

City of Long Beach

Chapter 2.63 CULTURAL HERITAGE COMMISSION[12]

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2.63.010 Purpose.

It is declared that the recognition, preservation, protection and use of cultural resources are necessary to the health, property, social and cultural enrichment and general welfare of the people. The purpose of this chapter is:

- A. To protect, enhance and perpetuate areas, districts, streets, places, buildings, structures, works of art, natural features and other similar objects which are reminders of past eras, events, and persons important in local, state or national history, or which provide significant examples of architectural styles of the past or are landmarks in the history of architecture, or which are unique and irreplaceable assets to the city and its neighborhoods, or which provide for this and future generations significant examples of the physical surroundings in which past generations lived;
- B. To develop and maintain appropriate settings and environments for these cultural resources;
- C. To enhance the economic and financial benefits to the city and its inhabitants by promoting the city's tourist trade and interest and thereby stimulating community business and industry;
- D. To intensify the visual and aesthetic character and diversity of the city and thus enhance its identity through the preservation of varied architectural styles which reflect the city's cultural, social, economic, political and architectural history;
- E. To encourage public understanding and appreciation of the unique architectural and environmental heritage of the city through education programs: and
- F. To strengthen civic pride in the beauty and notable accomplishments of the city's past,

and thereby to encourage community involvement in the city's future. (Ord. C-6961 § 1 (part), 1992).

2.63.020 Definitions.

- A. "Alteration" means physical change to a place, building, structure, work of art or similar item subject to the provisions of this chapter.
- B. "Applicant" means a person, persons, association, partnership, corporation, or other business entity who applies for a certificate of appropriateness in order to undertake any environmental change on property subject to this chapter.
- C. "Archaeology" or "archeology" means the scientific study of the remains of past people and cultures as may be evidenced by artifacts, sites, implements, inscriptions, relics, etc.
- D. "Certificate of appropriateness" means a written authorization issued pursuant to this chapter to accomplish any environmental change to a landmark or affected structure within a landmark district.
- E. "City" means the city of Long Beach.
- F. "Cultural resources" means areas, districts, streets, places, buildings, structures, permanent works of art, natural features and other objects having a special historical, cultural, archeological, architectural, community or aesthetic value.
- G. "Environmental change" means any alteration, demolition, removal, or construction of any improvement or natural feature subject to the provisions of this chapter.
- H. "Improvement" means any place, building, structure, work of art or similar object constituting a physical addition to real property or any part of such addition.
- I. "Landmark" means any site or improvement, manmade or natural, which has special character or special historical, cultural, architectural, community or aesthetic value as part of the heritage of the city, state, or the United States and which has been designated as a landmark pursuant to the provisions of this chapter.
- J. "Landmark district" means any designated area which contains a number of structures or natural features having a special character or special historical, cultural, architectural, community or aesthetic value.
- K. "Member" means any member of the cultural heritage commission.
- L. "Natural feature" means any tree, plant life or geological element subject to provisions of this chapter.
- M. "Ordinary repairs and maintenance" means any work done on any improvements or replacement of any part of an improvement for which a building permit is not required by law and where the purpose and effect of such work or replacement is to correct any deterioration, decay, or damage to such improvement in order to restore it to original condition prior to the occurrence of such deterioration, decay or damage.
- N. "Owner" means the person, persons, association, partnership, corporation or other business entity appearing as the owner of such improvement, natural feature, or site on the last equalized assessment roll of the county.
- O. "Person" means any individual, association, partnership, firm, corporation, public agency or political division. (Ord. C-6961 § 1 (part), 1992).

2.63.030 Created--Members.

- A. A cultural heritage commission is created by this chapter whose purpose shall be to recognize, protect and promote the retention, maintenance and use of landmarks and landmark districts in the city in accordance with this chapter. Said commission shall consist of fifteen (15) members who shall serve without compensation and who are residents of the city who have manifested a knowledge and interest in the city's heritage and landmark preservation.
- B. Commission members shall be appointed from among professionals in the disciplines of architecture, history, architectural history, planning, archeology, or other historic preservation related disciplines, such as urban planning, American studies, American

civilization, cultural geography, or cultural anthropology, to the extent that such professionals are available in the community. Commission membership shall also include lay members who have special interest or concern in, or who have demonstrated competence, experience, or knowledge in, historic preservation or other historic preservation related disciplines.

