ORDINANCE NO. 2315

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SOUTH PASADENA, CALIFORNIA, REPEALING AND REPLACING ARTICLE IVH (CULTURAL HERITAGE COMMISSION) OF CHAPTER 2 (ADMINISTRATION) WITH A NEW ARTICLE IVH (CULTURAL HERITAGE COMMISSION) OF THE SOUTH PASADENA MUNICIPAL CODE TO UPDATE THE LEGAL FRAMEWORK NEEDED TO PROTECT THE CITY'S CULTURAL RESOURCES

WHEREAS, on February 19, 1992, the City Council adopted Ordinance No. 2004, which amended Chapter 2 of the South Pasadena Municipal Code related to the Cultural Heritage Commission (Commission); and

WHEREAS, the purpose of the formation of the Commission under Chapter 2, Article IVH of the South Pasadena Municipal Code is to promote the public health, safety, and general welfare by providing for the identification, protection, enhancement, perpetuation, and use of Improvements, buildings, structures, signs, objects, features, sites, places, landscape and areas within South Pasadena that reflect special elements of the City of South Pasadena's (City) architectural, artistic, cultural, engineering, aesthetic, historical, political, and social heritage (Cultural Heritage Ordinance); and

WHEREAS, on April 27, 2006, the Commission and staff determined that the Cultural Heritage Ordinance needs to be evaluated and revised in order to address current preservation issues and better achieve the City's preservation goals; and

WHEREAS, on October 1, 2007, the State Office of Historic Preservation awarded the City with a grant to partially fund draft revisions to the Cultural Heritage Ordinance; and

WHEREAS, on October 28, 2008, Historic Resources Group (Consultant), who meets the Secretary of the Interior's Professional Qualification Standards, completed a review of the current Cultural Heritage Ordinance and prepared a draft revised ordinance that addressed possible legal issues, antiquated content, and inconsistent language; and

WHEREAS, on August 21, 2014, the Commission completed its review and fine tuning of the Consultant's draft revised ordinance that was prepared by and has recommended approval of a new Cultural Heritage Ordinance (new Ordinance); and

WHEREAS, on November 19, 2014, the City Council held a study session to review the new Ordinance. At that time, the City Council directed staff to work with the Commission to make some additional clarifications and address inconsistencies; and

WHERAS, on November 12, 2015, the Commission held a special meeting for the public to learn about the changes contained in the new Ordinance; and

WHERAS, on November 19, 2015, the Commission recommended that the City Council adopt the new Ordinance; and

WHEREAS, on February 17, 2016, the City Council held a properly noticed Public Hearing introducing th e new Ordinance for first reading. At that time, the item was continued to a future date so that staff can make some additional refinements to the new Ordinance; and

WHERAS, on June 6, 2017, the Commission recommended that the City Council adopt the new Ordinance including additional provisions that would allow the Commission to review any proposed demolition of structures that are not listed on the Inventory of Historic Resources and are greater than 45 years old; and

WHEREAS, on June 21, 2017, the City Council held a properly noticed Public Hearing introducing the new Ordinance for first reading.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SOUTH PASADENA, CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. The City Council hereby finds that the Cultural Heritage Ordinance will not have a direct and significant impact on the environment, so is exempt under Section 15308, Class 8 of the CEQA Guidelines which consists of actions taken by regulatory agencies, as authorized by state or local ordinance, to assure the Maintenance, restoration, enhancement, or protection of the environment where the regulatory process involves procedures for the protection of the environment.

SECTION 2. That Article IVH (Cultural Heritage Commission) of Chapter 2 (Administration) of the South Pasadena Municipal Code is hereby repealed in it's entirely and replaced with the following new IVH (Cultural Heritage Commission):

ARTICLE IVH. CULTURAL HERITAGE COMMISSION

2.58A Title. This article shall be known as the "Cultural Heritage Ordinance."

2.58B - Purpose. The purpose of the Cultural Heritage Ordinance is to promote the public health, safety, and general welfare by providing for the identification, protection, enhancement, perpetuation, and use of Improvements, buildings, structures, signs,

objects, features, Sites, places, landscapes and areas representing the City's architectural, artistic, cultural, engineering, aesthetic, historical, political, social, and other heritage as provided herein. This ordinance is anticipated to achieve the following within the City of South Pasadena:

A. Sense of Place

1. To preserve, maintain, and safeguard the City's heritage and character as embodied and reflected in the Sites, structures, and neighborhoods that serve as significant reminders of the city's social, educational, cultural and architectural history;
2. To foster civic and neighborhood pride, a sense of identity based on the recognition and use of Cultural Resources, and continuity of the city's historic character, scale, and small town atmosphere in all future construction; and
3. To encourage Maintenance and Preservation of areas that are associated with a historic event, activity, or persons that contribute to the historic character of districts, neighborhoods, Landmarks, historic structures, and artifacts.

B. Physical Setting

1. To preserve diverse and harmonious architectural styles, reflecting phases of the City's history and to encourage complementary contemporary design and construction;
2. To identify as early as possible, and resolve conflicts between the Preservation of Cultural Resources and alternative uses of the subject property; and
3. To conserve valuable material and energy resources by ongoing historic or adaptive new use and;

C. Education

1. To promote the use and enjoyment of private and public historic structures, districts, and Cultural Resources as appropriate for the appreciation, general welfare, and recreation of the people of the City;
2. To foster pride in the ownership of City historic or Cultural Resources;
3. To encourage public knowledge, understanding, and appreciation of our cultural and environmental heritage;

D. Economic

1. To stabilize and enhance neighborhoods and property values and increase economic and financial benefits to the City and its inhabitants;

2. To adopt incentives that promotes the Preservation and rehabilitation of historic structures.

2.59A Definitions.

A. **Definitions, "A."**

Accessory Dwelling Unit means an attached or detached residential dwelling unit which provides independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family dwelling is situated. An Accessory Dwelling Unit includes an efficiency unit, as defined by Section 17958.1 of the Health and Safety Code, and a manufactured home, as defined by Section 18007 of the Health and Safety Code.

Alteration means any construction or physical change to a Cultural Resource including: the exterior of a building, structure, site, or object; the designated interior of a Landmark property (including Character-Defining interior features not described in original landmark documentation, but subsequently discovered and documented; a Historic District; which may have a significant adverse effect on Character-Defining features of a Cultural Resource. Alteration shall also include new construction of additions, but not include ordinary maintenance and repairs.

Architectural Historian means an architectural historian who meets the Secretary of the Interior's Professional Qualifications Standards in architectural history as defined by the National Park Service.

B. **Definitions, "B"**

Building Official means the City of South Pasadena officer or other designated authority charged with the administration and enforcement of the building, housing, electrical, plumbing, and related codes.

C. **Definitions, "C"**

California Environmental Quality Act (CEQA) shall refer to the State of California law requiring public agencies to study, document and consider the potential environmental effects of a proposed action prior to allowing the action to occur. Collectively, the provisions of CEQA are codified in Public Resources Code Section 21000 et seq. and in the State of California CEQA Guidelines, as described in the California Code of Regulations, Title 14, Chapter 3, Section 15000 et seq.

California Office of Historic Preservation (also known as the Office of Historic Preservation or OHP) means the agency that carries out the provisions of the National Historic Preservation Act of 1966, as amended, and related State and Federal laws and regulations pertaining to the Preservation of historic and archaeological resources. It carries out the National Park Service's historic Preservation programs

including nominating historic properties to the National Register of Historic Places and qualifying local programs for the Certified Local Government program. It also administers the State's Preservation programs such as the California Register of Historical Resources (see Public Resources Code §§ 5020, et seq.).

California Register of Historical Resources shall refer to the authoritative and comprehensive listing and guide to California's significant Cultural Resources, including historic (built environment) and prehistoric (archeological and paleontological) resources. The California Register of Historical Resources is defined in the State of California Public Resources Code Section 5024.1 and in the California Code of Regulations, Title 14, Chapter 11.5, Sections 4850 et seq.

Certificate of Appropriateness, or Certificate means the permit granted on the finding by the Cultural Heritage Commission that the application for Demolition, Alteration, or relocation of a Cultural Resource is in accordance with the City's Design Guidelines, the Secretary of the Interior Standards for the Treatment of Historic Properties, and other applicable criteria as provided in Section 2.65).

Certified Local Government Program is a national program designed to encourage the direct participation of a local government in the identification, registration, and preservation of historic properties located within the jurisdiction of the local government.

Character-Defining Features are those visual aspects and physical elements that comprise the appearance of a historical building or property and are significant to its historical, architectural and cultural values, including the overall shape of the historical building or property, its materials, craftsmanship, decorative details, interior spaces and features, as well as the various aspects of its Site and environment.

Civil Engineer means any individual registered by the State of California to practice civil engineering pursuant to the State of California Business and Professions Code, Chapter 7, Section 6702. Civil Engineers who consult on and prepare plans related to Cultural Resources in South Pasadena shall have demonstrated experience working with projects involving historic buildings and structures.

Contributing Resource or Contributor means a property or feature, including all buildings, structures, objects, and/or Sites that contribute to the historic significance of a designated Historic District.

Cultural Heritage Commission or Commission means the Cultural Heritage Commission of the City of South Pasadena established by this article.

Cultural Resource shall refer to historic (built environment) and prehistoric (archeological and paleontological) resources that are significant in the history of the city, region, state or nation. Cultural Resources include built or natural resources listed on or eligible for listing on: the National Register, California Register, South Pasadena Inventory of Cultural Resources, or South Pasadena Register of Landmarks and Historic Districts. Cultural Resources can include property Improvements,

buildings, structures, objects, Sites, Historic Districts, signage, other manmade or natural features, and any resource within the categories of Historical Resources defined by CEQA Guideline [California Code of Regulations Title 14] Section 15064.5(a), as it may be amended from time to time.

D. **Definitions, "D"**

Demolition means the destruction or removal in whole or part of any physical structure.

Design Guidelines means the approved City of South Pasadena Residential Design Guidelines and the City of South Pasadena Commercial Design Guidelines as they may be amended from time to time.

Director is the City of South Pasadena Director of Planning and Building, or designee of the Director referred to in this ordinance as the "Director".

