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Chapter 17 - PLANNING

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Sec. 17-101. - Purpose and intent.

The purpose of this chapter is to promote the public health, safety, and general welfare by providing for the identification, protection, enhancement, perpetuation, and use of historic resources such as buildings, structures, sites, places, and districts within the city that reflect special elements of the city's architectural, artistic, cultural, historical, political, and social heritage for the following reasons:

- (1) To safeguard the city's heritage by encouraging the protection of landmarks representing significant elements of its history.
- (2) To foster civic and neighborhood pride and a sense of identity based on an appreciation of the city's past and the recognition and use of historic resources.
- (3) To enhance the visual character of the city by preserving diverse architectural styles reflecting phases of the city's history and by encouraging complementary contemporary design and construction.
- (4) To strengthen the economy of the city by protecting and enhancing the city's attractions to residents, tourists, and visitors.
- (5) To stabilize and improve property values within the city by recognizing historic landmarks and by protecting areas of historic buildings from encroachment by incompatible designs.
- (6) To promote the enjoyment and use of historic resources appropriate for the education and recreation of the people of the city.
- (7) To integrate the preservation of historic resources and the extraction of relevant data from such resources into public and private land management and development processes.
- (8) To conserve valuable material and energy resources by ongoing use and maintenance of the existing built environment.
- (9) To encourage and facilitate public knowledge, understanding, and appreciation of the city's historic past and unique sense of place.
- (10) To preserve diverse architectural styles, patterns of development, and design preferences reflecting phases of the city's history and to encourage complementary design and construction and inspire a more livable urban environment.
- (11) To enhance neighborhoods through the preservation of historic resources and establishment of historic districts.
- (12) To take whatever steps are reasonable and necessary to safeguard the property rights of owners whose property is declared to be a landmark or is located in a historic district.

(Ord. No. 2173, § 1(Exh. A), 3-4-08)

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Sec. 17-102. - Area of application.

This article shall apply to all historic resources, publicly and privately owned, within the corporate limits of the City of West Covina.

(Ord. No. 2173, § 1(Exh. A), 3-4-08)

Sec. 17-103. - Definitions.

The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Alteration. Any change or modification of any landmark or of any improvement located on a property within a historic district. Such change or modification includes, but are not limited to, changes to or modifications of structure, architectural details or visual characteristics (including paint color and surface texture), the addition of new structures, grading, cutting or removal of trees, other alteration of natural features, and the placement or removal of any significant objects affecting the significant visual and/or historical qualities of the property.

Alteration, minor. An alteration that has been determined to have limited potential to affect the defining character and architectural style of the subject structure or resource. In no case shall minor alterations include actions involving new construction or full or partial demolition of a resource, or actions requiring approval on the basis of a finding of economic hardship.

Certificate of appropriateness. A certificate approving such plans, specifications, design, or statements of work, for any proposed alteration, restoration, demolition, removal, or relocation, in whole or in part, of or to improvements relative to landmarks or any property within a historic district.

Commission. The Planning Commission of the City of West Covina.

Construction. The act of expanding an existing building or structure or the erection of a new principal or accessory structure or building on a lot or property.

Contributing building. A building within a historic district that has a special character, special historic or aesthetic interest or value, and is incorporated into the district for that reason.

Demolition. Any act that destroys or damages in whole or in part, a building, structure, or improvement.

Exterior architectural feature. The architectural style, design, general arrangement, components, natural features and all the outer surfaces of an improvement, including, but not limited to, the kind and texture of the building material, the type and style of all windows, doors, lights, signs, walls, fences, and other fixtures appurtenant to such improvement.

Historic district. Any area containing a concentration of improvements which have a special character, historical interest, or aesthetic value; which possess integrity of location, design, setting, materials, workmanship, feeling, and association; or which represent one or more architectural periods or styles typical to the history of the city; and that has been designated a historic district pursuant to this article.

Historic resource. Any improvement, building, structure, landscape, sign, feature, site, place, or area of scientific, aesthetic, educational, cultural, architectural, or historic significance to the citizens of the city.