C. The term of office and the number of terms of office of the members of the commission shall be in accordance with and pursuant to the provisions of chapter 2.18, as the provisions of chapter 2.18 are presently worded or hereafter amended. (Ord. C-6961 § 1 (part), 1992).

2.63.040 Duties.

The cultural heritage commission shall have the following powers and duties:

- A. To recommend to the city planning commission that specific areas, places, buildings, structures, natural features, works of art or similar objects having a significant historical, cultural, architectural, archaeological, community or aesthetic value as part of the heritage of the city, be designated as a landmark, or landmark district; or
- B. To review any proposed modifications to a designated landmark or any improvement within a designated landmark district and to issue or deny a certificate of appropriateness thereon;
- C. To encourage public interest in cultural preservation in the city;
- D. To compile, maintain and update an informational local register of landmarks and historic districts and to publicize and periodically update the city's cultural resource survey;
- E. To advise and assist owners or prospective owners of designated or potential landmarks or structures in landmark districts on technical and financial aspects of preservation, renovation, rehabilitation, and reuse, and to establish standards and guidelines therefor;
- F. To review and comment for advisory purposes only upon the conduct of land use, housing, redevelopment, public works and other types of planning and programs undertaken by any agency of the city, county, state or nation, within the city of Long Beach, as they relate to the cultural heritage of the city;
- G. Upon authorization of the city council, coordinate and cooperate with local, county, state and federal governments in pursuit of the commission's purposes;
- H. Subject to the consent of city council, recommend acceptance of the city gifts, grants and conservation easement donations consistent with the purposes for which the commission was established;
- I. To make and adopt, and from time to time amend, rules and procedures governing the conduct of its business and provide for the administration of this chapter consistent with chapter 2.18 of this code;
- J. To assume whatever responsibility and duties may be assigned to it by the state under certified local government provisions of the national historic preservation act of 1966, as amended; and
- K. To perform any other functions consistent with the purposes herein that may be directed by the city council. (Ord. C-6961 § 1 (part), 1992).

2.63.050 Criteria for designation of landmarks and landmark districts.

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

- A. It possesses a significant character, interest or value attributable to the development, heritage or cultural characteristics of the city, the southern California region, the state or the nation; or
- B. It is the site of a historic event with a significant place in history; or
- C. It is associated with the life of a person or persons significant to the community, city, region or nation; or

- D. It portrays the environment in an era of history characterized by a distinctive architectural style; or
- E. It embodies those distinguishing characteristics of an architectural type or engineering specimen; or
- F. It is the work of a person or persons whose work has significantly influenced the development of the city or the southern California region; or
- G. It contains elements of design, detail, materials, or craftsmanship which represent a significant innovation or
- H. It is a part of or related to a distinctive area and should be developed or preserved according to a specific historical, cultural or architectural motif; or
- I. It represents an established and familiar visual feature of a neighborhood or community due to its unique location or specific distinguishing characteristic; or
- J. It is, or has been, a valuable information source important to the prehistory or history of the city, the southern California region or the state; or
- K. 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
- L. In the case of the designation of a tree(s) based on historic significance, that the tree(s) is (are) associated with individuals, places and/or events that are deemed significant based on their importance to national, state and community history; or
- M. In the case of the designation of a tree(s) based on cultural contribution, that the tree(s) is (are) associated with a particular event or adds (add) significant aesthetic or cultural contribution to the community. (Ord. ORD-05-0026 § 1, 2005; Ord. C-6961 § 1 (part), 1992).

