

Chapter 9.36 LANDMARKS AND HISTORIC DISTRICTS

9.36.010 Title.

This Chapter shall be known as the Landmark and Historic District Ordinance of the City of Santa Monica. (Prior code § 9600; added by Ord. No. 1028CCS, adopted 3/24/76; amended by Ord. No. 1590CCS § 1, adopted 7/23/91)

9.36.020 Purpose.

It is hereby declared as a matter of public policy that the purpose of this Chapter is to promote the public health, safety and general welfare by establishing such procedures and providing such regulations as are deemed necessary to:

- (a) Protect improvements and areas which represent elements of the City’s cultural, social, economic, political and architectural history.
- (b) Safeguard the City’s historic, aesthetic and cultural heritage as embodied and reflected in such improvements and areas.
- (c) Foster civic pride in the beauty and noble accomplishments of the past.
- (d) Protect and enhance the City’s aesthetic and historic attractions to residents, tourists, visitors and others, thereby serving as a stimulus and support to business and industry.
- (e) Promote the use of Landmarks, Structures of Merit and Historic Districts for the education, pleasure and welfare of the people of this City. (Prior code § 9601; added by Ord. No. 1028CCS, adopted 3/24/76; amended by Ord. No. 1590CCS § 1, adopted 7/23/91)

9.36.030 Definitions.

As used in this Chapter, the following words and phrases shall have the meaning set forth herein, unless it is apparent from the context that a different meaning is intended:

Certificate of Appropriateness: A certificate issued by the Landmarks Commission approving such plans, specifications, statements of work, and any other

information which is reasonably required by the Landmarks Commission to make a decision on any proposed alteration, restoration, construction, removal, relocation or demolition, in whole or in part, of or to a Structure of Merit, Landmark or Landmark Parcel, or to a building or structure within a Historic District.

Contributing Building or Structure: A building or structure which has been identified by the Landmarks Commission as one which contributes to the designation of an area as a Historic District.

Exterior Features: The architectural style, design, general arrangement, components and natural features or all of the outer surfaces of an improvement, including, but not limited to, the kind, color 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.

Historic District: Any geographic area or noncontiguous grouping of thematically related properties which the City Council has designated as and determined to be appropriate for historical preservation pursuant to the provisions of this Chapter.

Improvement: Any building, structure, place, site, work of art, landscape feature, plantlife, life-form, scenic condition or other object constituting a physical betterment of real property, or any part of such betterment.

Landmark: Any improvement which has been designated as and determined to be appropriate for historical preservation by the Landmarks Commission, or by the City Council on appeal, pursuant to the provisions of this Chapter.

Landmark Parcel: Any portion of real property, the location and boundaries as defined and described by the Landmarks Commission, upon which a Landmark is situated, which is determined by the Landmarks Commission as requiring control and regulation to preserve, maintain, protect or safeguard the Landmark.

Secretary of Interior Standards: The Secretary of the Interior Standards for Treatment of Historic Properties published by the U.S. Department of the Interior found at 36 C.F.R. § 68.3 as it may be amended from time to time.

Structure of Merit: Any improvement which has been designated as and determined to be appropriate for official recognition by the Landmarks Commission pursuant to the provisions of this Chapter. (Prior code § 9602; added by Ord. No. 1028CCS, adopted 3/24/76; amended by Ord. No. 1590CCS § 1, adopted 7/23/91; Ord. No. 2064CCS § 1, adopted 2/11/03)

9.36.040 Landmarks Commission.

A Landmarks Commission is hereby established which shall consist of seven members appointed by the City Council, all of whom shall be residents of the City over eighteen years of age. Of the seven members, at least one shall be a registered architect, at least one shall be a person with demonstrated interest and knowledge, to the highest extent practicable, of local history, at least one shall have a graduate degree in architectural history or have demonstrated interest, knowledge and practical or professional experience to the highest extent practicable of architectural history and at least one shall be a California real estate licensee. The Director of Planning, or his or her designated representative, shall act as the Secretary of the Commission and shall maintain a record of all resolutions, proceedings, and actions of the Commission. (Prior code § 9603; added by Ord. No. 1028CCS, adopted 3/24/76; amended by Ord. No. 1590CCS § 1, adopted 7/23/91)

9.36.050 Vacancies.

In the event of a vacancy occurring during the term of a member of the Landmarks Commission, the City Council shall make an interim appointment to fill the unexpired term of such member, and where such member is required to have special qualifications pursuant to Section 9.36.040, such vacancy shall be filled by interim appointment with a person possessing such qualifications. (Prior code § 9604; added by Ord. No. 1028CCS, adopted 3/24/76; amended by Ord. No. 1590CCS § 1, adopted 7/23/91)

9.36.060 Powers.

In addition to any other powers set forth in this Chapter, the Landmarks Commission shall have the power to:

(a) Designate Structures of Merit, Landmarks and Landmark Parcels, and to make any preliminary or supplemental designations, determinations or decisions, as additions thereto, in order to effectuate the purposes of this Chapter. Except as provided in Section 9.36.110, the designation of any improvement as a Structure of Merit, Landmark, or Contributing Building or Structure shall only include the exterior features of the improvement and shall not include any portion of its interior space.

(b) Conduct studies and evaluations of applications requesting the designation of a Historic District, make determinations and recommendations as such appropriateness for consideration of such applications, and make any preliminary or supplemental designations, determinations or decisions, as additions thereto, in order to effectuate the purposes of this Chapter.

(c) Regulate and control the alteration, restoration, construction, removal, relocation or demolition, in whole or in

part, of or to a Structure of Merit, a Landmark or Landmark Parcel, or of or to a building or structure within a Historic District, and make any preliminary or supplemental designations, determinations, decisions, as additions thereto, in order to effectuate the purposes of this Chapter.

(d) Adopt, promulgate, amend, and rescind, from time to time, such rules and regulations as it may deem necessary to effectuate the purposes of this Chapter.

(e) Maintain a current listing and description of designated structures of merit, landmarks and historic districts.

(f) Provide for a suitable sign, plaque or other marker, at public or private expense, on or near a Landmark or Historic District, indicating that the Landmark or Historic District has been so designated. The sign, plaque or other marker shall contain information and data deemed appropriate by the Commission, and the placement of such shall be mandatory in the case of a landmark held open to the public use, and shall be at the discretion of the owner of the landmark in the case of a landmark not held open to the public use.

(g) Certify and/or ratify applicable environmental documents, or when acting in an advisory capacity only, recommend certification or ratification of environmental documents, in accordance with the California Environmental Quality Act or the National Environmental Policy Act.

(h) Evaluate and comment upon proposals and environmental reviews pending before other public agencies affecting the physical development, historic preservation and urban design in the City. (Prior code § 9605; added by Ord. No. 1028CCS, adopted 3/24/76; amended by Ord. No. 1590CCS § 1, adopted 7/23/91; Ord. No. 2064CCS § 2, adopted 2/11/03)

9.36.070 Jurisdiction.

Unless a certificate of appropriateness has been issued by the Landmarks Commission, or by the City Council upon appeal, or unless an express exemption as provided for in this Chapter specifically applies, any alteration, restoration, construction, removal, relocation, or demolition, in whole or in part, of or to a Structure of Merit, Landmark or Landmark Parcel, or of or to a building or structure within a Historic District is prohibited, and no permit authorizing any such alteration, restoration, construction, removal, relocation or demolition shall be granted by any Department of the City. (Prior code § 9606; added by Ord. No. 1028CCS, adopted 3/24/76; amended by Ord. No. 1590CCS § 1, adopted 7/23/91)

9.36.080 Structure of Merit criteria.

For the purposes of this Chapter, an improvement may be designated a Structure of Merit if the Landmarks Commission determines that it merits official recognition because it has one of the following characteristics:

- (a) The structure has been identified in the City's Historic Resources Inventory.
- (b) The structure is a minimum of 50 years of age and meets one of the following criteria:
 - (1) The structure is a unique or rare example of an architectural design, detail or historical type.
 - (2) The structure is representative of a style in the City that is no longer prevalent.
 - (3) The structure contributes to a potential Historic District. (Prior code § 9606.1; added by Ord. No. 1590CCS § 1, adopted 7/23/91)

9.36.090 Structure of Merit designation procedure.

Structures of Merit shall be designated by the Landmarks Commission in accordance with the following procedure:

- (a) Any person may request the designation of an improvement as a Structure of Merit by properly filing with the Director of Planning an application for such designation on a form furnished by the Planning Department. Additionally, the Commission may file an application for the designation of a Structure of Merit on its own motion. Within thirty days of filing a Structure of Merit designation application, the property owner and tenants of the subject property shall be notified of the application filing.