Improvement. Any building, structure, place, wall, fence, gate, sign, landscaping, or other object constituting a physical alteration of real property, or any part of such alteration.

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Landmark. Any improvement, building, structure, landscape, sign, feature, site, or place that has historical, cultural, aesthetic, or architectural character or value, or which represents one or more architectural periods or styles typical to the history of the city and that has been designated as a landmark pursuant to this chapter.

Minor alterations subcommittee. A subcommittee of the planning commission whose function is to review certificates of appropriateness involving minor alterations. The minor alterations subcommittee shall consist of the following three (3) members appointed by the chairperson of the commission: the staff liaison to the commission, and two (2) members of the commission, one of whom shall be a professional from the field of architecture, if such a professional sits on the commission.

Noncontributing building. A building within a historic district that does not possess the qualifications or characteristics of a contributing building due to such factors as age or alteration, but which has been included within the historic district because of its impact on the geographic integrity and overall character of the district.

Ordinary maintenance and repair. Any work for which a building permit is not required by law where the purpose and effect of such work is to correct any deterioration of or damage to an improvement or natural feature of any part thereof and to restore the same to its condition prior to the occurrence of such deterioration or damage.

Rehabilitation. The act or process of returning an improvement or site to a condition of utilization, through repair, remodeling, or alteration, that makes possible an efficient contemporary use while preserving those portions or features of the improvement or site that are significant to its historical, architectural, and cultural values.

Relocation. Any change of the location of an improvement in its present setting or to another setting.

Removal. The displacement or loss of any improvement from the site.

Restoration. The act or process of accurately recovering the form and details of a property and its setting as it appeared at a particular period of time by means of the removal of later work or by the replacement of missing earlier work.

Secretary of the Interior's Standards for Rehabilitation. The Secretary of the Interior's Standards for Rehabilitation codified in 36 C.F.R., Part 67, as the minimum standards or guidelines for that resource.

(Ord. No. 2173, § 1(Exh. A), 3-4-08)

Secs. 17-104—17-110. - Reserved.

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[Sec. 17-111. - Designation criteria.](#)

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Sec. 17-111. - Designation criteria.

For the purposes of this chapter, a historic resource may be designated a landmark, and an area may be designated a historic district pursuant to division 3 of this chapter, if it meets one (1) or more of the following criteria:

- (a) It exemplifies or reflects special elements of the city's cultural, social, economic, political, aesthetic, engineering, or architectural history; or
- (b) It is identified with persons or events significant in local, regional, state or national history; or
- (c) It embodies distinctive characteristics of a style, type, period, or method of construction, or is a valuable example of the use of indigenous materials or craftsmanship; or
- (d) It is representative of the notable work of a builder, designer, or architect; or
- (e) It has unique location or physical characteristic(s) or represents an established and familiar visual feature or landmark of a neighborhood, community, or the city.

(Ord. No. 2173, § 1(Exh. A), 3-4-08)

Secs. 17-112—17-120. - Reserved.

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[Sec. 17-121. - Nomination requirements, landmark.](#)

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Sec. 17-121. - Nomination requirements, landmark.

Nominations of a historic resource as a landmark shall be made only by application of the property owner or property owners representing a majority or controlling interest in the property on which the resource is located, and the owner or owners representing a majority or controlling interest in the improvement if such improvement has been legally severed.

(Ord. No. 2173, § 1(Exh. A), 3-4-08)

Sec. 17-122. - Minimum eligibility requirements, landmark.

To be eligible for consideration as a landmark, a historic resource must be at least fifty (50) years old, with the exception that a historic resource of at least thirty (30) years of age may be eligible if the planning commission determines that the resource is exceptional, or that it is threatened by demolition, removal, relocation, or inappropriate alteration.

(Ord. No. 2173, § 1(Exh. A), 3-4-08)

Sec. 17-123. - Nomination requirements, historic district.