E. **Definitions, "E"**

Emergency means any sudden or unexpected occurrence demanding immediate action to address structural failure, collapse, or Imminent Threat to public safety.

Engineering Evaluation means an evaluation of a building or structure performed under the direction of a Historic Architect, a Structural Engineer, or a Civil Engineer with demonstrated experience working with projects involving historic buildings and structures.

F. **Definitions, "F"** No specialized terms beginning with "F" are used at this time.

G. **Definitions, "G"** No specialized terms beginning with "G" are used at this time.

H. **Definitions, "H"**

Historian shall refer to a historian who meets the Secretary of the Interior's Professional Qualifications Standards in history as defined by the National Park Service.

Historic Architect means a licensed architect who meets the Secretary of the Interior's Professional Qualifications Standards in historic architecture as that term is defined by the National Park Service.

Historic Context means a broad pattern of historical development in a community or its region that is organized by theme, place, and time and which may be represented by historic resources.

Historic District means any area or Site containing a number of Improvements or natural features that have a special character, historical/aesthetic value or interest, or that represent one or more architectural periods or styles typical of a period of the City's history and which constitute a distinct section of the City that has been

designated a Historic District by the South Pasadena City Council. A Historic District shall have a significant concentration, linkage, or continuity of Sites, buildings, structures, objects, or other features that are united in terms of historic development, architecture, or aesthetics. A Historic District may contain both Contributing Resources and non-contributing resources.

Historic Integrity means the authenticity of a property's historic identity, evidenced by the survival of physical characteristics that existed during the property's prehistoric or historic period of significance. For properties listed in or eligible for inclusion in the South Pasadena Inventory of Cultural Resources, Historic Integrity is the composite of seven aspects: location, design, setting, materials, workmanship, feeling, and association. Historic Integrity enables a property to continue reflecting and conveying its historic significance. Not only must a property resemble its historic appearance, but it must also retain physical materials, design features, and aspects of construction dating from the period when it attained significance.

I. **Definitions, "I"**

Imminent Threat means the existence of any condition within, or affecting, a structure that, in the opinion of the authority having jurisdiction, would qualify such building or structure as dangerous to the extent that the life, health, property or safety of the public, the structure's occupants, or those performing necessary Repair, stabilization or shoring work, are in immediate peril due to conditions affecting the building or structure. Potential hazards to persons using, or Improvements within, the public right-of-way may not be construed to be "Imminent Threats" solely for that reason if the hazard can be mitigated by shoring, stabilization, barricades or temporary fences.

Improvement means any building, structure, parking facility, fence, gate, wall, landscape, work of art or other object affixed to and constituting a physical betterment of real property, or any part of such betterment.

J. **Definitions, "J"** No specialized terms beginning with "J" are used at this time.

K. **Definitions, "K"** No specialized terms beginning with "K" are used at this time.

L. **Definitions, "L"**

Landmark is any Cultural Resource that has been designated by the South Pasadena City Council in accordance with the listing procedures of Section 2.63 in the South Pasadena Municipal Code.

M. **Definitions, "M"**

Maintenance means any work done to an Improvement or natural resource to preserve it or keep it in its existing condition.

N. **Definitions, "N"**

National Register of Historic Places means the official Federal inventory of districts, Sites, buildings, structures, and objects significant in American history, architecture, engineering, archaeology, and culture. The National Register is maintained by the Secretary of the Interior under the authority of the Historic Sites Act of 1935 and the National Historic Preservation Act of 1966 (54 U.S.C. Section 100101 et seq., 36 C.F.R. Sections 60, 63).

Non-Ductile Concrete Structure shall refer to concrete-frame buildings constructed before January 1977 that were built with limited amounts of steel reinforcing in columns and walls. Limited steel reinforcing creates brittle connections and columns, making Non-Ductile Concrete buildings susceptible to movement and failure during strong earthquakes.

O. **Definitions, "O"** No specialized terms beginning with "O" are used at this time.

P. **Definitions, "P"**

Potential Threat shall refer to a pre-existing structural condition that is vulnerable to damage during an earthquake. Building types commonly prone to a Potential Threat include: Unreinforced Masonry Buildings, Soft-Story Buildings, and Non-Ductile Concrete Buildings.

Preservation means the act or process of applying measures necessary to sustain the existing form, integrity, and materials of a Historic Resource. It includes the preliminary measures to protect and stabilize a property, and generally focuses on the on-going Maintenance and Repair of historic materials and features rather than extensive replacement or new construction.

Preservation Contractor shall refer to a licensed contractor with a minimum of five years of experience of completed work similar in material, design, and extent to that indicated for a proposed project and a record of successful in-service performance.

Primary Record or DPR 523 Series Form is the accepted format created by the State of California Department of Parks and Recreation for the purposes of identifying, documenting, and evaluating Cultural Resources.

Q. **Definitions, "Q"** No specialized terms beginning with "Q" are used at this time.

R. **Definitions, "R"**

Repair means the fixing of a deteriorated or damaged part of an existing Improvement or natural resource in a manner that is consistent with the existing materials and appearance.

Reconstruction means the act or process of depicting, by means of new construction, the form, features, and detailing of a non-surviving site, landscape, building,

structure, or object for the purpose of replicating its appearance at a specific period of time and in its historic location. Reconstruction re-creates a vanished or non-surviving historic feature with new materials.

Rehabilitation means making a compatible use of a Cultural Resource through repair, Alterations, and additions while preserving those portions or features that convey it's historical, cultural, or architectural values. Rehabilitation retains the Cultural Resource as it has evolved by maintaining and repairing historic features, while allowing additions and Alterations for contemporary and future uses.

Restoration means accurately depicting the form, features, and character of a property as it appeared at a particular time by means of removal of features from other periods in its history and reconstruction of missing features from the restoration period. The limited and sensitive upgrading of mechanical, electrical, and plumbing systems and other code-required work to make properties functional is appropriate within a restoration project. Restoration depicts an appearance that existed during the historic property's most significant period by removing later additions and rebuilding or replanting earlier features.

S. **Definitions, "S"**

Site means a parcel or adjoining parcels under single ownership or single control, considered a unit for the purposes of development or other use.

Soft-Story Structure shall refer to a multi-story building with large openings on one or more of the exterior wall lines, most commonly on the first floor. Examples of large openings include tuck-under parking, multiple garage doors, and large retail windows.

South Pasadena Inventory of Cultural Resources or Inventory means the official list of properties that are located within the City of South Pasadena including: Landmarks and Historic District properties designated by the City Council pursuant to Section 2.63, properties listed on the California Register, and properties that are identified through the survey process pursuant to Section 2.64 and listed as being eligible for special consideration in local planning.

South Pasadena Register of Landmarks and Historic Districts means the list of Landmarks and Historic Districts designated by the City of South Pasadena City Council pursuant to Section 2.63.

Structural Engineer means any individual registered by the State of California to practice structural engineering and to use the title Structural Engineer pursuant to the State of California Business and Professions Code, Chapter 7, Section 6701. Structural Engineers who consult on and prepare plans related to Cultural Resources in South Pasadena shall have demonstrated experience working on projects involving historic buildings and structures.

T. **Definitions, "T"** No specialized terms beginning with "T" are used at this time.

U. **Definitions, "U"**

Unreinforced Masonry (URM) Building shall refer to a type of building where load-bearing wall, non-load-bearing walls, and/or other building components are constructed of masonry materials, such as brick, concrete, block/cinderblock, adobe, and/or hollow clay tile. Typically built before 1933, the masonry material contains little or no reinforcing materials, is not sufficiently thick, and/or lacks bracing connections to floor and roof framing. URM is prone to damage in strong earthquakes.

2.59B - Enabling Authority.

California Government Code Section 37361 enables city legislative bodies to provide for "the protection, enhancement; perpetuation, or use of places, Sites, buildings, structures, works of art, and other objects having a special character or special historical or aesthetic interest or value."

2.60 - Creation.

There is hereby created a Cultural Heritage Commission of the City of South Pasadena.

2.61 – Cultural Heritage Commission.

A. **Composition and Appointment of Members.** Five (5) Commissioners shall be appointed pursuant to Section 2.23 of Article IV. Boards and Commissions – General Provisions. All members shall have an expressed interest in, and knowledge of the cultural heritage of the city. Members shall be chosen from among:

1. Professionals in the disciplines of architecture, history, planning, construction, archeology, land economics, real estate or a related discipline to the extent such professionals are available in the community. At least two (2) members are encouraged to be appointed from among professionals in the disciplines of historic preservation, history, architecture, and architectural history, prehistoric and historic archeology, folklore, cultural anthropology, curation, conservation, construction, landscape architecture, or related disciplines such as urban planning, American studies, American civilization, or cultural geography to the extent that such professionals are available in the community; and

2. Such other persons as have demonstrated special interest, experience, or knowledge of the history, architecture or cultural heritage of the City as will provide for an adequate and qualified Commission.

3. In order to permit the Commission flexibility in performing its duties in as efficient a manner as possible, the Commission may adopt criteria under which the chair, acting alone, or a subcommittee of the full Commission, may implement and administer the policies of the Commission on a case by case basis.

2.62 - Powers and duties of the Commission.

A. **General Powers.** The Commission shall be an advisory board to advise the City Council, Planning Commission, Parks and Recreation Commission, all City departments and the City Manager on all matters relating to the identification, protection, retention, and Preservation of Landmarks and Historic Districts in the City. The Commission shall have the power to appoint an advisory panel of volunteer experts as may be necessary to assist in the exercise of its duties.

