing structure exceeding four hundred square feet of building area or modification of more than one thousand square feet of site area within a historic resource.

"Potential designated historic resource or district" means a resource or district which is officially proposed for listing in the Glendale register of historic resources or the historic preservation element for which a final action has not occurred. (Ord. 5110 § 8, 1996: prior code § 21-01)

15.20.025 Relationship of the historic preservation element to the Glendale register of historic resources.

All historic sites identified in the historic preservation element of the Glendale general plan, shall be subject to the provisions of this code. Upon establishment of a Glendale register of historic resources all historical sites in the historic preservation element shall be made a part thereof. (Ord. 5110 § 9, 1996)

15.20.030 Duties of the permit services administrator, the director of planning, historic preservation commission and city council regarding historic resources.

- A. In addition to other duties and powers specified elsewhere in this code, the permit services administrator shall consider and render decisions regarding historic resources for the following:
 - 1. The installation or removal of mechanical equipment including but not limited to heating, air conditioning, and ventilation, electrical and plumbing improvements which are not visible from a public right-of-way;
 - 2. Installation of signs;
 - 3. Installation of fire protection systems which are not visible from the public right-of-way.
- B. The director of planning shall consider and render decisions on minor alterations and routine maintenance and repair projects as specified in Section 15.20.110 of this code.
- C. The historic preservation commission shall conduct public hearings, and render decisions or make recommendations as set forth in Section 2.76.100 in this code.
- D. City council shall conduct public hearings and render decisions on:
 - 1. General plan amendments regarding the historic preservation element;
 - 2. Additions to and deletions from the register of historic resources pursuant to Sections 15.20.050, 15.20.055 and 15.20.060; and
 - 3. Applications for the property tax incentives program pursuant to Section 15.20.070 of this code. (Ord. 5110 § 10, 1996)

15.20.040 Appeals.

- A. A decision regarding a historic resource by the permit services administrator or by the director of planning shall become final fifteen days following the date of the decision unless an appeal to the historic preservation commission is filed.
- B. A decision of the historic preservation commission shall become final fifteen days following the date of the decision unless an appeal to the city council is filed pursuant to the provisions of Chapter 2.88 of this code relating to the uniform appeal procedure. (Ord. 5110 § 11, 1996)

15.20.050 Findings for designation of historic resources and historic districts. Upon recommendation of the historic preservation commission, city council shall consider and make findings for additions to the register of historic resources. The designation of any proposed resource in the city as a historic resource or district shall be granted only if city council first finds that the proposed historic resource or district contains one or more of the following elements:

- A. The proposed resource or district identifies interest or value as part of the heritage of the city;
- B. The proposed resource or district is the location of a significant historic event;
- C. The proposed resource or district identifies with a person or persons or groups who significantly contributed to the history and development of the city; or whose work has influenced the heritage of the city, the state or the United States;
- D. The proposed resource or district exemplifies one of the best remaining architectural type in a neighborhood; or contains outstanding or exemplary elements of attention to architectural design, detail, materials or craftsmanship of a particular historic period;
- E. The proposed resource or district is in a unique location or contains a singular physical characteristic representing an established and familiar visual feature of a neighborhood;
- F. The proposed resource or district is a source, site or repository of archeological interest;
- G. The proposed resource or district contains a natural setting that strongly contributes to the well being of the people of the city. (Ord. 5110 § 12, 1996: prior code § 21-02)

15.20.055 Findings for deletion of historic resources and historic districts. Upon recommendation of the historic preservation commission, city council shall consider and make findings for deletions from the register of historic resources. The deletion of any designated historic resource or district shall be granted only if city council first finds that the historic resource or district:

- A. Has been destroyed or demolished by natural or man-made means; or
- B. No longer conforms to any of the findings identified in Section 15.20.050 of this code; or
- C. Has diminished historic significance or value upon a showing of clear and convincing evidence; or
- D. Cannot be restored, rehabilitated, stabilized or renovated for any use permitted in the zone in which it is located without causing an economic hardship disproportionate to the historic value of the property substantiated by clear and convincing evidence. Proof of economic hardship shall require a showing that the cost of stabilization of the historic fabric of the property exceeds the appraised value as determined by a qualified appraiser of the historic improvements on the site. If the appraised value of the historic improvements on a historic site is less than seventy-five percent of similarly sized buildings within a five-hundred-foot radius, the average appraised value of property improvements in

the radius area shall be used. For property where neighborhood standards are not comparable, standard real estate practice comparable worth studies shall be produced to justify the burden of stabilization as compared to property value. Council shall consider the value of property tax incentives allowed by the historic preservation ordinance and other benefits as may be available for historic preservation or stabilization in determining if economic hardship exists to the extent that deletion from the historic register is warranted. (Ord. 5110 § 13, 1996)