2.63.060 Procedures for designation of landmark or landmark district.

The cultural heritage commission may recommend the designation of a landmark or landmark district either upon its own nomination or upon nomination by any interested group or individual including the owner or occupant of property proposed for such designation. Any nomination which includes a public building shall be submitted to the city manager for his review. Comments and recommendations resulting from that review may be submitted to the cultural heritage commission. The commission shall take no further action on the nomination until receipt of the city manager's comments and recommendations; provided that, if a written report by the city manager is not received within twenty (20) days of submittal to him, the cultural heritage commission may proceed with its review of the nomination and the formulation of a recommendation relating to the designation of a landmark or landmark district pursuant to the following procedures:

- A. The cultural heritage commission shall, as a part of its review process:
 1. Endeavor to consult with affected property owners;
 2. Prepare a preliminary report on the nomination which shall include, among other things:
 - a. Notification of affected city departments including, when public buildings are a part of the nomination, the city manager,
 - b. Confirmation and verification that the nomination conforms to the requirements of section 2.63.050 of this chapter,
 - c. Preliminary research into the character and history of the structure or area proposed for designation, and
 - d. A recommendation for final action by the commission.

If the commission approves the nominated designation, then upon direction of the commission, preliminary research, appropriate inventory forms and other supporting data as directed shall be completed as necessary to prepare the matter for final determination by the commission. Final action recommending approval or disapproval of the nominated landmark or landmark district shall be by a majority vote of the commission.

- B. If the cultural heritage commission recommends approval, the commission shall advise the director of planning and building in writing of the proposed designation of a landmark or landmark district and secure from the director of planning and building recommendations

concerning the relationship of the proposed landmark or landmark district to the general plan of the city, its effect on the surrounding neighborhood and any other planning considerations which may be relevant to the proposed designation. If a written report by the director of planning and building is not received within twenty (20) days of receipt of notice of a proposed designation, the cultural heritage commission may conclude that the director of planning and building has no objections to the designation and proceed with its consideration. The cultural heritage commission shall acknowledge the recommendations, and incorporate them into their report to be submitted to the city planning commission. Included in the commission's report to the city planning commission shall be the commission's recommended guidelines and standards to be applied to the subject property.

C. The city planning commission shall schedule a public hearing on the proposed designation of a landmark or landmark district as soon as practicable after receiving the proposal from the cultural heritage commission. Written notice shall be placed in the mail to all owners of record of real property within the boundaries of the area proposed for designation and within three hundred feet (300') of such boundaries. In those instances where the owners petition the city for such designation, it shall be the petitioners' obligation to furnish a current list of names and legal mailing addresses to the city planning and building department of all real property owners to be notified and pay such fee as shall be established by separate resolution. When the proposed designation is by city initiative, the city planning and building department shall be responsible for preparing the notification list. The public hearing shall be set for not less than ten (10) days nor more than thirty (30) days subsequent to the date of written notice.

D. Within thirty (30) days after the close of the public hearing, the city planning commission shall make its recommendation on the proposed landmark or landmark district designation. These recommendations, together with the specific findings of fact constituting the basis for the commission's decision shall be transmitted to the city council.

E. The city council shall consider the matter as soon as practicable after receiving the city planning commission's recommendation. If the city council approves the landmark or landmark district designation, such approval shall be evidenced by ordinance. The city clerk shall then notify the director of planning and building of its action in order to ensure compliance with this chapter.

F. The ordinance designating a landmark or landmark district shall include a description of the particular characteristics which justify the designation and which should therefore be preserved; shall stipulate the reasons relative to section 2.63.050 for the designation; shall develop a set of general guidelines to establish standards for future proposed changes, and shall delineate the location and boundaries of the landmark site or landmark district. A certified copy of such ordinance 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.

G. The property included in the designation ordinance shall upon designation be subject to the controls and standards set forth in this chapter.

H. The record owner of real property designated as a landmark or cultural resource within a landmark district, or the city, on its own initiative, may petition to withdraw from designated status provided the same procedure described above to cause such designation is followed. Any owner of designated property that petitions for withdrawal from designated status shall furnish the materials required in subsection C of this section and shall pay such fee as established by separate resolution; provided, that in no case may real property be withdrawn from designated status unless it has lost those contributing qualities that led to its initial designation and the city council, upon recommendation of the cultural heritage commission and the planning commission, by resolution so finds.

