

# City of Burbank

## DIVISION 6. HISTORIC PRESERVATION REGULATIONS

### 10-1-925: PURPOSE:

The recognition, preservation, protection and use of the historical resources are required in

the interest of the health, prosperity, social and cultural enrichment and general welfare of

the people. The purpose of this article is to:

(a) Safeguard the heritage of the City by preserving improvements and features 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 beauty and notable accomplishments of the past and to

promote their continued use today;

(d) Discourage the demolition, destruction, alteration, misuse or neglect of designated

historically significant buildings or places which represent an important link to Burbank's

past;

(e) Promote the conservation, preservation and enhancement of historical places and

structures of merit;

(f) Promote the private and public use and preservation of historic places and structures for the education, appreciation and general welfare of the people;

(g) Take whatever action is reasonable and necessary to safeguard the property rights

of the owners whose property is declared to be or nominated for consideration as a "historic

place or structure of merit;" and

(h) To make all information accessible and available to the public. [Added by Ord. No.

3381, eff. 10/15/94.]

### 10-1-926: DEFINITION:

For the purpose of this article, HISTORICAL PLACE OR STRUCTURE OF MERIT shall

mean any site or specific improvement, manmade or natural, which has special character or

special historical, cultural, architectural, archaeological, community or aesthetic value as

part of the heritage of the City of Burbank or the United States or which has been designated as historically significant in federal or state registers of historic places.

[Added

by Ord. No. 3381, eff. 10/15/94.]

10-1-927: CRITERIA FOR DESIGNATION OF HISTORIC PLACES OR STRUCTURES OF MERIT:

Prior to any site or specific improvement (or any portion thereof) being designated as a historic place or structure of merit (of historical value), any or all of the following National

Register of Historic Places criteria shall be applied:

205

(a) It exemplifies or reflects special elements of the City's cultural, social, economic, civic, aesthetic, engineering, architectural, or natural history;

(b) It is identified with persons or events significant in local, regional, state, or national history;

(c) It embodies distinctive characteristics of a style, type, period, design ideology, or method of construction, or is a valuable example of the use of indigenous materials or

craftsmanship;

(d) It is representative of the work of a notable builder, designer, or architect;

(e) It contributes to the significance of an historic area, being a geographically definable

area possessing a concentration of not less than fifty (50) percent of historic or scenic

properties or thematically related grouping of properties which contribute to each other and

are unified aesthetically by plan or physical development;

(f) It has a unique location or singular physical characteristic(s) or is a view or vista representing an established and familiar visual feature of a neighborhood, community, or

the City of Burbank;

(g) It embodies elements of architectural design, detail materials, or craftsmanship that

represent a significant structural or architectural achievement or innovation;

(h) It is similar to other distinctive properties, sites, areas, or objects based on an historic, cultural, or architectural motif;

(i) It 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;

(j) It is one of the few remaining examples in the City, region, state, or nation possessing distinguishing characteristics of an architectural or historical type or specimen.

[Added by Ord. No. 3381, eff. 10/15/94.]

10-1-928: PROCEDURE FOR DESIGNATION OF HISTORIC PLACES OR STRUCTURES OF MERIT:

A. CITYWIDE ASSESSMENT AND PRELIMINARY INFORMATION GATHERING.

(1) Windshield survey. The City Planner shall maintain an inventory of potentially

significant historic places, structures or improvements. The purpose of this inventory is to identify properties, improvements, or structures which may warrant further research for the purposes of establishing historical significance.

(2) Owner's input. The City Planner shall obtain the prior written consent of the property owner to proceed with research or evaluation by City staff on the applicable building, structure or improvement. Prior to the consent, the property owner shall be provided with complete information as to the designation process and the implications of designation pursuant to this division.

206

(3) Implications. The inventory is not intended to create any obligations or requirements not otherwise required by law, and does not identify a significant impact.

#### B. CITYWIDE ELIGIBILITY LIST.

In the event that a place, structure or improvement found on the inventory appears suitable for a designation of historical significance, and if the City Planner obtains a signed, written

request by the property owner to proceed in the designation process, that place or structure

shall be placed on a Citywide Eligibility List. If a property owner fails to provide the signed

"Request for Designation" form within sixty (60) days of the invitation by the City Planner,

then that property, structure or improvement will not be placed on the Citywide Eligibility

List, and will not proceed further in the designation process. If a signed "Request for Designation" form is provided to the City Planner within the applicable time frame, the

property, structure or improvement will be forwarded to the Commission.

#### C. HERITAGE COMMISSION REVIEW AND RECOMMENDATION.

Any property, structure, or improvement on the Citywide Eligibility List, may be forwarded to

the Heritage Commission for their review at a public meeting in accordance with this section.

Prior to setting the item on its agenda, the City Planner shall obtain the owner's written

consent to the historic designation of the property, structure, or improvement and his/her

agreement to abide by the historic preservation regulations of this Division through the

execution of a covenant, in a recordable form. The Commission shall submit a written

recommendation to the Council focusing on the criteria set forth in Section 10-1-927, and

incorporating its reasons in support or denial of the historical designation.