(b) Upon determination that an application for designation of an improvement as a structure of merit is complete, removal or demolition, in whole or in part, of or to a proposed Structure of Merit is prohibited, and no permit issued by any City Department, Board or Commission including, but not limited to, a conditional use permit, a tentative tract map, or tentative parcel map permit, a development review permit, any Zoning Administrator permit, architectural review, rent control permit, or building permit, authorizing any such removal or demolition shall be granted while any action on the application is pending.

(c) The Director of Planning shall conduct an evaluation of the proposed designation and shall make a recommendation to the Commission as to whether the structure merits such designation. A public hearing to determine whether the structure merits such designation shall be scheduled before the Landmarks Commission within ninety days of the determination that the application is complete.

(d) Not more than twenty days and not less than ten days prior to the date scheduled for a public hearing, notice of the date, time, place, and purpose thereof shall be given by at least one publication in a daily newspaper of general circulation, and shall be mailed to the applicant, owner of the improvement, and to all owners and occupants of all real property within three hundred feet of the exterior boundaries of the lot or lots on which a proposed Structure of Merit is situated, using for this purpose the names and addresses of such owners as are shown on the records of the City Clerk. The failure to send notice by mail to any such real property owner where the address of such owner is not a matter of public record shall not invalidate any proceedings in connection with the proposed designation. The Commission may also give such other notice as it may deem desirable and practicable.

(e) No later than ninety days from the determination that the application is complete, the Commission shall approve, in whole or in part, or disapprove the application for the designation of a Structure of Merit. If the Commission fails to take action on the application for the designation of a Structure of Merit at the conclusion of the public hearing, the application for such designation shall be deemed disapproved, and it shall be the duty of the Director of Planning to certify such disapproval.

(f) The decision of the Commission shall be in writing and shall state the findings of fact and reasons relied upon to reach the decision, and such decision shall be filed with the Director of Planning.

(g) Upon the rendering of a decision to designate a Structure of Merit, the owner of the designated Structure of Merit shall be given written notification of such designation by the Commission, using for this purpose the name and address of such owner as is shown in the records of the City Clerk.

(h) Subject to other provisions of this Section and Section 9.36.180 of this Chapter, a decision of the Commission to designate a Structure of Merit shall be in full

force and effect from and after the date of the rendering of such decision by the Commission.

(i) The Commission shall have the power, after a public hearing, to amend, modify, or rescind any decision to designate a Structure of Merit and to make any preliminary or supplemental designations, determinations or decisions, as additions thereto.

(j) The Commission shall determine the instances in which cases scheduled for public hearing may be continued or take under advisement. In such instances, no new notice need be given of the further hearing date, provided such date is announced at the scheduled public hearing.

(k) Whenever an application for the designation of a Structure of Merit has been disapproved or deemed disapproved by the Commission, no application which contains the same or substantially the same information as the one which has been disapproved shall be resubmitted to or reconsidered by the Commission or City Council within a period of five years from the effective date of the final action upon such prior application. However, if significant new information is available, the City Council, upon recommendation from the Landmarks Commission, may waive the time limit by resolution and permit a new application to be filed. In addition, an application by the owner of the improvement proposed for Structure of Merit designation may be resubmitted or reconsidered notwithstanding said five year time period.

(l) If an improvement is designated as a Structure of Merit because the improvement contributes to a potential Historic District, this designation shall remain in full force and effect only if within ninety days from the date of designation, either by the Landmarks Commission or by the City Council on appeal, an application for designation of an Historic District has been filed pursuant to Section 9.36.130 which would include the Structure of Merit within its area. If an Historic District application is timely filed, the Structure of Merit designation shall remain in full force and effect during the Historic District designation process. If an application for designation of an Historic District is not timely filed or an Historic District is not designated in accordance with Section 9.36.130, then the Structure of Merit designation shall be automatically nullified without any action required by the Commission. (Prior code § 9606.2; added by Ord. No. 1590CCS § 1, adopted 7/23/91; Ord. No. 2064CCS § 3, adopted 2/11/03)

9.36.100 Landmark or Historic District designation criteria.

(a) For purposes of this Chapter, the Landmarks Commission may approve the landmark designation of a structure, improvement, natural feature or an object if it finds that it meets one or more of the following criteria:

- (1) It exemplifies, symbolizes, or manifests elements of the cultural, social, economic, political or architectural history of the City.
 - (2) It has aesthetic or artistic interest or value, or other noteworthy interest or value.
 - (3) It is identified with historic personages or with important events in local, state or national history.
 - (4) It embodies distinguishing architectural characteristics valuable to a study of a period, style, method of construction, or the use of indigenous materials or craftsmanship, or is a unique or rare example of an architectural design, detail or historical type valuable to such a study.
 - (5) It is a significant or a representative example of the work or product of a notable builder, designer or architect.
 - (6) It has a unique location, a singular physical characteristic, or is an established and familiar visual feature of a neighborhood, community or the City.
- (b) For the purposes of this Chapter, a geographic area or a noncontiguous grouping of thematically related properties may be designated a Historic District if the City Council finds that such area meets one of the following criteria:
- (1) Any of the criteria identified in Section 9.36.100(a)(1) through (6).
 - (2) It is a noncontiguous grouping of thematically related properties or a definable area possessing a concentration of historic, scenic or thematic sites, which contribute to each other and are unified aesthetically by plan, physical development or architectural quality.
 - (3) 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.
 - (4) It has a unique location, a singular physical characteristic, or is an established and familiar visual feature of a neighborhood, community or the City. (Prior code § 9607; added by Ord. No. 1028CCS, adopted 3/24/76; amended by Ord. No. 1590CCS § 1, adopted 7/23/91)

9.36.110 Public spaces.

For the purpose of this Chapter, any interior space regularly open to the general public, including, but not limited to, a lobby area may be included in the landmark

designation of a structure or structures if the Landmarks Commission, or the City Council upon appeal, finds that such public spaces meet one or more of the criteria listed under Section 9.36.100. (Prior code § 9607.1; added by Ord. No. 1590CCS § 1, adopted 7/23/91)

9.36.120 Landmark designation procedure.

Landmarks shall be designated by the Landmarks Commission in accordance with the following procedure:

(a) Any person may request the designation of an improvement as a Landmark by filing a complete application for such designation with the City Planning Division on a form furnished by the Division. Additionally, the Commission may file an application for the designation of a Landmark on its own motion. Within thirty days of filing a landmark designation application, the property owner and tenants of the subject property shall be notified of the filing of such application.

(b) Upon the filing of an application for designation of an improvement as a Landmark, any alteration, restoration, construction, removal, relocation or demolition, in whole or in part, of or to a proposed Landmark or Landmark Parcel is prohibited. No permit shall be issued by any City Department, board or commission, including, but not limited to, a conditional use permit, a tentative tract map or tentative parcel map permit, a development review permit, any Zoning Administrator permit, Architectural Review Board approval, certificate of appropriateness permit, rent control permit, or building permit, which would authorize any such alteration, restoration, construction, removal, relocation or demolition until a final determination on the application is rendered by the Commission, or the City Council on appeal.

(c) The Director of Planning shall conduct an evaluation of the proposed designation and shall make a recommendation to the Commission as to whether the improvement merits designation. A public hearing to determine whether the improvement merits designation shall be scheduled before the Landmarks Commission within sixty-five days of the determination that the application is complete. The owner of the improvement may agree to extend the time period for the Commission to hold the public hearing on the application.