I. Once the cultural heritage commission has approved a nomination for designation proceedings, no permits for the alteration, remodel, enlarging, demolition or removal of a structure or improvement nominated for landmark status as provided in this section shall be issued during the pendency of a review related thereto; provided, that the prohibition shall terminate on the one hundred eighty first day following approval of the nomination for designation proceedings, and provided that, notwithstanding the provisions of this

subsection I, requests for building permits which the neighborhood and historic preservation officer determines will have no adverse effect on the architectural character of the nominated property, and meets the guidelines for approval of certificates of appropriateness set forth in section 2.63.070, may be approved during the pendency of review for nomination.

J. If the cultural heritage commission fails to transmit a recommendation for landmark designation of any kind to the planning commission within sixty (60) days of its action to recommend such designation, any aggrieved or interested party may petition the cultural heritage commission to do so forthwith. If the recommendation is not transmitted within five (5) days after such petition, the nomination for designation shall be deemed null and void and of no further force and effect.

K. Recordation of landmarks and historic districts. All buildings or structures or areas designated as landmarks or landmark districts by the city council pursuant to this chapter shall be so recorded by the city in the office of the Los Angeles County recorder. The document to be recorded shall contain a legal description of the property or properties, the date and substance of the designation, a statement explaining that the demolition, alteration, or relocation of the structure is restricted, and a reference to this section authorizing the recordation. (Ord. C-7760 § 1, 2001; Ord. C-6961 § 1 (part), 1992).

2.63.070 Procedures for administering the certificate of appropriateness.

A. No person owning, renting or occupying property which has been designated a landmark or which is situated in a designated landmark district, shall make any environmental change to such property unless a certificate of appropriateness has been issued authorizing such environmental change. All environmental changes made to designated landmarks, or historically significant properties within landmark districts within the city, require a certificate of appropriateness whether or not the alteration, demolition, removal or construction of such property requires a city permit.

B. An applicant for a certificate of appropriateness shall file an application with the cultural heritage commission on forms provided by the office of neighborhood and historic preservation. The application shall contain all facts and information necessary to properly consider the matter. The applicant shall also provide such fee as established by separate resolution. Upon determination by the neighborhood and historic preservation officer that the application is complete, it will be forwarded to the cultural heritage commission.

C. The cultural heritage commission or, as appropriate, the director of planning and building shall issue a certificate of appropriateness if it is determined that the proposed environmental change:

1. Will not adversely affect any significant historical, cultural, architectural or aesthetic feature of the concerned property or of the landmark district in which it is located, is consistent with the spirit and intent of this chapter; or
2. Will remedy any condition determined to be imminently dangerous or unsafe by the fire department or the planning and building department;
3. The proposed change is consistent with or not incompatible with the architectural period of the building;
4. The proposed change is compatible in architectural style with existing adjacent contributing structures in a historic landmark district;
5. The scale, massing, proportions, materials, colors, textures, fenestration, decorative features and details proposed are consistent with the period and/or compatible with adjacent structures;
6. The proposed change is consistent with the secretary of the interior's standards for rehabilitation and guidelines for rehabilitating historic buildings of the U.S. department of the interior.

D. If the commission, or if authorized, the neighborhood and historic preservation officer, determines the proposed environmental change will adversely affect any significant

historical, cultural, architectural or aesthetic feature of the concerned property or of the landmark district in which it is located, the certificate of appropriateness shall be denied. If the commission or the neighborhood and historic preservation officer finds that the adverse effects can be overcome by minor modifications of the application, a certificate of appropriateness with conditions may be issued.

E. Once a certificate of appropriateness is finally approved, the applicant may proceed with the proposed environmental change provided all other requirements of the city are met.