#### D. COUNCIL DESIGNATES PROPERTY, STRUCTURE, OR IMPROVEMENT.

The Council, upon receipt of said recommendation, shall set the matter for public meeting, provide at least fifteen days notice of the meeting date to the property owner of subject property, structure, or improvement, and thereafter shall render its decision. The decision shall be based on the criteria specified in Sec. 10-1-927.

#### E. COVENANT TO BE RECORDED.

Following the designation of an historical place or structure, of merit, in accordance with the above procedures, the City shall record the signed covenant in the office of the County Recorder at owner's expense of the recording fees applicable at that time. The covenant, which shall run with the land and be binding on successors and assigns, shall specify which elements of the designated historic place, structure, improvement or contributor to a historic district are to be protected; and that any alteration or removal of these elements shall be done in accordance with Section 10-1-929. Elements not specified by the covenant as contributing to the significance of the designated place, structure, or contributor may be modified by the owner in accordance with all other applicable codes. This document shall serve as notice of the designation of a historical place or structure of merit, and shall not be removed from the property without the consent of the Council.

#### F. DEFINITION OF PROPERTY OWNER.

For purposes of this section a property is defined as the person or persons shown of record as holding title in fee, and adequate evidence of same shall be provided to the City Attorney prior to the placement of any property, structure, or improvement on the Final List. [Added by Ord. No. 3381, eff. 10/15/94.]

207

#### 10-1-929: PERMIT REQUIRED FOR ALTERATION OR REMOVAL OF HISTORIC SITES:

##### A. PERMIT REQUIRED.

No person shall demolish, construct, move, change the appearance of or make alterations to any designated historic place, structure or improvement of merit without first obtaining a "permit to alter or remove an historic site." An application for such permit shall be filed with the City Planner, who shall thereupon transmit the same to the Heritage Commission. The

application shall be in a form and shall contain such information and materials as are prescribed in any duly adopted rules and regulations of the Commission. The City Planner may require that the permit be supplemented by such additional information and materials as, in his/her opinion, may be necessary for a complete review by the Heritage Commission. The Commission shall have sixty (60) days from the date the application was deemed complete to adopt a resolution stating whether the proposed demolition, construction, alteration or relocation will significantly affect the purpose of this article. If the Commission finds that the proposal will not significantly affect the purpose of this article, the City Planner shall make all necessary notifications that processing of permits for demolition, construction, alteration or relocation may proceed. If the Commission finds that proposed demolition, construction, alteration or relocation will or may significantly affect the purpose of this article, the City Planner shall prepare or cause to be prepared an environmental impact report (EIR) on the proposal at the applicant's expense. When the final EIR is completed, the Heritage Commission shall by resolution transmit a recommendation to the Council. Following a public meeting, the Council shall consider and certify the EIR and render a decision approving or denying the proposed demolition, construction, alteration, or relocation. Despite a significant adverse effect, the Council may approve the demolition, construction, alteration or relocation if it determines that the benefits of the proposal outweigh the adverse effects.

#### **B. EXEMPTIONS TO PERMIT REQUIREMENT.**

##### **(1) Ordinary Maintenance and Public Safety.**

The Commission shall adopt guidelines to permit ordinary maintenance and repair of any exterior architectural feature of any designated "historic place or structure of merit" (the "Guidelines"). Such maintenance and repair, if done in compliance with the Guidelines as determined by the Building Official, do not need to be approved by the Commission. Nothing in this article shall prevent the construction, reconstruction, alteration, restoration or demolition of any such feature which the Building Official shall certify is required by the public safety because of an unsafe or dangerous condition.

##### **(2) Economic Hardship.**

An owner of a designated historic place or structure of merit may request that he be allowed

to alter the place or structure in such a manner as will adversely affect its distinctive significance, or that he be allowed to remove the structure, on the basis of extreme financial

privation or adversity. An application made on this basis shall be in accordance with procedures proscribed by the Commission.

The Commission shall be authorized to request the applicant furnish material evidence

supporting his request for a Certificate of Economic Hardship. The Commission shall review all the evidence and information required of an applicant and make a determination

within ninety (90) days of receipt of the application as to whether the denial of a Certificate

of Appropriateness will deprive the owner of the property of all reasonable use of, or economic return on, the property.

208

If the applicant presents facts and evidence demonstrating to the Commission that failure to

approve the application will cause an immediate hardship because of conditions peculiar to

the particular structure or other feature involved, and the damage to the owner of the property is unreasonable in comparison to the benefit conferred to the community, the

Commission may approve or conditionally approve such certificate.

(3) Master Plan Projects.

Designated historic places and/or structures may be altered or demolished if such impacts

had previously been examined through environmental reports for a master plan project.

[Added by Ord. No. 3381, eff. 10/15/94.]

10-1-930: DUTY TO MAINTAIN STRUCTURES AND PREMISES:

Every owner of a designated historic place or structure of merit shall maintain and keep in

good repair such premises. Good repair includes and is defined as that level of maintenance and repair which clearly ensures the continued availability of such premises

for lawful and reasonable uses, and which prevents deterioration, dilapidation and decay of

any exterior portion of such place or structure. [Added by Ord. No. 3381, eff. 10/15/94.]