(d) Not more than twenty days and not less than ten days prior to the date scheduled for a public hearing, notice of the date, time, place and purpose thereof shall be given by at least one publication in a daily newspaper of general circulation, and shall be mailed to the applicant, the owner of the improvement, all owners and residential and commercial tenants of all real property within three hundred feet of the exterior boundaries of the lot or lots on which a proposed Landmark is situated, and to residential and commercial tenants of the subject property, using for this purpose the names and addresses of such owners as are shown on the records of the Los Angeles County

Assessor. The address of the residential and commercial tenants shall be determined by visual site inspection or other reasonably accurate means. The failure to send notice by mail to any such real property owner where the address of such owner is not a matter of public record shall not invalidate any proceedings in connection with the proposed designation. The Commission may also give such other notice as it may deem desirable and practicable.

(e) At the conclusion of the public hearing, or any continuation thereof, the Commission shall approve, in whole or in part, or disapprove the application for the designation of a Landmark, and may define and describe an appropriate Landmark Parcel. Any continued public hearing must be completed within sixty-five days from the date set for the initial public hearing. If the Commission fails to take action on the application for the designation of a Landmark within the sixty-five day time period, the application for such designation shall be deemed disapproved. The owner of the improvement may agree to extend the time period for the Commission to hold and concluded the public hearing on the application.

(f) The Commission shall have the power, after a public hearing, whether at the time it renders such decision to designate a Landmark or at any time thereafter, to specify the nature of any alteration, restoration, construction, removal, relocation or demolition of or to a Landmark or Landmark Parcel which may be performed without the prior issuance of a certificate of appropriateness pursuant to this Chapter. The Commission shall also have the power, after a public hearing, to amend, modify or rescind any decision to designate a Landmark or Landmark Parcel and any specifications made pursuant to this subsection. The Commission shall further have the power to make any preliminary or supplemental designations, determinations or decisions, as additions to its designation determinations.

(g) Subject to other provisions of this Section and Section 9.36.180 of this Chapter, a decision of the Commission to designate a Landmark shall be in full force and effect from and after the date of the rendering of such decision by the Commission.

(h) Within thirty-five days after the decision has been rendered, the Commission shall approve a statement of official actions which shall include:

(1) A statement of the applicable criteria and standards against which the application for designation was assessed.

(2) A statement of the facts found that establish compliance or non-compliance with each applicable criteria and standards.

(3) The reasons for a determination to approve or deny the application.

(4) The decision to deny or to approve with or without conditions and subject to compliance with applicable standards.

(i) The official owner of the designated Landmark shall be provided a copy of the statement of official action after Commission approval using for this purpose the name and address of such owner as is shown in the records of the Los Angeles County Assessor.

(j) Whenever an application for the designation of a Landmark has been disapproved or deemed disapproved by the Commission, or by the City Council on appeal, no new application which contains the same or substantially the same information shall be filed within a period of five years from final action on the prior application. However, if significant new information is available, the Landmarks Commission may waive the time limit by resolution and permit a new application to be filed. In addition, an application of the owner of the subject improvement proposed for Landmark designation may be resubmitted or reconsidered notwithstanding the five year time period. (Prior code § 9608; added by Ord. No. 1028CCS, adopted 3/24/76; amended by Ord. No. 1083CCS, adopted 2/28/78; Ord. No. 1590CCS § 1, adopted 7/23/91; Ord. No. 2064CCS § 4, adopted 2/11/03; Ord. No. 2166CCS § 1, adopted 8/9/05)

9.36.130 Historic District designation procedure.

Historic Districts shall be designated by the City Council in accordance with the following procedure:

(a) Any person may request the designation of an area as a Historic District by properly filing with the Director of Planning an application for such designation on a form furnished by the Planning Department. Additionally, the Landmarks Commission may file an application for the designation of a Historic District on its own motion.

(b) No later than sixty days after the application for the designation of a Historic District is determined to be complete, City staff shall conduct a public meeting to discuss the potential District designation, including but not limited to, the designation process, the effect of designation on future property development, and the benefits of designation. The Landmarks Commission may request that City staff conduct this public meeting prior to the Landmark Commission's determination to file an application on its own motion. No more than twenty days and not less than ten days prior to the date scheduled for the public meeting, notice of the date, time, place, and purpose thereof shall be given by at least one publication in a daily newspaper of general circulation, and shall be mailed to the applicant, and to all owners and occupants of all real property within the potential Historic District. As part of this mailing, City staff shall also inform property owners within the potential Historic District of their right to file a petition pursuant to subsection (h) of this Section to nullify a designation application.

(c) Upon determination by City staff that an application for designation of an Historic District is complete, any alteration, restoration, construction, removal, relocation or demolition, in whole or in part, of or to a building or structure within a proposed

Historic District is prohibited, and no permit issued by any City Department, board or commission including a conditional use permit, a tentative tract map or parcel map permit, a final tract map or parcel map permit, a development review permit, any Zoning Administrator permit, architectural review permit, rent control permit, or building permit authorizing any such alteration, restoration, construction, removal, relocation or demolition shall be granted while a public hearing or any appeal related thereto is pending.

(d) Any person subject to subdivision (c) of this Section may apply to the Director of Planning, and to the Landmarks Commission, on appeal, for an exception. Exceptions may be granted for repairs or alterations which do not involve any detrimental change or modification to the exterior of the structure in question or for actions which are necessary to remedy emergency conditions determined to be dangerous to life, health or property.

(e) The Director of Planning shall conduct a preliminary evaluation of the proposed designation and shall make a recommendation to the Commission as to the appropriateness and qualification of the application for consideration by the Commission.

(f) Except as provided in subsection (h) of this Section, a hearing to determine whether to recommend to the City Council that the application for the designation of a Historic District be approved, in whole or in part, or disapproved shall be scheduled before the Commission within one hundred eighty days after the application has been determined to be complete but no sooner than forty-five days after the public meeting held pursuant to subsection (b) of this Section.

(g) Not more than twenty days and not less than ten days prior to the date scheduled for such public hearing, notice of the date, time, place and purpose thereof shall be given by at least one publication in a daily newspaper of general circulation, and shall be mailed to the applicant, owners of all real property within the proposed Historic District and to the owners and residents of all real property within three hundred feet of the exterior boundary of the Historic District, using for this purpose the names and addresses of such owners as are shown on the records of the City Clerk. The failure to send notice by mail to any such real property owner where the address of such owner is not a matter of public record shall not invalidate any proceedings in connection with the proposed designation. The Commission may also give such other notice as it may deem desirable and practicable.

(h) The application for the designation of a Historic District shall be automatically nullified if a petition opposing the designation is signed by owners of a majority of the properties to be located within the proposed District and filed with the Commission Secretary prior to the commencement of the Commission hearing on the application. The City shall make available official petition forms which shall be utilized by property owners to meet the requirements of this subsection (h). Only one signature per property may be submitted on a petition filed pursuant to this subsection.

(i) At the conclusion of a public hearing, or any continuation thereof, but in no case more than forty-five days from the date set for the initial public hearing, the Commission shall recommend to the City Council the approval, in whole or in part, or disapproval of the application for the designation of a Historic District, and shall forward such recommendation to the City Council stating in writing the findings of fact and reasons relied upon in reaching such a recommendation. If the Commission fails to take action on the application for the designation of a Historic District within the forty-five day time period, the application for such designation shall be deemed disapproved, and it shall be the duty of the Director of Planning to certify such disapproval.

(j) Within forty-five days from the date the Landmarks Commission renders a recommendation on the Historic District application, a public hearing shall be scheduled before the City Council. The same notice requirements set forth in subsection (g) of this Section shall apply to the hearing before the City Council. At the conclusion of the public hearing, or any continuation thereof, but in no case more than forty-five days from the date set for the initial public hearing, the City Council shall by ordinance approve, in whole or in part, the application for the designation of the Historic District, or shall by motion disapprove the application in its entirety. If the City Council fails to take action on the application for the designation of a Historic District within the forty-five day time period, the application for such designation shall be deemed disapproved, and it shall be the duty of the City Clerk to certify such disapproval.

(k) The decision of the City Council to approve the application for the designation of a Historic District, in whole or in part, by ordinance, or to disapprove the application in its entirety by motion, shall be in writing and shall state the findings of fact and reasons relied upon to reach the decision, and such decision shall be filed with the City Clerk.