B. **Enumerated Powers.** The Commission shall have the following powers and duties in addition to those otherwise provided in this article:

1. Review and Approval

   a. Approve or disapprove in whole or in part applications for Certificates of Appropriateness and their related environmental assessments under CEQA regarding the Demolition, Alteration or relocation of a Landmark or an Improvement or natural feature within a Historic District, or a structure or building listed on the Cultural Heritage Inventory approved and adopted by the City Council;

   b. Review all applications for permits, environmental assessments, environmental impact reports, environmental impact statements, and other similar CEQA documents set forth in this article, pertaining to all Cultural Resources;

   c. Render advice and guidance, upon the request of property owner(s) or occupants, on procedures for inclusion of a building, structure, Improvement, or Site on the local Inventory, state or national register;

   d. Render advice and guidance, upon the request of property owner(s) on proposals for any Restoration, Alteration, decoration, landscaping or Maintenance of any Landmark or Historic District;

   e. Review and advise upon the conduct of land use, housing and redevelopment, municipal Improvement, and other types of planning and programs undertaken by any agency of the City, the County, or State, as they relate to Cultural Resources; and

   f. Review and provide recommendations to City Council regarding requested and existing Mills Act contracts.

2. Identify Cultural Resources

   a. Compile and maintain a current South Pasadena Inventory of Cultural Resources that includes all Sites, natural features, buildings and structures that are potentially eligible for Landmark or Historic District status or that may warrant special consideration in local planning. Copies of the Inventory shall be transmitted to the City Clerk and City Manager, and to the departments of

Planning and Building, Parks and Recreation, Public Works and other appropriate departments and governmental or civic agencies;

b. Compile and maintain for City Council approval a current South Pasadena Register of Landmarks & Historic Districts. The Register shall contain a description of the Landmark or Historic District on the Register and its reason for inclusion therein. Copies of the Register shall be transmitted to the City Clerk and City Manager, and to the departments of Planning and Building, Parks and Recreation, Public Works and other appropriate departments and governmental or civic agencies;

c. Recommend to the City Council that certain areas, places, buildings, structures, natural features, works of art or similar objects having a significant historical, cultural, architectural, community or aesthetic value as part of the heritage of the City be designated as Landmarks, or that areas be designated Historic Districts;

d. Submit annually a recommended budget to the City Council covering services, supplies, equipment and other expenses appropriate for the performance of its duties; and

e. The Cultural Heritage Commission shall establish criteria and conduct or cause to be conducted a comprehensive survey of Cultural Resources within the boundaries of the city, and publicize and periodically update survey results.

3. Establish Criteria and Standards

a. Adopt specific criteria for the designation of Landmarks and Historic Districts subject to approval by the City Council;

b. Adopt written standards to be used by the Commission in reviewing applications for permits to construct, change, alter, modify, remodel, remove, demolish or affect any qualified Cultural Resource.

4. Community Outreach

a. Encourage public understanding and involvement in architectural, archaeological and environmental heritage through educational programs such as lectures, tours, walks, reports or publications, films, open houses and special events;

b. Explore means for the protection, retention and use of any designated or potential Landmark and Historic District including, but not limited to, appropriate legislation and financing, such as encouraging independent funding organizations or private, local, state or federal assistance; and

c. Encourage private efforts to acquire property and raise money on behalf of cultural and historical Preservation; however, the Commission is specifically

denied the power to acquire any property or interest therein for or on behalf of itself or the City.

5. Promote Preservation Objectives

   a. Promote the use of Historic Preservation incentives;

   b. Participate in the Certified Local Government Program and carry out any responsibilities delegated to it under that program;

   c. Recommend and encourage the protection, enhancement, appreciation, and use of Cultural Resources which have not been designated as Landmarks or Historic Districts and take such steps as it deems desirable to recognize such Cultural Resources including, but not limited to, listing, certificates, letters or plaques;

   d. Confer recognition upon the owner of designated Landmarks or Historic Districts by means of certificates, plaques or markers and, from time to time, recommend that the City Council issue commendations to such owners who have rehabilitated their property in an exemplary manner;

   e. Recommend to the City Council the purchase or acceptance of fee or other interests in property for purposes of Cultural Resource Preservation;

   f. Investigate and report to the City Council on the use of various Federal, State, local or private funding sources and mechanisms available to promote Cultural Resource Preservation in the City;

   g. Work closely with the City Council, City Attorney, City Manager and staff, and other Commissions in order to assure that changes to the City's physical environment will be orderly and will not damage the cultural or historical integrity of the City;

   h. Cooperate with local, County, State and Federal governments in the pursuit of the objectives of historic preservation; and

   i. Perform any other functions that may be designated by resolution or motion of the City Council.

2.63 Register of Landmarks and Historic Districts.

A. **Listing Landmarks and Historic Districts on the South Pasadena Register of Landmarks and Historic Districts.** The Commission shall have the responsibility to recommend to the City Council the adoption of ordinances or resolutions designating Improvements, Sites or natural features as Landmarks or Historic Districts and thereby encouraging their Preservation, protection, enhancement, rehabilitation or perpetuation. The Commission shall prepare and transmit a report of its recommendation to the Council on the historical and architectural significance of the Improvement, Site or natural feature to be designated as follows:

1. The Report's statement of significance shall clearly state the reasons the property meets the City's criteria with brief facts that explain the way in which the property was important to the local, state or national history during the period of significance. It would also include significant themes and Historic Contexts to which the property relates.
2. In addition to a statement of significance the report shall provide written findings stating the reasons the Landmark or Historic District qualifies for designation on the South Pasadena Register of Landmarks and Historic Districts. These findings shall include:
   a. that the designation of Landmark or Historic District is consistent with one or more of the purposes set forth in Section 2.58B above; and,
   b. that the Landmark or Historic District meets one or more of the criteria for designation listed in Section 2.63(B) herein; and,
   c. that the Landmark or Historic District possesses Historic Integrity of location, design, setting, materials, workmanship, feeling, or association.
3. When considering an application for a Historic District or a Landmark, the Historic Resource(s) shall be identified on a Primary Record or DPR 523 Series Form(s) and included as part of the Commission's report. The application shall include a context statement supporting a finding establishing the relation between the physical environment of the Landmark or Historic District and its history. The context statement shall represent the history of the area by theme, place, and time. It shall define the various historic factors which shaped the development of the area. It shall define a period of significance for the Historic District and relate historic features to that period of significance. It may include, but not be limited to, Historical activities or events, associations with Historic personages, architectural styles and movements, master architects, designers, building types, building materials, landscape design, or pattern of physical development that influenced the character of the Landmark or Historic District at a particular time in history. Using this information, the survey shall identify those buildings, structures, landscaping, or Contributing Resources.
4. In addition to the required findings in subsection 2.63(A)(2) when recommending approval of a Historic District, the Commission shall also find that:
   a. The proposed district boundaries are appropriate because a significant concentration, linkage, or continuity of Sites, buildings, structures, or objects united historically or aesthetically by plan or physical development are present within the district. A district derives its importance from being a unified entity or a theme, even though it may be composed of a wide variety of resources (organized around a theme). Thematic districts are not required to have physical or contiguous boundaries.

b. The identity of the district results from the interrelationship of its resources which conveys a visual sense of the overall historic environment or be an arrangement of historically or functionally related properties.

c. The district contains a number of Contributing Resources that add to the historic architectural qualities or historic associations for which a district is significant because they existed during the period of significance and, possess Historic Integrity reflecting the district's character at that time.

d. With respect to the designation of a local district that is not listed on the California Register of Historical Resources, but was identified in a local survey, not less than sixty percent of all affected owners of the proposed Historic District must consent to such designation. Each parcel or lot shall be entitled to only one vote per parcel. By way of example only, if the proposed Historic District were composed of twenty parcels, then the owners of twelve parcels would be required to consent to the designation.

e. With respect to the designation of a Historic District that is listed on the California Register of Historical Resources, not less than fifty percent plus one of all affected owners of the proposed Historic District must consent to such designation. Each parcel or lot shall be entitled to only one vote per parcel. By way of example only, if the proposed Historic District were composed of twenty parcels, then eleven property owners would be required to oppose the designation.

5. In recommending approval of a Historic District, the Cultural Heritage Commission may recommend conditions to be included in Design Guidelines, as appropriate to further the purpose of this section.

B. **Designation Criteria for Landmarks and Historic Districts.** Criteria and standards for the designation of Landmarks and Historic Districts shall include any or all of the following, as applicable:

1. Its character, interest or value as a part of the heritage of the community;
2. Its location as a Site of a significant historic event;
3. Its identification (such as the residence, ownership, or place of occupation, etc.) with a person, persons or groups who significantly contributed to the culture and development of the City, state or United States;
4. Its exemplification of a particular architectural style of an era of history of the City;
5. Its exemplification of the best remaining architectural type in a neighborhood;
6. Its identification as the work of a person or persons whose work has influenced the heritage of the City, the state or the United States;

7. Its embodiment of elements of outstanding attention to architectural design, engineering, detail design, detail, materials or craftsmanship;
8. It is either a part of or related to a square, park or other distinctive area which should be developed or preserved according to a plan based on a historic cultural or architectural motif;
9. Its unique location or singular physical characteristic representing an established and familiar visual feature of a neighborhood;
10. Its potential for yielding information of archaeological interest; or
11. In designating a Historic District, its significance as a distinguishable neighborhood or area whose components may lack individual distinction.

C. **Designation Procedure.** Landmarks and Historic Districts shall be established by the City Council in the following manner:

1. The Commission, upon its own initiative or upon the written request of any person or City agency, may recommend the designation of any Cultural Resource in the City as a Landmark or Historic District.
2. The Commission shall appoint a subcommittee of two members (the "Landmark subcommittee") to review all applications for consideration of an Improvement, Site or natural feature as a Landmark or Historic District. The Landmark subcommittee shall review the application materials and make a preliminary written recommendation, based on such documentation as it may require, as to whether the Commission shall consider the Improvement, Site or natural feature for appropriate designation. The Landmark subcommittee, as soon as practicable and prior to the hearing on designation, shall:
   a. With respect to the proposed designation of a Landmark, exercise its best efforts to meet with the owner to obtain such owner's written consent of the proposed designation; and
   b. With respect to the proposed designation of a Historic District, shall have obtained the consent of affected owners in accordance with Section 2.63(A)(4)(d) or (e). The aforementioned consent shall be obtained by sending a ballot and an impartial opinion of the City Attorney to every parcel owner in said district, as to the effect of the designation on the parcels located in the proposed district. The ballot shall provide the owner with the option to consent to or to oppose the proposed Historic District designation.
3. If the Landmark subcommittee determines that the Improvement, Site or natural feature, which is the subject of the application, merits consideration by the Commission, it shall recommend that the Commission place the application upon its agenda for its next regularly scheduled meeting for consideration of such designation.