F. In the instance of denial of a certificate of appropriateness for demolition of a designated historic landmark, or for demolition of any contributing building or structure in a designated historic district, or for demolition of any other designated historic resource, the applicant shall not proceed with the proposed demolition to the landmark, or historic resource within a designated landmark district, for six (6) months from the date of such denial, and no city permits therefor shall be issued within the six (6) month period. If, prior to the expiration of the six (6) month period, the cultural heritage commission determines that the preservation of the historic resource requires an additional six (6) months, it may so advise the city planning commission which may extend the period of time not to exceed an additional six (6) month period. The city planning commission shall give written notice of the extension of time to the original applicant and to the director of planning and building. During the prescribed period of time and any extension thereof, the cultural heritage commission shall investigate the feasibility of all available means of preserving the designated landmark or contributing structure in a designated landmark district. At the expiration of the prescribed waiting period or extensions thereof, provided all appropriate environmental review has been completed, and provided further that all other city regulations are met, the applicant may proceed with the proposed demolition.

G. While the primary authority and responsibility for consideration of applications for certificates of appropriateness resides in the cultural heritage commission, the commission may delegate its authority and responsibility to the director of planning and building in the case of minor environmental changes which have no adverse effect on the character defining features of a designated landmark of the following kind:

1. Minor changes to landscaping;
2. Repairs, replacements or construction of new fences of materials other than chainlink or untreated concrete block;
3. Reroofing with no change in material;
4. Resurfacing of exterior with no change in material;
5. Interior remodeling to residential properties;
6. Construction of accessory buildings not visible from the public right-of-way;
7. Addition of mechanical equipment;
8. Minor environmental changes of a nature similar to those set forth in subsections 2.63.070.G.1 through 2.63.070.G.7 of this section.

H. The state historic building code provides alternative building regulations for the rehabilitation, preservation, restoration or relocation of qualified historic buildings or structures. This shall include structures on national, state or local historical registers or official inventories, such as the National Register of Historic Places, state historical landmarks, state points of historical interest, and city or county registers or inventories of historical or architecturally significant sites, places, historic districts, or landmarks. The historic building code, part 8 of the uniform building code, shall be used for any designated city landmark or contributing historic structure in a designated historic district through the city's building permit procedure.

I. The provisions of this section shall not be construed so as to prevent the ordinary maintenance and repair of any exterior feature of landmark, or cultural resource within a landmark district, that does not involve a change in design, material, color or exterior appearance. The provisions of this section shall not prevent the construction, reconstruction, alteration, restoration or demolition of any such feature which is necessary to remedy an immediately unsafe or dangerous condition as determined by the fire department and/or planning and building department, excluding orders issued pursuant to chapter 18.68 by this code.

J. Notwithstanding any other provisions of this chapter, a certificate of appropriateness shall become void unless construction relating to the environmental change is commenced within twelve (12) months of the date of issuance. Certificates of appropriateness may be renewed for a twelve (12) month period by applying to the commission staff. If the environmental change is not completed within twelve (12) months after the expiration of the last building permit, a new certificate of appropriateness shall be required. (Ord. C-7836 § 1, 2002; Ord. C-6971 § 1, 1992; Ord. C-6961 § 1 (part), 1992).

2.63.080 Appeals.

Any person aggrieved by the denial or approval of a certificate of appropriateness may appeal such denial or approval in the following manner:

A. The appellant may file an appeal, in writing, with the department of planning and building within ten (10) calendar days after denial or approval of the application for a certificate of appropriateness. The appeal shall be accompanied by a list of all property owners of record within three hundred feet (300') of the boundaries of the subject property and such fee as shall be established by separate resolution. The appeal shall, in the case of a decision of the cultural heritage commission, be heard by the city planning commission, or in the case of a decision by the director of planning and building shall be heard by the cultural heritage commission, in public hearing within forty five (45) days of receipt of a complete appeal by the department of planning and building. Written notice of such hearing shall be sent by the department of planning and building to all property owners of record within three hundred feet (300') of the boundaries of the subject property not less than ten (10) days prior to that hearing. Only one appeal shall be allowed on any application, and the decision on appeal shall be deemed final.

B. The appeal body may affirm, reverse or modify the action of the cultural heritage commission or the director of planning and building and may affix whatever conditions of approval as it deems reasonably necessary. (Ord. C-7521 § 1, 1998; Ord. C-6961 § 1 (part), 1992).