(l) The City Council shall by ordinance have the power, after a public hearing, whether at the time it renders a decision to designate a Historic District or at any time thereafter, to specify the nature of any alteration, restoration, construction, removal, relocation or demolition of or to a building or

structure within a Historic District which may be performed without the prior issuance of a certificate of appropriateness pursuant to this Chapter. The City Council shall by ordinance also have the power after a public hearing to amend, modify or rescind any specification made pursuant to the provisions of this subsection.

(m) Upon the rendering of such decision to designate a Historic District, the owners of all real property within the designated Historic District shall be given written notification of such designation by the City Council, using for this purpose the names and addresses of such owners as are shown in the records of the City Clerk.

(n) Subject to other provisions of this Section 9.36.130, a decision of the City Council to designate a Historic District shall be in full force and effect from and after the

effective date of the ordinance approving, in whole or in part, the application for the designation of a Historic District.

(o) The City Council shall by ordinance have the power, after a public hearing, to amend, modify or rescind any decision to designate a Historic District and to make any preliminary or supplemental designations, determinations or decisions, as additions thereto. The Commission shall have the power to forward the recommendations of the Commission to the City Council on its own motion or at the direction of the City Council.

(p) The City Council shall determine the instances in which cases scheduled for public hearing may be continued or taken under advisement. In such instances, no new notice need be given of the further hearing date, provided such date is announced at the scheduled public hearing.

(q) Whenever an application for the designation of a Historic District has been disapproved or deemed disapproved by the Commission or the City Council, no application which contains the same or substantially the same information as the one which has been disapproved shall be resubmitted to or reconsidered by the Commission or City Council within a period of five years from the effective date of the final action upon such prior application. However, if significant new information is available, the City Council, upon recommendation from the Landmarks Commission, may waive the time limit by resolution and permit a new application to be filed. In addition, an application of all owners of the majority of parcels within the subject area proposed for Historic District designation, may be resubmitted or reconsidered notwithstanding said five year time period. (Prior code § 9609; added by Ord. No. 1028CCS, adopted 3/24/76; amended by Ord. No. 1590CCS § 1, adopted 7/23/91; Ord. No. 2064CCS § 5, adopted 2/11/03)

9.36.140 Alterations and demolitions: Criteria for issuance of a certificate of appropriateness.

For purposes of this Chapter, the Landmarks Commission, or the City Council on appeal, shall issue a certificate of appropriateness for any proposed alteration, restoration, construction, removal, relocation, demolition, in whole or in part, of or to a Landmark or Landmark Parcel, or of or to a building or structure within a Historic District if it makes a determination in accordance with any one or more of the following criteria.

(a) In the case of any proposed alteration, restoration, removal or relocation, in whole or in part, of or to a Landmark or to a Landmark Parcel, the proposed work

would not detrimentally change, destroy or adversely affect any exterior feature of the Landmark or Landmark Parcel upon which such work is to be done.

(b) In the case of any proposed alteration, restoration, construction, removal or relocation, in whole or in part, of or to a building or structure within a Historic District, the proposed work would not be incompatible with the exterior features of other improvements within the Historic District, not adversely affect the character of the Historic District for which such Historic District was designated, or not be inconsistent with such further standards as may be embodied in the ordinance designating such Historic District. For any proposed work to any building or structure whose exterior features are not already compatible with the exterior features of other improvements within the Historic District, reasonable effort shall be made to produce compatibility, and in no event shall there be a greater deviation from compatibility.

(c) In the case of any proposed construction of a new improvement upon a Landmark Parcel, the exterior features of such new improvement would not adversely affect and not be disharmonious with the exterior features of other existing improvements situated upon such Landmark Parcel.

(d) The applicant has obtained a certificate of economic hardship in accordance with Section 9.36.160.

(e) The Commission makes both of the following findings:

(1) That the structure does not embody distinguishing architectural characteristics valuable to a study of a period, style, method of construction or the use of indigenous materials or craftsmanship and does not display such aesthetic or artistic quality that it would not reasonably meet the criteria for designation as one of the following: National Historic Landmark, National Register of Historic Places, California Registered Historical Landmark, or California Point of Historical Interest.

(2) That the conversion of the structure into a new use permitted by right under current zoning or with a conditional use permit, rehabilitation, or some other alternative for preserving the structure, including relocation within the City, is not feasible.

(f) In the case of any proposed alteration, restoration, removal or relocation, in whole or in part, to interior public space incorporated in a Landmark designation pursuant to Section 9.36.110, the proposed work would not detrimentally change, destroy or adversely affect any interior feature of the Landmark structure. (g) The Secretary of Interior's Standards shall be used by the Landmarks Commission in evaluating any proposed alteration, restoration, or construction, in whole or in part, of or to a Landmark, Landmark Parcel, or to a Contributing Building or Structure within a Historic District. (Prior code § 9610; added by Ord. No. 1028CCS, adopted 3/24/76; amended by Ord. No. 1083CCS, adopted 2/28/78; Ord. No. 1590CCS § 1, adopted 7/23/91; Ord. No. 2064CCS § 6, adopted 2/11/03)

9.36.150 Certificate of appropriateness for structures of merit.

(a) A certificate of appropriateness shall not be required for the alteration, restoration, construction or relocation of a Structure of Merit. However, the Architectural Review Board or the Planning Commission shall take into consideration the fact that the building has been designated a Structure of Merit in reviewing any permit concerning such structure.

(b) Application for a certificate of appropriateness for the demolition of a Structure of Merit shall be made on a form furnished by the Planning Division. An application shall be processed in accordance with the same procedures set forth in Sections 9.36.170 and 9.36.180 of this Code and shall be reviewed in accordance with the standards set forth in Section 9.36.140.

(c) In an effort to agree to a means of historically preserving a Structure of Merit proposed for demolition, the Landmarks Commission shall have the following powers:

(1) During a one hundred and eighty day time period commencing from proper filing of an application for certificate of appropriateness, the Commission may negotiate with the owner of a Structure of Merit, or with any other parties, in an effort to agree to a means of historically preserving the designated property. The negotiations may include, but are not limited to, acquisition by gift, purchase, exchange, condemnation or otherwise of the Structure of Merit.

(2) Notwithstanding any of the foregoing, the Commission shall have the power to extend the required one hundred and eighty day time period to a duration not to exceed a three hundred and sixty day time period in any case where the Commission determines that such an extension is necessary or appropriate for the continued historical preservation of a Structure of Merit. (Prior code § 9610.1; added by Ord. No. 1590CCS § 1, adopted 7/23/91; Ord. No. 2064CCS § 7, adopted 2/11/03)

9.36.160 Certificate of economic hardship.

(a) Application for a certificate of economic hardship shall be made on a form furnished by the Planning Division. An application shall be processed in accordance with the same procedures set forth in Sections 9.36.170 and 9.36.180 of this Code.

(b) The Landmarks Commission may solicit expert testimony or require that the applicant for a certificate of economic hardship make submissions concerning any or all of the following information before it makes a determination on the application:

(1) Estimate of the cost of the proposed construction, alteration, demolition or removal, and an estimate of any additional cost that would be incurred to comply with the recommendations of the Landmarks Commission for changes necessary for the issuance of a certificate of appropriateness. In connection with any such estimate, rehabilitation costs which are the result of the property owner's intentional or negligent failure to maintain the designated landmark or property in good repair shall not be considered by the Landmarks Commission in its determination of whether the property may yield a reasonable return to the owner.

(2) A report from a licensed engineer or architect with experience in rehabilitation as to the structural soundness of any structures on the property and their suitability for rehabilitation.

(3) Estimated market value of the property in its current condition; estimated market value after completion of the proposed construction, alteration, demolition or removal; estimated market value after any changes recommended by the Landmarks Commission; and, in the case of a proposed demolition, estimated market value after renovation of the existing property for continued use.

(4) In the case of a proposed demolition, an estimate from an architect, developer, real estate consultant, appraiser or other real estate professional experienced in rehabilitation as to the economic feasibility of rehabilitation or reuse of the existing structure on the property.