4. The Commission shall notify the Director of the pendency of the consideration. No applications for Design Review shall be accepted by the Planning and Building Department to construct, alter or demolish any property that is not on the South Pasadena Inventory of Historical Resources within a proposed Historic District, subsequent to the date of notice to the Director by the Commission, while proceedings are pending on such designation; provided, however, that after one hundred eighty days have elapsed from the date of the notice, if final action on such designation has not been completed, the applications for Design Review may be accepted by the Planning and Building Department.
5. The Commission shall send written notice by certified mail to each directly affected owner of a proposed designation as a Landmark or Historic District of the date, place, time and purpose of the hearing to consider such designation, at least twenty (20) days prior to the date of the hearing, and shall publish notice of such hearing at least once in a newspaper of general circulation in the City not less than ten days prior to such hearing.
6. The Commission shall provide an opportunity to be heard to each affected owner and other interested members of the public. The Commission may, if necessary, continue the consideration of designation to its next regularly scheduled meeting.
7. The Commission shall, within fifteen (15) days of its hearing regarding designation or of any continued hearing on the designation, recommend approval in whole or in part, or disapproval in whole or in part of the application, in writing to the City Council.
8. The affected owner(s) may object to the decision of the Commission by filing with the City Clerk a written statement setting forth their objection prior to the hearing before the City Council.
9. The City Council, upon receipt of the recommendation, shall set the matter for hearing within thirty days of the date of filing of the Commission recommendation with the City Clerk. The Council shall cause written notice of the Council hearing to be given by registered mail to each affected owner and shall provide a reasonable opportunity for the owner to be heard at the Council hearing. The City Council shall render its decision thereon within thirty days after the close of the hearing of the City Council.
10. The City shall notify the affected owner in writing of the final action of the City Council with respect to the proposed designation and shall give such owner written notice of any further action which it takes with respect to such designation.
11. Failure to send any notice by mail to any affected 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 and City Council may also give such other notice as they may deem desirable and practicable.

12. Upon designation by the City Council, the City Clerk shall record the City Council's declaration in the office of the County Recorder of the County.

2.64 Inventory of Cultural Resources

A. The City shall establish and maintain an Inventory of Cultural Resources as follows:

1. **The Inventory.** The City shall maintain an official list of properties known as the South Pasadena Inventory of Cultural Resources ("Inventory") that it has determined, upon recommendation by the Cultural Heritage Commission and approved by City Council, to be historically significant through the systematic Inventory and evaluation of buildings within its jurisdiction.

   a. The Inventory was first established with the passage of City Council Resolution No. 6286 and has been subsequently revised upon any subsequent updates by the South Pasadena City Council.

   b. The Inventory shall be reviewed every five years, and revised if necessary, to ensure that the document remains up to date according to current Preservation planning practice.

2. **Inclusions.** The official list of properties located on the Inventory is located in the City Hall and includes those properties that are located within the City of South Pasadena that are Landmark and Historic District properties, historic properties listed on the California Register, properties that are listed as being eligible for special consideration in local planning to assure continuity of the City's historic character, scale, and small town atmosphere for all projects, and Properties that the City determines to be historically significant based on the criteria for additions as outlined in Section 2.64(A)(3),below.

3. **Listing property on the Inventory.** A property owner may submit a written application for inclusion of his/her property on the Inventory to the Commission. The application shall provide photographic evidence, an evaluation by an Architectural Historian including the current Primary Record or DPR 523 Series Form to record historic resources, and such further information as the Commission may require. Written notice of such an application for addition and the time and place of a public hearing before the Commission shall be provided to property owners within a three hundred foot radius of the subject property not less than ten days prior to the hearing.

   a. If the Commission finds that there is substantial evidence that the property reasonably meets national, state or local criteria for historical significance, and that it has been so evaluated by an Architectural Historian, it shall recommend to the City Council that the property be included on the Inventory of Cultural Resources. The City Council shall consider the recommendation and may, at its discretion, request further information from the applicant and hold a public

hearing. The City Council may, by resolution, determine that the property be included on the Inventory of Cultural Resources.

4. **De-Listing property from the Inventory.** An owner of a property listed on the Inventory of Cultural Resources may submit a written application to the Commission requesting removal from the Inventory. The application shall provide evidence and supporting documentation regarding the lack of historic significance of the Cultural Resource, including photographic evidence of its current condition, an evaluation by an Architectural Historian, and such further information as the Commission may require. Written notice of such an application for de-listing and the time and place of a public hearing before the Commission shall be provided to property owners within a three hundred foot radius of the subject not less than ten days prior to the hearing. If the Commission finds:

   a. That the Cultural Resource lacks significance as defined under national, state, and local criteria for historical significance; or

   b. That the Cultural Resource has lost its Historic Integrity due to irreversible Alterations.

   The Commission shall make a recommendation to the City Council that the Cultural Resource be de-listed from the Inventory. The City Council shall consider the recommendation and may, in its discretion, request further information from the applicant and hold an additional public hearing. The City Council may, by resolution, determine that the Cultural Resource be de-listed from the Inventory.

5. **Initiation by Commission.** Listing and De-Listing properties from the Inventory may also be initiated by a majority vote of the members of the Commission. Should the Commission initiate the addition of a Cultural Resource to the Inventory, or de-listing of a Cultural Resource from the Inventory, written notice of the time and place of a public hearing before the Commission shall be given to the owner of said property or Cultural Resource, and to property owners within a three hundred foot radius of said property or Cultural Resource, at least ten days prior to the hearing.

   a. Recommendations to the City Council as to such addition or deletion shall be made by the Commission upon making the applicable findings set forth in Sections 2.64(A)(3) or (4), above. The City Council shall consider the recommendation and may, in its discretion, request further information and hold an additional public hearing. The council may, by resolution, determine that the property be listed to or de-listed from the Inventory.

6. **Deletion from Inventory.** A Cultural Resource shall be deleted from the Inventory upon complete destruction of that Cultural Resource pursuant to a duly issued Certificate of Appropriateness for such destruction by the City.

2.65 Certificate of Appropriateness – Alteration and Demolition

A. **Purpose.** This section sets forth the process for obtaining a Certificate of Appropriateness ("Certificate") from the Commission, for the purpose of authorizing proposed work that may affect Cultural Resources (as defined by this ordinance), non-Contributors within the boundaries of federal, state, and local Historic Districts within the City of South Pasadena.

No person shall proceed with Demolition, Alteration, or relocation of such resources, or new construction affecting such resources, without first obtaining a Certificate. Approval of such work shall be required even if no other permits or entitlements are required by the City, and the Commission's approval or denial of the proposed work shall be deemed a discretionary action under CEQA (California Code of Regulations, Title 14, § 15002(i)).

B. **Intent.** It is the intent of the City of South Pasadena that Cultural Resources will not be the subject of Demolition, Alteration or relocation unless an Imminent Threat, as determined by the Building Official pursuant to Section 2.66, exists. Review of all applications for a Certificate of Appropriateness shall comply with all applicable state and federal laws and regulations, including without limitation, the California Environmental Quality Act, the National Historic Preservation Act and the National Environmental Policy Act.

C. **Actions Requiring a Certificate of Appropriateness.** The following actions shall require a Certificate of Appropriateness from the Commission. Performance of any work that falls within the provisions of this article without a Certificate of Appropriateness is prohibited:

1. Alteration, Demolition, relocation of, or new construction affecting the South Pasadena Register of Landmarks and Historic Districts; the South Pasadena Inventory of Cultural Resources; and any other Cultural Resources; and
2. Any other project referred to the Commission by the City Council, Planning Commission, or City staff.

D. **Exemptions from Requirements for Certificate of Appropriateness.** The following items of construction, work, or labor on an Improvement or Natural Feature are deemed not to be an Alteration for the purposes of this article and shall not require a Certificate of Appropriateness:

1. Painting of any residential or commercial building;
2. Ordinary Maintenance and Repair which does not require a building permit;
3. Landscaping, including sprinkler system work, that does not affect a Character-Defining Feature;
4. Paving work that does not affect a Character-Defining Feature;

5. All Alterations which are entirely interior and do not affect the exterior of an Improvement, except for designated interiors of a Landmark property (including Character-Defining interior features not described in original landmark documentation, but subsequently discovered and documented);
6. All Alterations affecting an existing or proposed Accessory Dwelling Unit; and
7. Replacement of existing screens and awnings with the same or substantially consistent materials, form, and shape.

E. **Procedures for a Certificate of Appropriateness**

1. Emergency Actions. The procedures in Section 2.65 shall not apply to Demolition, Alteration, and relocation requests pertaining to Improvements that need expedited evaluation due to an Imminent Threat in the interest of the public health or safety (see Section 2.66).

2. Application. The owner or authorized representative proposing a discretionary project that may affect: a Cultural Resource, a non-Contributing Resource within the boundaries of federal, state, and local Historic Districts, shall file an application for a Certificate of Appropriateness on forms provided by the City's Planning and Building Department for such purpose. The application must be accompanied by any fee required by the City.

3. Properties 45 Years or Older. A Certificate of Appropriateness may be required for demolition of a building or structure that is 45 years or older, and not identified as a Cultural Resource. The purpose of this paragraph is to ensure that such buildings and structures are properly evaluated prior to their Demolition or removal.

   a. **Applicability.** Any proposed project submitted to the Planning and Building Department that includes the Demolition or removal of a building or structure that was constructed at least 45 years prior to the date of application for such project shall file a notice of intent to demolish in a form approved by the Director. The determination as to whether a property is a Cultural Resource shall require a deposit by the applicant to cover City costs associated with hiring a historic consultant and/or an Architectural Historian; and/or a deposit to cover the costs associated with the preparation of an Initial Study, Environmental Impact Report, Mitigated Negative Declaration or Negative Declaration.

   b. **Procedure.** The Director or his/her designee shall review the project involving demolition and confirm that the following materials have been provided including: an intensive level Historic Resources Evaluation (HRE) that follows the practices established by the California Office of Historic Preservation shall be prepared for the property; plans for the replacement development project consistent with the standards and requirements of the

applicable zoning district; and photo verification that the property has been posted with a notice of intent to demolish. Upon receipt of the filing materials, the Director or his/her designee will schedule the demolition application for the next available Commission Meeting.

c. **Notice.** Public notification shall be provided to the applicant, to all owners of real property as shown on the County's latest equalized assessment roll, and to all legal occupants located within a 300-foot radius of the subject parcel upon which the intent to demolish is requested.

d. **Determination by Commission.** The Commission will make a determination as to whether the property could potentially meet national, state, or local criteria for designation if the property is not already listed as a Cultural Resource.