2.63.090 Publicly owned resources.

The provisions of this chapter shall also apply to any plans to alter, redecorate or refurbish the exterior or interior features, or make any environmental change, to any designated cultural resources owned by the city or other public entities. The director of planning and building shall notify the cultural heritage commission of such plans, allowing adequate time for the commission to study and make recommendations on the plan. (Ord. C-6961 § 1 (part), 1992)

2.63.100 Easements and development rights.

This chapter shall empower the city to acquire facade easements or development rights to landmarks, or other cultural resources within a landmark district, through purchase, donation or condemnation. The easement or development rights shall be designed to run with the land in order to preserve or maintain the significant features of the landmark or cultural resource within the landmark district. (Ord. C 6961 § 1 (part), 1992).

2.63.110 Penalties.

A. Any person who knowingly violates a requirement of this chapter or knowingly fails to obey a lawful order issued by the commission or to comply with a condition of approval of any certificate or permit issued under this chapter shall be guilty of a misdemeanor and subject to provisions of section 1.32.010 of this code.

B. Any person who constructs, alters, removes or demolishes a cultural resource in

violation of this chapter shall be required to restore the building, object, site, or structure to its appearance or setting prior to the violation. Any action to enforce this provision may be brought by the city or any other interested party. The civil remedy may be in addition to, and not in lieu of, any criminal prosecution and penalty and other remedy provided by law. (Ord. C 6961 § 1 (part), 1992).

Chapter 18.80 DEMOLITION OF HISTORIC LANDMARKS

[18.80.010 Demolition of landmarks prohibited without building permit and funding for replacement structure.](#)

[18.80.020 Appeal to city council.](#)

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18.80.010 Demolition of landmarks prohibited without building permit and funding for replacement structure.

A. No permit to demolish a landmark designated pursuant to Chapter 2.63 of this code may be issued by the department of planning and building unless (1) a building permit has been issued for a replacement structure or project for the property involved and (2) the applicant has submitted evidence to the satisfaction of the planning commission that a financial commitment has been obtained by the applicant to assure the completion of the structure or project.

B. Whenever, following action by the planning commission pursuant to subsection (A) of this section, a permit to demolish a landmark is either issued or denied by the department of planning and building, the director of planning and building shall immediately notify the applicant and the cultural heritage commission of such issuance. (Ord. C-6794 § 1 (part), 1990).

18.80.020 Appeal to city council.

A. The applicant or any interested person may appeal a decision to issue or withhold a demolition permit by the director of planning and building under Section 18.80.010 to the city council by filing an appeal therefrom with the city clerk within ten days of notification of the applicant and the cultural heritage commission under Section 18.80.010 of the decision, and no decision shall be final until expiration of that ten-day period. Such appeal shall be set for hearing by the city council within twenty-one days of filing the appeal, and the applicant shall not be relieved of the requirements of this section until a final decision is rendered by the city council.

B. On appeal, the city council shall determine, through factual evidence, whether unusual and compelling circumstances, including extreme economic hardship to the applicant, exist in the case before it, and if it so finds, it shall act on the appeal in such a way as to result in granting of the permit which is the subject matter of the appeal.

C. Both the applicant and appellant, if different from the applicant, shall be notified by mail to the address of the applicant or appellant as indicated on the permit application or appeal of all hearings and decisions made pursuant to this section. (Ord. C-6794 § 1 (part), 1990).

18.80.030 Exception.

This chapter shall not apply to any landmark which has been determined by the fire and planning and building departments to be imminently dangerous or to constitute an immediate threat to the public health and safety. (Ord. C-6794 § 1 (part), 1990).

18.80.040 Construction.

Nothing in this chapter shall be construed to be contrary to or inconsistent with the provisions of Chapter 12.75 (commencing with Section 7060) of Division 7 of Title 1 of the California Government Code, and should any provision of this chapter be contrary to or inconsistent with the provisions of that Chapter 12.75, then the provisions of Chapter 12.75 shall prevail. (Ord. C-6794 § 1 (part), 1990).