(5) Amount paid for the property, the date of purchase, and the party from whom purchased, including a description of the relationship, if any, between the owner of record or applicant and the person from whom the property was purchased, and any terms of financing between the seller and buyer.

(6) If the property is income-producing, the annual gross income from the property for the previous two years; itemized operating and maintenance expenses for the previous two years; and depreciation deduction and annual cash flow before and after debt service, if any, during the same period.

(7) If the property is not income-producing, projections of the annual gross income which could be obtained from the property in its current condition, in its rehabilitated condition, or under such conditions that the Landmarks Commission may specify.

(8) Remaining balance on any mortgage or other financing secured by the property and annual debt service, if any, for the previous two years.

(9) All appraisals obtained within the previous two years by the owner or applicant in connection with the purchase, financing or ownership of the property.

(10) Any listing of the property for sale or rent, price asked, and offers received, if any, within the previous two years.

(11) Assessed value of the property according to the two most recent assessments.

(12) Real estate taxes for the previous two years.

(13) Form of ownership or operation of the property, whether sole proprietorship, for profit or not-for-profit corporation, limited partnership, joint venture or other.

(14) Any other information considered necessary by the Landmarks Commission to a determination as to whether the property does yield or may yield a reasonable return to the owners.

(c) In considering an application for a certificate of economic hardship, the Commission shall consider all relevant factors. In order to grant a certificate of economic hardship, the Landmarks Commission must make a finding that without approval of the proposed demolition or remodeling, all reasonable use of or return from a designated landmark or property within a Historic District will be denied a property owner. In the case of a proposed demolition, the Landmarks Commission must make a finding that the designated landmark cannot be remodeled or rehabilitated in a manner which would allow a reasonable use of or return from such landmark or property to a property owner.

(d) Upon a finding by the Commission that without approval of the proposed work, all reasonable use of or return from a designated landmark or property within a historic district will be denied a property owner, then the application shall be delayed for a period not to exceed one hundred twenty days. During this period of delay, the Commission shall investigate plans and make recommendations to the City Council to allow for a reasonable use of, or return from, the property, or to otherwise preserve the subject property. Such plans and recommendations may include, but are not limited to, provisions for relocating the structure, a relaxation of the provisions of the ordinance, a reduction in real property taxes, financial assistance, building code modifications and/or changes in zoning regulations.

(e) If, by the end of this one hundred twenty day period, the Commission has found that without approval of the

proposed work, the property cannot be put to a reasonable use or the owner cannot obtain a reasonable economic return therefrom, then the Commission shall issue a certificate of economic hardship approving the proposed work. If the Commission finds otherwise, it shall deny the application for a certificate of economic hardship and notify the applicant

by mail of the final denial. (Prior code § 9610.5; added by Ord. No. 1590CCS § 1, adopted 7/23/91)

9.36.170 Certificate of appropriateness/ certificate of economic hardship procedure.

An application for a certificate of appropriateness or an application for a certificate of economic hardship approving any proposed alteration, restoration, construction, removal, relocation, or demolition, in whole or in part, of or to a Landmark or Landmark Parcel, or of or to a building or structure within a Historic District shall be processed in accordance with the following procedure:

(a) Any owner of a Landmark, or of a building or structure within a Historic District, may request the issuance of a certificate of appropriateness or certificate of economic hardship by properly filing with the Director of Planning an application for such certificate of appropriateness or certificate of economic hardship on a form furnished by the Planning Division. Each application for a certificate of appropriateness or certificate of economic hardship shall include such plans, specifications, statements of work, and any other information which are reasonably required by the Landmarks Commission to make a decision on any such proposed work. An application shall be deemed complete within thirty days after the Planning Division receives a substantially complete application together with all information, plans, specifications, statements of work, and any other materials and documents required by the appropriate application forms supplied by the City. If, within the specified time period, the Planning Division fails to advise the applicant in writing that his or her application is incomplete and to specify additional information required to complete that application, the application shall automatically be deemed complete.

(b) The Director of Planning shall schedule a public hearing to be held within forty-five days of the date on which an application for a certificate of appropriateness or certificate of economic hardship and shall make a preliminary recommendation to the Commission on or before the date scheduled for a public hearing as to the appropriateness and qualification of the application for a certificate of appropriateness or certificate of economic hardship.

(c) Not more than twenty days and not less than ten days prior to the date scheduled for a public hearing, notice of the date, time, place and purpose thereof shall be given by at least one publication in a daily newspaper of general circulation, shall be mailed to the applicant, and to the owners and residents of all real property within three hundred feet of the exterior boundaries of the Landmark Parcel upon which a Landmark is situated in the case of any proposed work to a Landmark, or within three hundred feet of the exterior boundaries of the lot or lots on which a building or structure within a Historic District is situated in the case of any proposed work to a building or structure within a Historic District, using for this purpose the names and addresses of such owners as are shown on the records of the City Clerk. The failure to send notice by mail to any

such real property owner where the address of such owner is not a matter of public record shall not invalidate any proceedings in connection with the proposed designation. The Commission may also give such other notice as it may deem desirable and practicable.

(d) The Commission shall have up to six months, or one year if the project requires an Environmental Impact Report, to render a decision on the certificate application. If the Commission does not render a decision within this time period, then the certificate application shall be automatically deemed approved. Notwithstanding the foregoing, the Commission may mutually agree with the applicant for a certificate of appropriateness or certificate of economic hardship to extend the six months or one year time period in which the Commission must take action to another time period which is mutually agreeable. The time period provided for in this Section shall be extended by the time period provided for in Section 9.36.160(d) when applicable.

(e) The decision of the Commission shall be in writing and shall state the findings of fact and reasons relied upon to reach the decision, and such decision shall be filed with the Director of Planning.

(f) Subject to the provisions of Section 9.36.180 of this Chapter, upon the rendering of such decision to approve an application for a certificate of appropriateness or certificate of economic hardship, the Commission shall issue the certificate of appropriateness or certificate of economic hardship within a reasonable period of time and such issued certificate of appropriateness or certificate of economic hardship may be obtained by the applicant from the Planning Division.

(g) Subject to other provisions of this Section 9.36.170 and Section 9.36.180 of this Chapter, a decision of the Commission shall be in full force and effect from and after the date of the rendering of such decision by the Commission. A certificate of economic hardship may be appealed to the City Council in the same manner and according to the same procedures as for a certificate of appropriateness.

(h) Subject to other provisions of this Section 9.36.170, a certificate of appropriateness or certificate of economic hardship shall be in full force and effect from and after the date of the issuance by the Commission. Any certificate of appropriateness or certificate of economic hardship issued pursuant to this Chapter shall expire one year from its date of issuance unless the work authorized by the certificate has been commenced. In addition, any such certificate of appropriateness or certificate of economic hardship shall also expire and become null and void if such work authorized is suspended or abandoned for a one hundred eighty day time period after being commenced.

(i) The Commission shall have the power, after a public hearing, to amend, modify or rescind any decision to approve, in whole or in part, an application for a certificate of appropriateness or certificate of economic hardship and to make any preliminary or supplemental designations, determinations or decisions, as additions thereto.

(j) The Commission shall determine the instances in which cases scheduled for public hearing may be continued or taken under advisement. In such instances, no new notice need be given of the further hearing date, provided such date is announced at the scheduled public hearing.

(k) The following rules shall limit the resubmittal of an application for a certificate of appropriateness or certificate of economic hardship:

(1) Whenever an application for a certificate of appropriateness or certificate of economic hardship for demolition has been disapproved or deemed disapproved by the Commission, or by the City Council on appeal, no application which is the same or substantially the same as the one which has been disapproved shall be resubmitted to or reconsidered by the Commission or City Council for a period of five years from the effective date of the final action upon the prior application. A certificate of appropriateness or certificate of economic hardship for demolition may be refiled at any time during the five year period provided that the applicant submits significant additional information which was not and could not have been submitted with the previous application. A refiled application shall be processed in the manner outlined in this Section 9.36.170. Under this provision, should the applicant still seek to demolish the Landmark structure after the five year period has expired, a new and separate certificate of appropriateness or certificate of economic hardship application would be required to be refiled. This application shall be subject to the same conditions as the prior application.