1) If the Commission determines, upon review of the filing materials and testimony, that the property is not eligible at the federal, state, or local level, the project involving demolition shall proceed through the City's application process without any further restrictions under this Chapter.

2) If the Commission determines that the property is potentially eligible at the federal, state, or local level, the property shall be added to the Inventory and the provisions of Section 2.65(E), the Procedures for a Certificate of Appropriateness, shall apply to the proposed demolition. If any such resources are potentially affected by a project, the City shall require preparation of the appropriate CEQA documentation.

4. Minor Project Review. A Certificate of Appropriateness may be obtained by going through a minor project review if it involves: Demolition or relocation of non-Character-Defining Features; non-contributing additions, garages, accessory structures or incompatible and previously replaced windows, doors or siding material; any undertaking that does not change exterior features such as re-roofing if the proposed roofing material is comparable in appearance, color and profile to the existing or original roofing material; replacement of windows and doors if the proposed replacements are of the same materials, form, color, and location as the existing or original windows and doors; an addition of less than 200 square feet proposed for the side or rear elevations (not visible from the public right-of-way) and does not materially alter the features or have an adverse effect on the Historic Integrity of a Cultural Resource; minor changes to a previously approved Certificate; or any other undertaking determined by the Director or his/her designee to not materially alter the features or have an adverse effect on the integrity of a Cultural Resource.

a. **Requirements.** The required application materials for minor project review shall include, without limitation: a written narrative of the proposed project, a

vicinity map, a site plan, exterior elevations drawn to scale, a window and door schedule, and photographs of the structure and the neighborhood.

b. **Review Process.** After the Certificate of Appropriateness application for minor project review is deemed complete by the Director or his/her designee, the Commission's Chairperson (the "Chair"), or his/her designee shall evaluate the application to determine its eligibility for Minor Project Review. If the proposed project meets the eligibility criteria for minor project review, the Commission's Chairperson, or his/her designee may elect to do one of the following:

1) *Approve the Certificate of Appropriateness.* If the proposed minor project is deemed consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties and the City of South Pasadena's adopted Design Guidelines, the Commission's Chairperson or his/her designee ma approve the proposed project ;

2) *Consent Calendar.* If the Chair, or his/her designee, determines that the proposed minor project needs additional review by the Commission, he or she may elect to place it on the Commission's next meeting agenda. Such project shall be noticed pursuant to Section 2.65(E)(7), Public Notice Requirements, as a consent calendar item on that agenda; or

3) *Deny the Certificate of Appropriateness.* If the proposed minor project is deemed to be inconsistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties and the City's adopted Design Guidelines, the Chair or his/her designee may elect to refer the proposed project to the entire Commission through the Certificate of Appropriateness (Major Project Review) procedure pursuant to Section 2.65(E)(5), below.

5. Major Project Review. The Certificate of Appropriateness application must be accompanied by any fee as required by the City of South Pasadena and documentation as the Commission shall require, including without limitation:

a. **Written narrative.** A written narrative of the project indicating the manner and the extent in which the proposed project is consistent with the Secretary of the Interior Standards for the Treatment of Historic Properties and the City of South Pasadena's adopted Design Guidelines.

b. **Landscaping plan.** A plan that accurately and clearly displays the following: existing trees on the project Site that are subject to this City's adopted Tree Ordinance as set forth in SPMC Chapter 34; species of all trees and their appropriate trunk diameter, height, and condition; proposed final disposition of all existing trees; the extent and location of all proposed vegetation; species and planting sizes of all proposed landscaping along with the provisions for irrigation and ongoing Maintenance; an irrigation plan; and indication of all

hardscape along with the exterior of all structures and amenities, including colors and materials keyed to a materials and colors board as appropriate.

c. **Site of plot plan.** A Site or plot plan drawn at an appropriate scale that reflects the proposed project including: areas of Alteration and, or Demolition, property lines, and all recorded or proposed easements and public rights of way. The site plan shall also indicate the footprint of buildings on adjacent properties.

d. **Floor plan.** Building floor plans and building sections at a scale of at least one eighth inch equals one foot.

e. **Elevations.** Exterior elevations specifying all exterior materials with critical dimensions and existing Character-Defining Features clearly indicated.

f. **Exterior finishes.** Materials, colors, and finishes clearly indicated on elevation drawings and keyed to a materials and colors board including light reflectance values, a clear indication of the appearance, location, and light effects of all exterior lighting fixtures, and a two-point perspective rendering showing proposed structures with profile drawings of the adjoining structures from an eye level elevation.

g. **Window and door schedule.** All doors and windows labeled with symbols that correspond to the labeling on the floor plans and elevations. The door and window schedule is a table containing the following information: existing and new window and door sizes, window and door manufacturer information, exterior finish, fabrication material, operational type, glazing information, divided lite details, and window muntins details when applicable.

h. **Photographs.** Photographs of the Site and its surroundings to document the existing conditions and provide a complete understanding of the property and its neighborhood context. This includes photographs of the Site and adjacent properties for a distance of 300 feet from each end of the principal street frontage, as well as properties opposite the subject and adjacent properties. The photos shall be mounted color prints, supplied from continuous views along the principal streets, along with a key map provided indicating the relationship of all views to the parcels, streets, and related features.

i. **Other documentation.** Documentation as may be required to understand the history of previous construction on the property including but not limited to: a series of Site plans illustrating the chronological order of construction of permitted and non-permitted work, the construction or removal of Character Defining Features, or building permits.

j. **Scale Model.** Although not a mandatory requirement, a three-dimensional scale model, a perspective view, or other similar types of graphic information may be recommended for a complete understanding of a proposed project.

The application shall be filed with the Director or his/her designee who shall transmit the same to the Commission upon receipt of a complete application, as determined pursuant to the Permit Streamlining Act.

6. Timing of Review. If the proposed project is exempt from the California Environmental Quality Act, the Commission shall have sixty (60) days from the date of receipt of a complete application from the Director, or his/her designee within which to grant or deny the Certificate. A continuance may be granted pursuant to the Permit Streamlining Act. If any action under this article is subject to the provisions of CEQA, the time in which such action must be taken shall be extended in order to allow time to comply with CEQA; provided, however, that such action is taken within the time limits imposed by the Permit Streamlining Act. The Cultural Heritage Commission will be advisory to the Planning Commission on requested variances for properties on the Register of Landmarks and Historic Districts and the South Pasadena Inventory of Cultural Resources.

7. Public Notice Requirements. All projects requiring a Certificate of Appropriateness and subject to the Commission's approval shall require public notification. The City shall, no later than ten (10) days prior to the hearing, give notice of a public hearing indicating the place, date, and time of the Cultural Heritage Commission meeting and shall include a brief description of the proposed project. Public notification shall be provided as follows:

   a. **Hearing Notice to Applicant and Owners.** Public notification shall be provided to the applicant, to all owners of real property as shown on the County's latest equalized assessment roll, and to all legal occupants located within a 300-foot radius of the subject parcel upon which a Certificate is requested.

   b. **Hearing Notice to Owners of Historic District Properties.** Public notification for any project proposed within a Historic District or a district listed on the California Register shall be as follows: the public notification described in subsection "a" above, plus the owners of real property as shown on the County's latest equalized assessment roll and to all legal occupants of each property located within that Historic District or district listed on the California Register.

8. Certificate of Appropriateness Criteria. The following criteria shall apply to all Alteration, Demolition, and relocation requests that do not involve an Emergency, or an expedited evaluation in the interest of the public health or safety. The Commission shall determine whether to approve or deny the issuance of the Certificate based upon the following criteria:

   a. **Local Criteria**

      1) The purpose of this article as set forth in Section 2.58B.

      2) City of South Pasadena Zoning Code.

3) City of South Pasadena Residential and Commercial Design Guidelines, particularly: the Design Guidelines for Alterations and additions to historic residences; the Design Guidelines for new residential buildings in established neighborhoods that apply to non-Contributors, and the Design Guidelines for enhancing existing non-historic residences.

4) The historic and architectural value and significance of the Improvement or natural feature and whether any affected Improvement or natural feature is listed in or eligible for listing in the South Pasadena Register of Landmarks and Historic Districts; the California Register of Historical Resources; or the National Register of Historic Places, or is otherwise a Cultural Resource.

5) The qualities of the Improvement or natural feature including their relation to the street or public way and to other Improvements and natural features, the texture, material and color of the Improvement in question or its appurtenant fixtures, and the relationship of such features to similar features of other Cultural Resources nearby.

6) The designated Historic District including the impact of any proposed Demolition, Alteration, relocation, or new construction on the criteria and standards adopted by the City Council for Historic District designation.

7) With respect to proposed relocations or Demolitions, review of the replacement structure to be considered by the Cultural Heritage Commission and Planning Commission concurrently with the relocation or Demolition permit request. A building permit for the replacement structure must be obtained before a Cultural Resource is relocated or demolished.

8) With respect to proposed Demolitions, the Commission shall consider whether the Improvement or natural feature is of such unusual or uncommon design, texture or materials that it could not be reproduced or be reproduced only with great difficulty and expense or whether retention of such would substantially aid in preserving and protecting the Cultural Resource, or the Historic District.

9) Any applicable report from a Historic Architect or Civil Engineer regarding the feasibility of the proposed work, or feasibility of the Commission's suggestions for project revision, subject to peer review by a City consultant.

10) The Certificate of Appropriateness application and all written and oral testimony submitted, including any evaluations of the property and proposed project by an Architectural Historian.