15.20.060 Procedure for designation or deletion of historic resources.

- A. Prior to city council consideration for designating or deleting historic resources or districts, written consent shall be obtained from the property owner(s) of record;
- B. The city council shall set a public hearing prior to designating or deleting a historic resource or district;
- C. The city clerk shall give notice of the public hearing which notice shall contain the date, time and place of the hearing, the general nature of the proposed designation or deletion and the street address or legal description of the property involved. Said notice shall be published once in the official newspaper of the city at least ten days before the date of the hearing. Said notice shall be mailed, postage prepaid, at least ten days before the date of the hearing to affected property owners and all persons, shown on the last equalized assessment roll as owning real property located within a radius of three hundred feet of the exterior boundaries of the property which is subject to the proposed designation or deletion;
- D. The city shall make findings of fact and determinations in writing pursuant to the criteria set forth in Sections 15.20.050 and 15.20.055 of this code; and
- E. The decision of the city council shall be made by resolution which shall be recorded with the Los Angeles County recorder. (Ord. 5110 § 14, 1996: prior code § 21-03)

15.20.070 Incentive program for historic resources. Notwithstanding any other incentive of federal or state law, owners of properties designated as historic resources may apply to the director of planning for the following incentives:

- A. Property tax incentive program and historical property contracts. Any owner of a historic resource which is in the Glendale register of historic resources shall be eligible to apply for the property tax incentive program through the use of a historical property contract pursuant to Sections 50280 et seq. of the California Government Code. All applications filed for historical property contracts shall be considered for recommendation by the historic preservation commission at a public hearing and forwarded to city council for final approval;
- B. Reduction in required parking for new uses in designated historic resources as specified in Title 30 of this code;
- C. Allowance of specified uses permitted in the C1 zone, in the R-3050, R-2250, R-1650, and R-1250 zones and as conditional uses in the ROS, R1R and R1 zones as specified in Title 30 of this code. (Ord. 5110 § 15, 1996: Ord. 4986 § 2, 1992: prior code § 21-07)

15.20.080 Permit required for demolition, removal or major alterations of historic resources.

- A. No person shall demolish, remove, or make major alterations to any designated historic resource without first obtaining a permit. An application for such permit shall be filed with the permit services administrator who shall thereupon transmit same to the historic preservation commission. The historic preservation commission may require that the application for permit be supplemented by such additional information or materials as may be necessary for a complete review by the historic preservation commission. The commission may impose such reasonable conditions or restrictions as it deems necessary or appropriate on a case-by-case basis to promote or achieve the purpose of this code. If a permit applicant provides evidence that the cost of complying with a condition of approval is not economically feasible, the commission may require that all conditions be met within a period of up to five years. The commission shall not approve a request for demolition except upon written findings after a public hearing that denial of the requested demolition will deprive the owner of substantially all reasonable use of the property, or that demolition will not have a significant effect on the achievement of the purpose of this chapter;
- B. No permit to demolish a historic resource may be issued without the issuance of a building permit for a replacement structure or project for the property involved; and
- C. Upon approval of a demolition permit the matter will be referred to city council for deletion from the register of historic resources pursuant to Sections 15.20.055 and 15.20.060. (Ord. 5110 § 16, 1996: prior code 21-04)

15.20.090 Enforcement.

- A. A violation of any provision of this chapter is expressly prohibited and is punishable as a misdemeanor pursuant to Section 1.20.010 of this code;
 - B. In addition to any other remedies provided herein, any violation of this chapter may be enforced by civil action brought by the city. Remedies under this chapter are in addition to and do not supersede or limit any and all other remedies, civil or criminal. The remedies provided for 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; and
 - C. In addition to any other remedies provided herein, in the event a historic resource is completely demolished in violation of this chapter, a penalty shall be imposed in which no building or construction related permits shall be issued for the property upon which the demolition took place, for a period of three years from the date of demolition. Said penalty shall be enforced by civil action filed by the city attorney and adjudicated by a court of competent jurisdiction. A demolition shall be presumed to have occurred on the date the city had actual knowledge of the demolition. (Ord. 5110 § 17, 1996)
- 15.20.100 Unsafe or dangerous conditions. Nothing in this chapter shall prevent the construction, reconstruction, alteration, restoration, stabilization or demolition of designated historic resources or any feature thereof which the director of public works or his or her designee shall certify is required because of an unsafe or dangerous condition and is a threat to public safety. (Ord. 5110 § 18, 1996)
- 15.20.110 Routine maintenance and repair. No routine maintenance or repair of any architectural feature including but not limited to exterior painting, reroofing, repointing of brick or other architectural feature of a designated historic resource may be commenced unless first approved by the director of planning. (Ord. 5110 § 19, 1996: prior code § 21-05)
- 15.20.120 Duty to maintain historic resources. Every owner of a designated historic resource shall maintain and keep such resources in a manner which clearly ensures the continued availability of such premises for lawful and reasonable uses, and which prevents deterioration, dilapidation and decay of any portion of such resource. (Ord. 5110 § 20, 1996: prior code § 21-06)