(2) Whenever an application for a certificate of appropriateness or certificate of economic hardship for other than demolition has been disapproved or deemed disapproved by the Commission, or by the City Council on appeal, no application which is the same or substantially the same as the one which has been disapproved shall be resubmitted to or reconsidered by the Commission or City Council within a period of one hundred eighty days from the effective date of the final action upon such prior application. A certificate of appropriateness or certificate of economic hardship for other than demolition may be refiled at any time during the one hundred eighty day period provided that the applicant submits significant additional information, which was not and could not have been submitted with the previous application. A refiled application shall be processed in the manner outlined in this Section 9.36.170. Under this provision, should the applicant still seek approval for other than the demolition of a Landmark structure after the one hundred eighty day period has expired, a new and separate certificate of appropriateness or certificate of economic hardship application would be required to be refiled. This application shall be subject to the same conditions as the prior application.

(l) Under the authority of Section 9.36.060, the Commission, may, by resolution, establish criteria under which the Landmarks Commission Secretary may approve certificate of appropriateness applications for minor or insignificant alterations, restorations, or construction, in whole or in part, of or to a Landmark or Landmark Parcel, or of or to a building or structure within a Historic District which would not defeat the purposes and objectives of this Chapter. (Prior code § 9611; added by Ord. No.

1028CCS, adopted 3/24/76; amended by Ord. No. 1429CCS, adopted 12/8/87; Ord. No. 1590CCS § 1, adopted 7/23/91; Ord. No. 2064CCS § 8, adopted 2/11/03)

9.36.180 Appeals.

An appeal to the City Council of an action of the Landmarks Commission shall be processed in accordance with the following procedure:

(a) Each of the following actions by the Commission may be appealed to the City Council:

- (1) Any decision relating to an application for the designation of a Landmark.
- (2) Any decision defining and describing a Landmark Parcel upon which a Landmark is situated.
- (3) Any decision amending, modifying or rescinding any decision to designate a Landmark or Landmark Parcel, or any preliminary or supplemental designations, determinations or decisions, as additions thereto.
- (4) Any decision relating to an application for a certificate of appropriateness.
- (5) Any decision relating to a structure of merit.
- (6) The approval or disapproval of an application of a Landmark, Historic District, Structure of Merit, or certificate of appropriateness that occurred as a result of the expiration of the required time periods for processing such applications.

(b) Any person may appeal a determination or decision of the Commission by filing a notice of appeal with the City Planning Division on a form furnished by the Planning Division. Such notice of appeal shall be filed within ten consecutive days commencing from the date that such determination or decision is made by the Commission or from the date an application is deemed approved or disapproved because of the failure to comply with any time period set forth in this Chapter. The notice of appeal shall be accompanied by a fee required by law. Notwithstanding any of the foregoing, any member of the Commission or City Council may request a review by the Commission or City Council of any determination or decision of the Commission without the accompaniment of such fee in the amount required by law.

(c) The City Council shall schedule a public hearing to be held within forty-five days after the notice of appeal is properly filed with the City Planning Division. The owner of the improvement may agree to extend the time period for the City Council to hold and conclude the public hearing on the application.

(d) Not more than twenty days and not less than ten days prior to the date scheduled for a public hearing, notice of the date, time, place and purpose thereof shall be given by the Director of Planning by at least one publication in a daily newspaper of general circulation, and shall be mailed to:

(1) The appellant;

(2) The owner and residential or commercial tenants of the Landmark in the case of any action regarding a Landmark;

(3) The owners of all real property within the Historic District in the case of any action regarding an entire Historic District;

(4) The owners of all real property and residential and commercial tenants within three hundred feet of the exterior boundaries of the lot or lots on which a Landmark is located in the case of any action regarding a Landmark;

(5) The owners and all commercial and residential tenants of all real property within three hundred feet of the exterior boundaries of the Historic District in the case of any action regarding an entire Historic District;

(6) The owners of all real property and all commercial and residential tenants within three hundred feet of the exterior boundaries of the lots or lots on which a building or structure is located in the case of any action regarding a building or structure within a Historic District.

The names and addresses of such owners as are shown on the records of the Los Angeles County Assessor shall be used for providing this notification. The address of the residential and commercial tenants shall be determined by visual site inspection or other reasonably accurate means. The failure to send notice by mail to any such real property where the address of such owner is not a matter of public record shall not invalidate any proceedings in connection with the proposed designation. The Commission or the City Council may also give such other notice as it may deem desirable and practicable.

(e) At the conclusion of the public hearing, or any continuation thereof, the City Council shall render its decision on the notice of appeal and shall approve, in whole or in part, or disapprove the prior determination or decision of the Commission. Any continued public hearing must be completed within thirty days from the date set for the initial public hearing. The City Council decision shall be in full force and effect from and after the date such decision is made. If the City Council fails to take action on the notice of appeal within the thirty day time period, the notice of appeal shall be deemed disapproved. The owner of the improvement may agree to extend the time period for the City Council to hold and conclude the public hearing on the application.

(f) Within thirty days after the decision has been made, the City Council shall approve a statement of official action which shall include:

(1) A statement of the applicable criteria and standards against which the application for designation was assessed.

(2) A statement of the facts found that establish compliance or non-compliance with each applicable criteria and standards.

(3) The reasons for a determination to approve or deny the application.

(4) The decision to deny or to approve with or without conditions and subject to compliance with applicable standards.

(g) The appellant and the owner of the Landmark in the case of a decision regarding a Landmark, the owners of all real property within the Historic District in the case of a decision regarding an entire Historic District, or the owner of a building or structure in the case of a building or structure within a Historic District shall be provided a copy of the statement of official action, using for this purpose the names and addresses of such owners as are shown in the records of the Los Angeles County Assessor. (Prior code § 9612; added by Ord. No. 1028CCS, adopted 3/24/76; amended by Ord. No. 1429CCS, adopted 12/8/87; Ord. No. 1590CCS § 1, adopted 7/23/91; Ord. No. 2166CCS § 2, adopted 8/9/05)

9.36.190 Maintenance and repair.

Every owner, or person in charge, of a Landmark, or of a building or structure within a Historic District, shall have the duty of keeping in good repair all of the exterior features of such Landmark, or of such building or structure within a Historic District, and all interior features thereof which, if not so maintained, may cause or tend to cause the exterior features of such Landmark, or of such building or structure within a Historic District to deteriorate, decay, or become damaged, or otherwise to fall into a state of disrepair. All designated buildings or structures shall be preserved against such decay and be kept free from structural defects through the prompt repair of any of the following:

(a) Façades which may fall and injure members of the public or property.

(b) Deteriorated or inadequate foundation, defective or deteriorated flooring or floor supports, deteriorated walls or other vertical structural supports.

(c) Members of ceilings, roofs, ceiling and roof supports or other horizontal members which age, split or buckle due to defective material or deterioration.

- (d) Deteriorated or ineffective waterproofing of exterior walls, roofs, foundations or floors, including broken windows or doors.
- (e) Defective or insufficient weather protection for exterior wall covering, including lack of paint or weathering due to lack of paint or other protective covering.
- (f) Any fault or defect in the building which renders it not properly watertight or structurally unsafe.