11) Whether the owner applied for a Certificate of Economic Hardship in accordance with subsection (6)(C).

b. **National and State Criteria**

1) Secretary of the Interior's Standards for the Treatment of Historic Properties and the associated guidelines.

2) The National Park Service and its Preservation Briefs, Tech Notes, and Bulletins

3) The California Environmental Quality Act (CEQA) and its implementing Guidelines and whether the project is consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties, and is therefore exempt from CEQA under Class 31, which applies to "projects limited to Maintenance, Repair, stabilization, Rehabilitation, Restoration, Preservation, conservation or reconstruction of Cultural Resources in a manner consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings (1995), Weeks and Grimmer." (CEQA Guideline [Cal. Code Regs. Title 14] § 15331).

4) The California Environmental Quality Act (CEQA) and its implementing Guidelines and whether the project would normally qualify for a categorical exemption from CEQA, but the project is subject to CEQA because the project "may cause a substantial adverse change in the significance of a historical resource." (CEQA Guideline § 15300.2(f) [Exception for Historical Resources]; CEQA Guideline § 15064.5(b) [Determining the Significance of Impacts on Historical and Unique Archeological Resources; definition of "substantial adverse change in the significance of a historical resource"].

5) State Historical Building Code (Title 24, Part 8 of California Code of Regulations).

6) Density Bonuses. Pursuant to California Government Code § 65915, a density bonus requested for a housing development shall not be granted if the City finds that, among other things, the "concession or incentive would have a specific adverse impact, as defined in paragraph (2) of subdivision (d) of Section 65589.5, upon public health and safety or the physical environment or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low- and moderate-income households." The Commission shall consider the provisions of Government Code § 65915, as it may be amended from time to time, in its review of proposed projects, and in any recommendations made to the Planning Commission.

9. Certificate of Appropriateness Conditions. The Commission may condition its approval on any of the following:
   a. Subsequent review of specific items by the Planning Commission;
   b. Documentation appropriate to the project, consistent with the Historic American Buildings Survey/Historic American Engineering Record/Historic American Landscapes Survey (HABS/HAER/HALS) standards of the Department of the Interior;
   c. Retention of one or more facades or elements;
   d. Suspension of a Certificate of Appropriateness for one hundred and eighty (180) days to allow the owner to take steps as it deems necessary to preserve or restore the Cultural Resource, including acquisition of the property (if moving the resource to another location), or removing and saving parts or Character-Defining Features from the resource;
   e. In the case of an approved Demolition or relocation of a Cultural Resource or Improvement, building permits shall first be issued for the replacement project on the current location, prior to the demolition or relocation of a Cultural Resource or Improvement to another location;
   f. In the case of an approved Demolition or relocation, all CEQA documentation has been reviewed and approved by the appropriate review authority;
   g. In the case of an approved Demolition or relocation, any Mills Act contract formerly existing on the property shall no longer be in force, pursuant to the cancellation terms in the contract;
   h. In the case of an approved Demolition, the owner shall repay to the City any Preservation grants or loans the owner previously accepted from the City as incentives to help preserve the resource;
   i. Any other conditions the Commission deems appropriate on a case-by-case basis.
10. Certificate of Appropriateness Findings. The Certificate of Appropriateness shall be denied if the Commission cannot make the required findings listed below
   a. **Mandatory Findings.** In order to approve a Certificate of Appropriateness, the Commission shall make all of the mandatory findings as follows:
      1) The project is consistent with the goals and policies of the General Plan.
      2) The project is consistent with the goals and policies of this Article.
      3) The project is consistent with the applicable criteria identified in Section 2.65(E)(8) which the Commission applies to Alterations, Demolitions, and relocation requests.

b. **Project-Specific Findings.** In order to approve a Certificate of Appropriateness, the Commission shall make at least three of the Project Specific Findings listed below:

1) The project removes inappropriate Alterations of the past;

2) The project is appropriate to the size, massing, and design context of the historic neighborhood.

3) In the case of an addition or enlargement, the project provides a clear distinction between the new and historic elements of the Cultural Resource or Improvement;

4) The project restores original historic features in accordance with the Secretary of the Interior Standards for the Treatment of Historic Properties;

5) The project adds substantial new living space (for example: a second story toward the rear of a residence) while preserving the single story [architectural style or building type] character of the streetscape;

6) The project enhances the appearance of the [residence or building] without adversely affecting its original design, character, or heritage;

7) The project will not adversely affect the character of the Historic District in which the property is located; and/or

8) The project will be compatible with the appearance of existing Improvements on the Site and the new work will be compatible with the massing, size, scale, and Character-Defining Features to protect the Historic Integrity of the property and its environment.

9) The Project is consistent with the Secretary of the Interior Standards for the Treatment of Historic Properties, and is therefore exempt form CEQA under Class 31, which applies to "projects limited to Maintenance, Repair, stabilization, rehabilitation, restoration, Preservation, conservation or reconstruction of historical resources in a manner consistent with the Secretary of the Interior Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstruction Historic Buildings (1995), Weeks and Grimmer." (CEQA Guideline [Cal. Code Regs. Title 14] § 15331.)

10) Relocation as an alternative to Demolition of the Cultural Resource is appropriate because of the following: CEQA analysis has been conducted and the owner has provided substantial evidence, as defined in CEQA (Public Resources Code § 21080(e)), demonstrating that no feasible alternative exists that would avoid a significant adverse impact on the resource; Relocation is required to prevent destruction of the resource at its current location; the new location is compatible with the Cultural

Resource's original character and use; upon relocation, the resource retains its historic features and compatibility in orientation, setting, and general environment; if re-located within the City of South Pasadena, the receiving location is appropriately zoned; the relocation is part of a definitive series of actions that will assure Preservation of the Cultural Resource.

11) Demolition of the Cultural Resource is appropriate because of one or all of the following: *i.* CEQA analysis has been conducted and the owner has provided substantial evidence, as defined in CEQA (Public Resources Code § 21080(e)), demonstrating that no feasible alternative exists that would avoid a significant adverse impact on the resource; *ii.* the owner is approved for a Certificate of Economic Hardship; *iii.* the size, massing and scale of the replacement structure is harmonious with other Improvements and natural features that contribute to the Historic District, , or the neighborhood character; and *iv.* the replacement structure contributes to the integrity of the Historic District or neighborhood.

12) In the case of a structure that poses an Imminent Threat and is unsafe to occupy, the Commission shall make one or all of the following findings to approve a Demolition of a Cultural Resource: *i.* The building has experienced severe structural damage and there is substantial evidence to support this conclusion from at least two sources (e.g., Structural Engineer, Civil Engineer, or architect); or *ii.* No economically reasonable, practical, or viable measures could be taken to adaptively use, rehabilitate, or restore the building or structure on its existing site and there is substantial evidence to support this conclusion from at least two sources (e.g., Structural Engineer, Civil Engineer, or architect); or *iii.*a compelling public interest justifies demolition.

11. Expiration of Certificate of Appropriateness. A Certificate of Appropriateness shall lapse and become void eighteen (18) months (or shorter period if specified as a condition of approval) from the date of final approval, unless a building permit (if required) has been issued and the work authorized by the Certificate has commenced prior to such expiration date and is diligently pursued to completion. Upon application by the property owner before the expiration of a Certificate of Appropriateness, the Commission may extend the expiration date of the Certificate for an additional period of up to twelve (12) months. The Commission may approve, approve with conditions, or deny any request for extension.

12. Revocation or Modification of Certificate of Appropriateness. A Certificate of Appropriateness may be revoked or modified for any of the following reasons:

    a. Noncompliance with any terms or conditions of the Certificate;

    b. Noncompliance with any provisions of this article; or

c. A finding of fraud or misrepresentation used in the process of obtaining the Certificate.

Proceedings to revoke or modify a Certificate may be initiated by motion of the Commission or City Council. Once revocation proceedings have been initiated and written notice provided to the property owner, all work being done in reliance upon such Certificate or associated permits shall be immediately suspended until a final determination is made regarding the revocation.

The decision to revoke or modify a Certificate of Appropriateness shall be made by the Commission following a public hearing, with written notice provided to the property owner at least ten (10) days prior thereto. The Commission's decision may be appealed to the City Council, as provided below.

13. Appeal of a Certificate of Appropriateness. Any person aggrieved by the Commission's approval or denial of a Certificate of Appropriateness may appeal the Commission's decision to the City Council.

a. Within fifteen (15) calendar days from the effective date of the Commission's decision, the appellant shall file his/her written letter of appeal and shall pay a filing fee as required by the City of South Pasadena, as determined by resolution of the City Council, with the City Clerk.

b. Within the appeal period identified in paragraph "a" above, a member of the Council may request to review a decision of the Commission. A request for review may be initiated by any two members of the Council and shall be filed in writing to the Office of the City Clerk. The request shall not state that an error has been made or otherwise suggest that the two Council members seeking review have predetermined the matter to be heard by the Council.

c. The appeal shall set forth the grounds relied on by the appellant. Upon receipt of the written letter of appeal and payment of the applicable filing fee, the City Clerk shall place the matter upon the City Council agenda for a regularly scheduled meeting of the Council in accordance with Section 2.65(E)(7), Public Notice Requirements, of this section.

d. Within sixty (60) days following the filing of a written appeal, or as soon as practicable, the City Council shall conduct a public hearing to review the decision of the Commission. At any time prior to its final decision, the Council may refer the matter back to the Commission for further consideration. The council shall set the matter for hearing and shall give written notice by certified mail addressed to the owner, of the time and place for the hearing, at least ten days prior to the date thereof.

e. At the time set for the hearing, the appellant and any other interested parties shall be given a reasonable opportunity to be heard in order to show cause why the decision of the Commission should be reversed or modified. The City Council may reverse or affirm wholly or partly, or may modify the decision of

the Commission, and may impose such conditions as the facts warrant, and its decision shall be final. Any hearing may be continued from time to time.

14. Certificate of Economic Hardship. In considering the appropriateness of either Demolition or Alteration, the Commission shall approve or conditionally approve a Certificate of Appropriateness if it finds that such Cultural Resource cannot be remodeled or rehabilitated in a manner which would allow a reasonable use of or reasonable return on investment from the property to the owner.