This Section 9.36.190 of this Chapter shall be in addition to any and all other provisions of law requiring such Landmark, or such building or structure within a Historic District to be kept in good repair. (Prior code § 9613; added by Ord. No. 1028CCS, adopted 3/24/76; amended by Ord. No. 1590CCS § 1, adopted 7/23/91)

9.36.200 Unsafe or dangerous conditions.

Nothing contained in this Chapter shall prohibit the making of any necessary alteration, restoration, construction, removal, relocation or demolition, in whole or in part, of or to a Landmark or Landmark Parcel, or of or to a building or structure within a Historic District pursuant to a valid order of any governmental agency or pursuant to a valid court judgment, for the purpose of remedying emergency conditions determined to be dangerous to life, health or property. A copy of such valid order of any governmental agency or such valid court judgment shall be filed with the Director of Planning and in such cases, no certificate of appropriateness from the Landmarks Commission shall be required. (Prior code § 9614; added by Ord. No. 1028CCS, adopted 3/24/76; amended by Ord. No. 1590CCS § 1, adopted 7/23/91)

9.36.210 Ordinary maintenance.

Nothing contained in this Chapter shall be construed to prevent ordinary maintenance or repair of any exterior features of a Landmark, or of a building or structure within a Historic District which does not involve any detrimental change or modification of such exterior features. In such cases, the work must be approved by the Landmarks Commission Secretary and no certificate of appropriateness from the Landmarks Commission shall be required. The administrative determination is appealable to the Landmarks Commission and shall be filed and processed in the same manner as a certificate of appropriateness. Examples of this work shall include, but not be limited to, the following:

- (a) Construction, demolition or alteration of side and rear yard fences.
- (b) Construction, demolition or alteration of front yard fences, if no change in appearance occurs.

- (c) Repairing or repaving of flat concrete work in the side and rear yards.
- (d) Repaving of existing front yard paving, concrete work, and walkways, if the same material in appearance as existing is used.
- (e) Roofing work, if no change in appearance occurs.
- (f) Foundation work, if no change in appearance occurs.
- (g) Chimney work, if no change in appearance occurs.
- (h) Landscaping, unless the Landmark Designation specifically identifies the landscape layout, features, or elements as having particular historical, architectural, or cultural merit. (Prior code § 9615; added by Ord. No. 1028CCS, adopted 3/24/76; amended by Ord. No. 1590CCS § 1, adopted 7/23/91)

9.36.220 Map.

All designations of Landmarks and any definitions and descriptions of a Landmark Parcel thereto, and all designations of Historic Districts, shall be recorded on a Landmark and Historic District map by the Director of Planning. (Prior code § 9616; added by Ord. No. 1028CCS, adopted 3/24/76; amended by Ord. No. 1590CCS § 1, adopted 7/23/91)

9.36.230 Voluntary restrictive covenants.

Upon approval by the City Council, the owner of a Landmark may enter into a restrictive covenant with the City regarding such Landmark after negotiations with the Landmarks Commission. (Prior code § 9617; added by Ord. No. 1028CCS, adopted 3/24/76; amended by Ord. No. 1590CCS § 1, adopted 7/23/91)

9.36.240 Waiver.

The Building Officer of the City shall have the power to vary or waive any provision of the Santa Monica Building, Electrical, Housing, Mechanical or Plumbing Codes, pursuant to such Codes, in any case which he determines that such variance or waiver does not endanger the public health or safety, and such action is necessary for the continued historical preservation of a Landmark. (Prior code § 9618; added by Ord. No. 1028CCS, adopted 3/24/76; amended by Ord. No. 1590CCS § 1, adopted 7/23/91)

9.36.250 Extension of certificate of appropriateness.

The Landmarks Commission Secretary may extend the time period for exercising a certificate of appropriateness as provided for in Section 9.36.170(h) for a period of up to one hundred eighty days upon such terms and conditions as the Secretary deems appropriate consistent with the original approval and Section 9.36.170 if the development standards relevant to the project have not changed since project approval. An extended certificate of appropriateness shall expire if the work authorized thereby is not commenced by the end of the extension period. Except as otherwise provided for in this Section, all provisions of this Code applicable to a certificate of appropriateness shall apply to an extended certificate of appropriateness. (Prior code § 9619; added by Ord. No. 1028CCS, adopted 3/24/76; amended by Ord. No. 1590CCS § 1, adopted 7/23/91; Ord. No. 2064CCS § 9, adopted 2/11/03)

9.36.260 Recordation of landmarks and historic districts.

All buildings or structures designated as Landmarks or as part of a Historic District 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 the name of the owner or owners, a legal description of the property, 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. (Prior code § 9620; added by Ord. No. 1348CCS, adopted 11/26/85; amended by Ord. No. 1590CCS § 1, adopted 7/23/91)

9.36.270 Preservation incentives.

(a) **Architectural Review Exemption.** Provided that a certificate of appropriateness is obtained from the Landmarks Commission, the following projects shall be exempt from review by the Architectural Review Board:

(1) All work to a designated landmark building or contributing structure to an adopted Historic District; and

(2) All additions to, modifications of, alterations of, or new construction on a landmark parcel or parcel containing a contributing structure to an adopted Historic District.

The Landmarks Commission may refer any of these matters to the Architectural Review Board for comment.

(b) **Building Permit and Planning Application Fees.** All building permit and planning fees for administrative approval applications shall be waived for designated landmarks, or contributing structures located in a Historic District.

(c) **Certificates of Appropriateness/Administrative Approval Fees.** All certificate of appropriateness and certificate of administrative approval fees for any alteration, restoration or construction, in whole or in part, to a designated

landmark or to a contributing structure located in a Historic District shall be waived.

(d) Any parking incentives permitted by the Zoning Ordinance.

(e) **Streetscape Improvements in Historic Districts.** Whenever streetscape improvements are proposed by the City in areas that are designated Historic Districts, the City shall consider the use of materials, landscaping, light standards and signage that are compatible with the area's historic and architectural character.

(f) **State Historical Building Code.** The California State Historical Building Code (Title 24, Part 8, California Administrative Code) shall be applied to alterations to designated structures of merit, landmarks, and contributing structures located in Historic Districts.

(g) **Historical Property Contracts.** Designated structures of merit, landmarks and contributing structures located in Historic Districts that are privately owned shall be considered qualified historical properties eligible for historical property contracts submitted or entered into, pursuant to the provisions of Article 12, commencing with Section 50280, Chapter 1, Part 1, Division 1, Title 5, of the California Government Code upon resolution approval by the City Council.

(h) **Plan Check Processing.** Structures designated as landmarks or contributing buildings or structures to a Historic District shall receive priority Building Division plan check processing. (Prior code § 9621; added by Ord. No. 1590CCS § 1, adopted 7/23/91; Ord. No. 2064CCS § 10, adopted 2/11/03; Ord. No. 2206CCS § 3, adopted 10/3/06)

9.36.280 CEQA time extensions.

Any time periods set forth in this Chapter may be extended by the Director of Planning by such periods as are necessary to comply with the California Environmental Quality Act (CEQA). (Prior code § 9622; added by Ord. No. 1590CCS § 1, adopted 7/23/91)

9.36.290 The Third Street Neighborhood Historic District.

(a) The City Council has reviewed and considered the Historic District application for the Third Street Neighborhood, and has reviewed and considered the recommendation on the application transmitted from the Landmarks Commission.

(b) The City Council finds and declares that:

(1) The Third Street Neighborhood Historic District possesses aesthetic significance to Santa Monica in that the area displays a high percentage of original, turn of the century, structures, a consistency in building type, primarily the California bungalow, and a close association with the natural environment, as demonstrated in the particular by the siting of the homes on the east side of Third Street which are set into the slope of the hill. These elements combine to create an area with both a sense of place and a sense of Santa Monica's past.

(2) The Third Street Neighborhood Historic District possesses historical economic significance to Santa Monica in that the Vawter family, leading developers of the Neighborhood, were also influential in the economic success of Ocean Park through the founding and operation of Ocean Park's first bank and through the ownership and operation of one of Ocean Park's earliest businesses and tourist attractions, the Ocean Park Floral Company. In addition, the development of piers, bathhouses and hotels stimulated growth in the Ocean Park area by providing jobs and attracting both residents and visitors to Ocean Park and to the Third Street Neighborhood.

(3) The Third Street Neighborhood Historic District possesses historic significance to Santa Monica in that the neighborhood is associated with many prominent early

City residents, including the Vawter, Hostetter and Archer families, and Abbot Kinney. The Vawters subdivided the District into residential lots, and also assisted in the establishment of Ocean Park's first water company and Santa Monica's first regular transportation service to Ocean Park. Moses Hostetter and his son William were both Neighborhood residents (2601 Second Street and 237 Beach Street, respectively). Moses Hostetter was a member of the Santa Monica Board of Trustees between 1896 and 1900, serving as chairman of the police, fire, and light committees. Alvin Archer constructed the American Colonial Revival home at 245 Hill Street and was also a founder of Ocean Park's first volunteer fire brigade. His wife, Louetta, was Ocean Park's first postwoman. Abbot Kinney, before developing "Venice of America," owned property on the west side

of Second Street in the District, and also gave Ocean Park its name, naming the area after the eucalyptus groves planted by the Vawters near South Santa Monica Beach.

(4) The Third Street Neighborhood Historic District possesses architectural significance to Santa Monica in that the area displays a variety of architectural styles, from Victorian to Gothic, to American Colonial Revival, to California Craftsman, to Spanish Colonial Revival, which provide a visual representation of the Neighborhood's development through the 1930s. In addition, the Neighborhood is dominated by bungalows; twenty-nine bungalows and one bungalow court are extant in the District. While typically designed in a variety of architectural styles, the common bungalow theme is the association with the surrounding environment, the use of front porches, sun porches, front steps, overhanging eaves, and numerous windows to provide views and to merge the interior and exterior landscapes. The Third Street Neighborhood is a representative example of this architectural movement in Santa Monica.

(5) The Third Street Neighborhood Historic District possesses cultural significance to Santa Monica in that the area has ties to Santa Monica's religious, artistic and political life through the inclusion of both the Church in Ocean Park and the Iglesia El Sermonte Del Monte Assembles De Dios (built in 1916 as the First Baptist Church) in the District, the Neighborhood's proximity to the murals along the Ocean Park Boulevard/Fourth Street Overpass, and the use of the Archer House by the Ocean Park Community Center.

(c) The Third Street Neighborhood Historic District boundaries consist of the area bounded on the east by the rear property line of the parcels on the east side of Third Street; bounded on the south by Hill Street including the parcels on the south side of the street but excluding the parcel on the southeast corner of Hill Street and Third Street; bounded on the west by the rear property line of the parcels on the west side of Second Street; and bounded on the north by Ocean Park Boulevard.

(d) Structures that contribute to the character and integrity of the Third Street Neighborhood Historic District shall be defined as all structures built prior to 1935; noncontributing structures and sites shall be defined as post 1935 developments and vacant parcels.

(e) Pursuant to Santa Monica Municipal Code Section 9.36.130, until such time as an ordinance is adopted that specifies the nature of any alteration, restoration, construction, removal, relocation, or demolition of or to a building or structure within the Historic District that can occur without prior approval of a certificate of appropriateness, any such work must obtain approval of a certificate of appropriateness or certificate of economic hardship by the Landmarks Commission. (Prior code § 9630; added by Ord. No. 1535CCS, adopted 8/7/90; amended by Ord. No. 1590CCS § 1, adopted 7/23/91)

9.36.300 The Bay Craftsman Cluster Historic District.

(a) The City Council has reviewed and considered the Historic District Application for the four buildings located at 137, 141, 145, and 147 Bay Street (hereinafter “The Bay Street Cluster”), and has reviewed and considered the recommendation on the application transmitted from the Landmarks Commission.

(b) The City Council finds and declares that:

(1) The Bay Street Cluster exemplify, symbolize, and manifest elements of the cultural, social, economic, political, or architectural history of the City in that:

(A) The Bay Street Cluster are intact representations of Craftsman architecture style. Craftsman architecture was developed in Southern California, and this prototype complex provides an early, intact example of this style of architecture in the two-story, multi-family format. These structures exemplify classic Craftsman characteristics such as low-pitched overhanging roofs with wide eaves, extended rafters, tripartite windows, and sleeping porches.

(B) The location of the Bay Street Cluster adjacent to the old Pacific Electric railway line is significant from a cultural and social perspective as it provides a link to the City’s original development of Ocean Park, and particularly Main Street as a new commercial area. Neilson Way was originally the Pacific Electric right-of-way known as the “Trolley way,” and became a vehicular street in the 1930s. When the Pacific Electric street railway was linked between Los Angeles and Ocean Park in 1896, summer vacationers and weekend fun seekers were able to travel from the city to the coast in only forty minutes. This new transportation mode spurred growth in the area as it drew more visitors and crowds. Hotels and rooming houses sprang up to accommodate the weekend onslaught. Beach cottages, or small houses that were simply constructed, were built both speculatively for the tourist trade, and by individual families for occasional use.

(C) By the close of the 1910s, a substantial portion of Ocean Park had been improved. The 1920s and 1930s gave rise to a near-complete buildout of the area. This pattern of development has continued in the post World War II era, with the result that Ocean Park is characterized by a multi-layered historical legacy in terms of the ages, styles, and building types it contains. The Bay Cluster exemplifies typical Ocean Park development during the earliest portion of the twentieth century.

(2) The Bay Street Cluster has aesthetic or artistic interest or value, or other noteworthy interest or value in that:

(A) These buildings retain a high integrity of design, materials, workmanship, and setting. The Craftsman architectural style is characterized by rustic-textured building materials, board roof overhangs with exposed rafter tails at the eaves, and extensive pergolas and trellises over porches.

(B) The two-story Craftsman fourplexes at the corner of Bay Street and Neilson Way (137 and 141 Bay Street) feature front-gabled apartments that are oriented

end-to-end. Articulated bargeboards, or boards attached to the projecting end of the gable roof, outline the shingled buildings. Horizontal slat vents are also located in the gable ends. A smaller gable, similarly pitched and detailed, covers an entry on the first floor of the southern elevation. Tripartite windows are visible on the lower story along the side elevations and above the entry gable on the south elevation. A continuous wood-railed balcony is attached to the west elevation where a series of glazed doors, double-hung sash windows, and tripartite openings also appear.

(C) The two buildings at 145 and 147 Bay Street are also intact examples of a Craftsman fourplex. Each of the buildings is two stories, capped by a front, low-pitched gable roof. Three gables face forward (south), one over each projecting bay at the ends of the building, and one over the building's center bay. Extended bargeboards and exposed beams and rafters characterize the Craftsman roof-styling. Three doors are located in the recessed central bay. Tripartite windows filter bands of square light across the top and nearly fill the side bays on both stories, and wrap the corners onto the side elevations. Other than the siding material which appears to simulate brick, the fourplex remains substantially unaltered.

(3) The Bay Street Cluster embodies distinguishing architectural characteristics valuable to a study of a period, style, method of construction, or the use of indigenous materials or craftsmanship, or is a unique or rare example of an architectural design, detail, or historical type to such a study in that the early Craftsman design and high degree of integrity remaining in these structures makes these buildings a rare example of the Craftsman period and style. The buildings exist as an intact representative of circa 1910 Craftsman architecture which had its genesis in Southern California. As more fully described in subdivisions (1) and (2) above of this subsection (b), these 1910 buildings retain most of their original components with the exception of what appears to be some simulated brickwork siding.

(4) The Bay Street Cluster has a unique location, a singular physical characteristic, or is an established and familiar visual feature of a neighborhood, community or the City in that these buildings have a unique location on the north side of Bay Street between Neilson Way and Main Street. They exist as a mostly intact block face in a neighborhood that is highly fragmented in terms of age and building styles. As most other buildings of this era have been replaced, the buildings have become an established visual feature of the neighborhood that represents turn of the century Ocean Park.

(5) The Bay Street Cluster 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. These buildings are located on the north side of Bay Street between Neilson Way and Bay Street. Neilson Way was originally the Pacific Electric right-of-way known as the "Trolley way." It became a vehicular street in the 1930s. The tracks, which connected Santa Monica to the rest of the region, were a major stimulus for the development of the City and the Ocean Park area. In addition to its proximity to transportation, these structures were close to

both the beach and the retail area on Main Street. This remains a desirable location to this day.

(c) Pursuant to Sections 9.36.130 and 9.36.140 of this Code, until such time as an ordinance is adopted that specifies the nature of any alteration, restoration, construction, removal, relocation, or demolition of or to a building or structure within the Historic District that can occur without prior approval of a Certificate of Appropriateness, any such work must obtain approval of a Certificate of Appropriateness or Certificate of Economic Hardship by the Landmarks Commission. (Added by Ord. No. 1994CCS § 1, adopted 12/5/00)