    If the project is subject to CEQA, the Certificate of Economic Hardship shall not be granted until all CEQA review has been conducted in accordance with law.

    a. **Documentation.** The Commission may solicit expert testimony or require that the owner submit any or all of the following information before the Commission makes a determination on the application for a Certificate of Economic Hardship:

        1) Past and current use of the property;

        2) Proposed future use of the property;

        3) Original purchase price and date purchased;

        4) Current assessed value of the property;

        5) Estimated market value of the property, evaluated by an independent party experienced with appraising Cultural Resources, prepared within three (3) months before submitting the application for a Certificate of Economic Hardship to the Commission: in its current condition, after completion of the proposed project, after any changes recommended by the Commission, and, in the case of proposed Demolition after renovation of the existing property for continued use

        6) Current outstanding mortgage debt encumbering the property identifying principal balance, interest rate, and monthly payment amounts;

        7) For income-producing property, its immediate past three-year history of income and expenses;

        8) Form of ownership or operation of the property, whether sole proprietorship, for profit or not-for-profit corporation, limited partnership, limited liability company, joint venture or other;

        9) An estimate of the cost of the proposed project estimate of any additional cost that would be incurred to comply with the recommendations of the Commission;

        10) A report from a Historic Architect or Structural Engineer with experience in rehabilitation as to the structural soundness of any structures on the property and their suitability for rehabilitation;

11) In the case of proposed Demolition, an estimate from an Historic 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;

12) Such other information of applicant or principal investors in the property, considered necessary by the Commission to determine if there is a reasonable return to the owner;

13) Evidence that the owner has made serious efforts to sell or rent the property to no avail, and has taken advantage of all available financial and land use incentives

2.66 Certificate of Appropriateness Not Required – Conditions Posing an Imminent Threat to Life, Limb, or Property

A. **Intent.** It is the intent of the City of South Pasadena to limit Demolition of any Cultural Resources to the final course of action in an Emergency, used only when other efforts are not feasible to abate an Imminent Threat.

B. **Necessary Work in Connection with an Imminent Threat.** Where the Building Official has determined that a structure regulated by the California Building Code may pose an Imminent Threat to life, limb, or property, the Building Official shall consider the following criteria and procedures prior to issuing an order to abate the Imminent Threat:

1. The extent to which the condition of the building(s) or structure(s) is immediately dangerous within the meaning of the South Pasadena Municipal Code;

2. The extent to which there are any feasible alternatives to Demolition of a Cultural Resource that will adequately protect the health and safety of the public including, but not limited to the following, securing the building, securing the property, bracing of the structure, shoring, or equivalent similar action.

   Such actions may be ordered by the Building Official to abate an Imminent Threat and no Certificate of Appropriateness shall be required.

3. If the Building Official identifies the need to permit a Demolition of a Cultural Resource, and after considering the first priority of protecting the public health and safety, the Building Official shall notify the Director at the earliest feasible opportunity regarding the potential impact on a Cultural Resource and the necessary steps to abate any Imminent Threat to the public health or safety. Upon the Director's receipt of notice from the Building Official, the Director shall notify the Commission's Chairperson (the "Chair"), or his/her designee for the purpose of discussing the conditions and alternatives identified in subsection (B)(2).

4. If the Director determines, following the consultation with the Building Official and the Commission's Chair, that all or some portion of a Demolition of a Cultural Resource is necessary to abate an Imminent Threat to the public health or safety, the Director is authorized to approve the Demolition upon factoring in any feasible alternative to Demolition in whole or in part, as the least invasive corrective measure identified during the consultation.
5. As soon as feasible under the circumstances, the Director, or his/her designee shall present to the Commission a summary of any actions taken pursuant to this subsection B.
6. Where the Building Official has determined that the Imminent Threat has been abated and the structure has been determined by the Building Official to be in a state of disrepair as defined in the Municipal Code, then the substandard condition(s) shall be abated through the Certificate of Appropriateness process for Alterations or Demolitions pursuant to Section 2.65.

2.67 Enforcement and Penalties.

A. **Unpermitted Work without a Certificate.** Demolition, relocation, Alteration or removal of any Improvement, Site or natural feature subject to the provisions of this article without obtaining a Certificate of Appropriateness is a misdemeanor and is further hereby expressly declared to be a nuisance.

B. **Obligations and Consequences upon failure to obtain a Certificate of Appropriateness.** Unpermitted work, without the approval of a Certificate of Appropriateness pursuant to the requirements of this article, shall be addressed as follows:

1. The Director or his/her designee shall give notice to the owner of record by certified or registered mail of the specific Demolition or Alteration work that was made without first obtaining a Certificate of Appropriateness. The owner or person in charge of the structure shall apply within thirty (30) days for a Certificate of Appropriateness
2. In reviewing the unpermitted Alterations, Demolition, relocation, or removal, the Commission shall either:
   a. Approve the Certificate of Appropriateness pursuant to the criteria specified in Section 2.65 herein; or
   b. Deny the Certificate of Appropriateness and require that the inappropriate Alteration(s) or Demolition be abated pursuant to Section 2.68(C), herein.
3. If the property owner fails to apply for a Certificate of Appropriateness or abatement of the Public Nuisance pursuant to Section 2.68(C), herein is not possible, the matter shall be referred to the City Prosecutor for further action.

C. **Abatement of Nuisance.** Any work undertaken for which a Certificate of Appropriateness is required but was not obtained shall be deemed a nuisance. Such nuisance shall be abated by reconstructing or restoring the property to its original condition prior to the performance of work in violation of this article in the following manner:

1. Covenant to Reconstruct Within One Year. Within thirty days (30) days of the effective date of the Commission's denial of a Certificate of Appropriateness, the owner of the property shall execute and record a covenant in favor of the City to do such reconstruction or restoration within one year of the effective date of the Commission's decision to deny a Certificate of Appropriateness. The form of the covenant shall be subject to approval by the City Attorney, and shall run with the land.
2. Time Extension on Covenant. Upon application to the Commission, the time may be extended on a Covenant to reconstruct if the owner shows the work cannot reasonably be performed within one year.
3. City Action. If the owner refuses to execute and record such covenant, then the City may cause such reconstruction or restoration to be done, and the owner shall reimburse the City for all costs incurred in doing the work. The cost of the work performed by the City shall constitute a lien against the property on which the work is performed. Restoration or reconstruction may only be required when plans or other evidence is available to effect the reconstruction or restoration to the satisfaction of the Director.

D. **Additional Penalty.** With respect to a violation of this article on a Landmark or an Improvement within a Historic District, or a on a building or structure listed on the Inventory of Cultural Resources, no building or construction-related permits shall be issued for a period of five (5) years following the date of Demolition or complete reconstruction pursuant to Subsection "C" herein, whichever occurs last, for property on which Demolition has been done in violation of this article. No permits or use of the property as a parking area shall be allowed during the five years if plans or other evidence for reconstruction or restoration of a demolished structure do not exist, or if the reconstruction or restoration is not completed for any reason. Permits which are necessary for public safety or welfare in the opinion of the Director may be issued.

For purposes of this section, the date of Demolition shall be presumed to have occurred on the date the City has actual knowledge of the Demolition, and the owner shall have the burden of proving an earlier date, if entitlement to an earlier date is claimed. The date of complete reconstruction shall be the date that a certificate of occupancy is issued by the City.

E. **Failure to Maintain.** The owner, lessee, or other person in actual charge of a Landmark, building, structure or Improvement within a Historic District, or structure listed on the Inventory of Cultural Resources shall comply with all applicable codes,

laws and regulations governing the Maintenance of property. It is the intent of this subsection to preserve from deliberate or inadvertent neglect the exterior features of buildings, and the interior portions thereof when such Maintenance is necessary to prevent deterioration and decay of the exterior.

1. Notice. The Director shall cause notice of the applicability of this section to be made by certified mail to the person shown as the owner on the rolls of the tax assessor, and on any other person known to have an interest in the property, as soon as practicable after having knowledge that the provisions of this section are applicable to the property. The date the City first had actual knowledge of the Demolition shall be stated in the notice.

2. Consequences for a Failure to Maintain. All Landmarks, buildings, structures or Improvements within a Historic District, or listed on the Inventory of Cultural Resources shall be preserved against decay and deterioration and shall be free from structural defects through prompt corrections of any of the following defects including, but not limited to:

   a. Facades 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 sag, 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.

   g. Electrical and plumbing systems; and

   h. Prevention of infestation.

   If the owner refuses upon thirty (30) days' written notice by City to correct or undertake the Maintenance of a Landmark, building, structure or Improvement within a historic district, or a property listed on the Inventory of Cultural Resources, then the City may cause such Repair or work to be done, and the owner shall reimburse the City for all costs incurred in doing such work. The cost of the work performed by the City shall constitute a special assessment lien against the property on which the work is performed.

F. **Appeal of Decision.** The decision of the Director that this section is applicable to property may be appealed by the affected owner to the Cultural Heritage Commission which shall hold a hearing on such appeal within sixty (60) days of its filing with the City Clerk's Office, and which shall render a decision on the appeal within thirty (30) days of the close of the hearing on the appeal. The decision of the Commission may be appealed to the City Council in accordance with the procedures for appeal in Section 2.65(E)(13).

G. **Remedies Cumulative.** The remedies available to the City are cumulative. The City's exercise of civil remedies shall be in addition and not in lieu of any criminal prosecution and penalty.

2.68 Historic Preservation Incentives.

A. By enactment of this section, the City desires to foster Preservation of South Pasadena's Cultural Resources.

B. The following incentives shall be made available to qualifying properties that undergo Maintenance or Alteration work that is consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties. This work includes rehabilitation for continual use of Historic Buildings and Sites, Preservation and Maintenance of Character-Defining Features, and restoration of historical resources that have been significantly altered over time.

1. Contracts. The City Council authorizes the use of contracts pursuant to California Government Code Section 50280 et seq., known as "Mills Act Contracts." Such contracts may be entered into at the sole discretion of the City Council based on the recommendations of the Cultural Heritage Commission in a form to be approved by the City Attorney. The intent of such contracts shall be the continued Preservation of historical properties.

   a. **Purpose.** The purpose of this section is to implement State law (Government Code Sections 50280-50290), allowing the approval of Mills Act Contracts by establishing a uniform procedure for the owners of qualified historic properties within the City to enter into contracts with the City. The City Council finds that the Mills Act Contract will support the goals and objectives in the Historic Preservation Element of the General Plan with regards to incentivizing the Maintenance and Preservation of Cultural Resources. The Council further finds that entering into a Mills Act Contract is an effective incentive to further the City's Preservation goals to rehabilitate, preserve, restore, and maintain qualifying Cultural Resources.

   b. **Limitations on Eligibility.** Mills Act Contracts are limited to the following qualifying properties: Landmarks; Contributing properties of local Historic Districts; properties listed on the National Register; properties listed on the California Register; and properties that the Commission, with concurrence of

the City Council, may identify as appropriate for a Mills Act Contract. The granting of new Mills Act Contracts shall be limited to a maximum of four (4) properties each year. That limit does not apply to eligible properties that would benefit from the incentive to do Seismic Retrofit work to abate a potential threat to public safety.

c. **Criteria.** In considering the merits of a proposed Mills Act Contract, the Commission shall use the following criteria in making a recommendation to the City Council:

1) *Financial Investment.* The estimated tax benefit is not expected to exceed the applicant's proposed financial investment in the Cultural Resource over the first ten (10) years of the contract.

2) *Public Benefit.* The proposed Mills Act Contract features a work plan that will provide a benefit to the public by: rehabilitating the property for continued occupancy or adaptive reuse; improved viability through systems upgrades and structural reinforcement upgrades; preserving and maintaining the Character-Defining Features of the property, and/or restoring Character-Defining Features of the property that have been significantly altered or removed over time.

3) *Retroactive Limitations.* The estimated tax benefit will not be used for any Maintenance or Alteration work that was previously completed or initiated before the contract is approved, unless it can be shown that the completed work was necessary in the interest of the public health or safety following involuntary damage or destruction caused by fire, Act of Nature, or any other casualty.

4) *Limitations on Maintenance.* The estimated tax benefit will not be used for routine Maintenance work except for exemplary or exceptional properties that have financially burdensome Maintenance requirements.

5) *Limitations on Interior Work.* The estimated tax benefit will not be used for work within the interior of a Cultural Resource unless the Commission determines the following exceptions should be made: the interior work is necessary to improve the structural integrity of the property; the interior work is necessary to preserve and maintain Character Defining Features within the Cultural Resource that are specifically identified as part of the official Landmark nomination; and/or the interior work is necessary to preserve and maintain Character-Defining Features of the property that were discovered subsequent to its Landmark designation. The Commission must first determine that those interior features are character defining based on substantial evidence provided by the applicant.

6) *Limitations on Landscaping.* The estimated tax benefit will not be used for landscaping work unless it will be used for specific landscape features that were identified as part of the official Landmark nomination.

d. **Required Provisions.** The required provisions of a Mills Act contract shall be those required by State law Government Code Sections 50281 and 50282 including the following specifications:

1) The term of a Mills Act Contract shall be for a minimum period of ten (10) years, unless the property owner is issued a notice of non-renewal as provided in Section 2.68(e)(5).

2) Each Mills Act Contract shall provide that on the anniversary date of the contract or such other date as is specified in the contract, a year shall be added automatically to the initial term unless a notice of non-renewal is issued.

3) The property owner shall have the right (per Government Code Section 50282) to appeal a notice of non-renewal to the City Council.

4) *Conformance with National Standards.* The contract agreement is to assist in the Preservation of the qualifying property; therefore, Restoration and Rehabilitation of the property shall conform to the rules and regulations of the State of California Office of Historic Preservation (Department of Parks and Recreation) and the United States Secretary of the Interior's Standards for the Treatment of Historic Properties.

5) *Inspections.* The owner shall agree to allow periodic examination of the interior and exterior of the premises by the County Assessor, the Department of Parks and Recreation, the State Board of Equalization, and the City, as may be necessary to verify the owner's compliance with the contract agreement, and to provide any information requested to ensure compliance with the contract agreement.

   Each Mills Act Contract shall also provide that after five years, and every five years thereafter, the City, County of Los Angeles (County), or City and County shall have the option to inspect the premises to determine the property owner's compliance with the contract.

6) *Reports.* The owner shall agree to submit evidence to the City in accordance with the reporting schedule specified in the Mills Act Contract (and at a minimum every three years) to confirm that Preservation tasks were completed in accordance with the time line stipulated in the Mills Act Contract.

7) *Non-Renewal.* If recommended by the Commission and approved by the City Council, a notice of nonrenewal may be issued six (6) years into the duration of the contract. The procedure for notice of non-renewal by the

owner or the City shall be in accordance with Government Code Section 50282 as it may be amended from time to time.

8) *Binding Effect of Contract.* The contract shall be binding on all successors-in-interest of the owner to the benefits and burdens of the contract. The contract shall stipulate escrow instructions that require a review and re-evaluation of the property every three years.

9) *Cancellation.* The Mills Act Contract shall state that the City may cancel the contract after a duly noticed public hearing if it determines that the owner has breached any of the conditions of the contract or has allowed the property to deteriorate to the point that it no longer meets the significance criteria under which it was designated (Government Code Sections 50284 and 50285).

10) *Cancellation Fee.* The contract shall state that if the City cancels the contract as provided herein, the owner shall pay the State of California a cancellation fee of twelve and one-half percent of the full assessed value of the property at the time of cancellation, as determined by the County Assessor without regard to any restriction on the property imposed by the Mills Act Contract.

The contract shall also provide that in the event Preservation, rehabilitation, or restoration becomes infeasible due to damage caused by natural disaster (e.g., earthquake, fire, flood, etc.), the City may cancel the contract without requiring the owner to pay the State of California the above-referenced cancellation fee as a penalty. However, in this event, a contract shall not be cancelled by the City unless the City determines, after consultation with the State of California Office of Historic Preservation, in compliance with Public Resources Code Section 5028, that Preservation, rehabilitation, or restoration is infeasible.

e. **Administration of Mills Act Contracts.** The Commission shall have the responsibility to recommend to the City Council the approval of Mills Act Contract proposals. The Commission shall prepare and transmit a report of its recommendation to the Council on the merits of each proposal.

1) *Review Timing of New Mills Act Contracts.* After January 1st of each year, or as soon as reasonably possible, but in no event later than March 31st of that year, the Commission shall accept proposals for Mills Act Contracts. After April 1st of each year, or as soon as reasonably possible, but in no event later than June 30th of that year, the Commission shall review proposals for Mills Act Contracts. After June 30th of each year, or as soon as reasonably possible, but in no event later than September 30th of that year, the Commission shall make a recommendation to the City Council of no more than four (4) new Mills Act Contract proposals.

2) *Notification to OHP.* The City shall provide written notice of the contract to the State of California Office of Historic Preservation within 180 days of entering into the contract.

3) *Review Timing of Current Mills Act Contracts.* After June 30th of each year, or as soon as reasonably possible, but in no event later than September 30th of that year, the Commission shall review the progress made towards the completion of Preservation work stipulated in the Mills Act Contracts that are scheduled for review that year and Mills Act Contracts that are ten (10) years or older.

4) *Review Criteria for Cancellation of Mills Act Contracts.* In considering a recommendation to cancel a Mills Act Contract, the Commission shall determine whether the owner has breached any of the conditions of the contract or has allowed the property to deteriorate to the point that it no longer meets the significance criteria under which it was designated.

5) *Review Criteria for Notice of Non-Renewal.* In considering a recommendation to issue a Notice of Non-Renewal of a Mills Act Contract, the Commission shall use the following criteria in making a recommendation to the City Council: *i.)*The owner has provided substantial evidence to the Commission that, although progress has been made towards meeting certain obligations of the contract, the owner cannot fulfill the remaining requirements of the contract due to reasons beyond the owner's control; or *ii.)* The owner has not complied with the terms of the Mills Act Contract, and/or has failed to document evidence of the ongoing preservation maintenance required by the contract, including any changes in the contracted work schedule necessitated by factors beyond the owner's control, or *iii.* The Commission has determined that the quality of the work is insufficient to achieve the long-term preservation objectives of the Mills Act Contract agreement.

   Upon receipt by the owner of a notice from the City of nonrenewal, the owner may make a written protest of the notice of nonrenewal (Government Code Sections 50282). The City may, at any time prior to the renewal date, withdraw the notice of nonrenewal.

6) *Annual Report to City Council.* The Commission shall prepare and transmit a report of its review of current Mills Act Contracts as part of its annual report to the City Council.

7) *Identification of Properties.* The Commission may proactively survey the City and identify properties that may benefit from a Mills Act Contract. The Commission may, if it finds that it is in the best interest of the City, contact the property owner directly and recommend that a Mills Act Contract be pursued.

2.69 Severability of Provisions.

Should any section or provision of this article be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of this article as a whole or any section thereof other than the section or provision specifically declared to be invalid.

SECTION 3. This ordinance shall take effect thirty (30) days after its final passage, and within fifteen (15) days after its passage, the City Clerk of the City of South Pasadena shall certify to the passage and adoption of this ordinance and to its approval by the Mayor and City Council and shall cause the same to be published in a newspaper in the manner required by law.

PASSED, APPROVED, AND ADOPTED ON this 19th day of July, 2017.

Michael A. Cacciotti, Mayor

ATTEST:

Evelyn G. Zneimer, City Clerk
(seal)
Date: 7/19/2017

APPROVED AS TO FORM:

Teresa L. Highsmith, City Attorney

I HEREBY CERTIFY the foregoing ordinance was duly adopted by the City Council of the City of South Pasadena, California, at a regular meeting held on the 19th day of July, 2017, by the following vote:

AYES: Joe, Khubesrian, Mahmud, Schneider, and Mayor Cacciotti

NOES: None

ABSENT: None

ABSTAINED: None

Evelyn G. Zneimer, City Clerk
(seal)