The initiation of a proposed historic district may arise from a property owner or group of property owners in a potential historic district. When such an initiation is proposed, the city will assist in preparing the defining characteristics of the proposed historic district. Only those properties for which the property owners submit a nomination to be included in a proposed or existing district will be considered to be

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within the district. The district boundary will not include any property without the written consent of the property owner of said property.

(Ord. No. 2173, § 1(Exh. A), 3-4-08)

Sec. 17-124. - Minimum eligibility requirements, historic district.

To be eligible for consideration as a historic district, at least seventy-five (75) percent of the buildings in the proposed historic district (excluding accessory buildings) must be at least fifty (50) years old or otherwise meet the requirement of [section 17-122](#). In addition, no more than twenty-five (25) percent of the buildings in the proposed district (excluding accessory buildings) may be noncontributing. Noncontributing buildings may be included as part of a historic district only to the extent that the planning commission determines them to be essential to the geographic integrity of the district. The planning commission shall make determinations identifying any noncontributing buildings within a historic district as part of the review process.

(Ord. No. 2173, § 1(Exh. A), 3-4-08)

Sec. 17-125. - Delay of work pending hearing.

Once a completed application has been accepted for the designation of a landmark or a historic district, no building, alteration, demolition, removal, or relocation permits for any historic resource, improvement, building, or structure relative to a proposed landmark or within a proposed historic district shall be issued until a final determination is made regarding the proposed designation, except as provided under division 6 of this article.

(Ord. No. 2173, § 1(Exh. A), 3-4-08)

Sec. 17-126. - Application.

Applications for nomination of landmarks or historic districts shall be made to the planning commission on a form provided by the planning department. The nomination shall provide sufficient documentation and information indicating how the proposed historic landmark or historic district meets the designation criteria. All applications shall be considered in a noticed public hearing as set forth herein. No application shall be accepted without the written consent of the owner of all properties to which the nomination pertains.

(Ord. No. 2173, § 1(Exh. A), 3-4-08)

Sec. 17-127. - Notice.

Notice of the date, place, time, and purpose of hearings shall be given by first-class mail to all persons whose names and addresses appear on the latest available assessment roll of the County of Los Angeles as owners of property within a distance of three hundred (300) feet from the exterior boundaries of the property for which the application is filed, at least ten (10) days prior to the date of the public hearing, using the names and addresses of such owners as shown on the latest equalized assessment rolls and shall also be advertised in a newspaper of general circulation. Failure to send any notice by mail to any property owner where the address of such owner is not a matter of public record shall not invalidate any proceedings in connection with the proposed designation. The planning commission may also give such other notice as they deem desirable and practicable.

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(Ord. No. 2173, § 1(Exh. A), 3-4-08)

Sec. 17-128. - Owner's withdrawal of consent.

A property owner who has signed an application for inclusion of his/her property in a proposed historic district may withdraw such consent by filing a written notice of withdrawal with the city clerk at any time prior to the close of the public hearing thereon before the planning commission or before the city council on appeal, if any.

(Ord. No. 2173, § 1(Exh. A), 3-4-08)

Sec. 17-129. - Commission study and determination.

Upon acceptance of a completed application for the designation of a landmark or historic district, a public hearing shall be scheduled before the planning commission to study the proposed designation and to determine its eligibility and qualifications. Following the public hearing, the planning commission shall decide to approve, in whole or in part, or disapprove the designation. All decisions to approve or disapprove designations shall be made by resolution, and shall set forth the findings and reasons relied upon in making the determination.

(Ord. No. 2173, § 1(Exh. A), 3-4-08)

Sec. 17-130. - Notice of designation, city departments.

Notice of the designation of a landmark or a historic district shall be transmitted to all appropriate city departments and any other interested governmental and civic agencies. Each city department shall incorporate the notice of designation into its records, so that future decisions or permissions regarding or affecting a landmark or historic district shall be made with the knowledge of the designation.

(Ord. No. 2173, § 1(Exh. A), 3-4-08)

Sec. 17-131. - Designation statement.

The designation statement shall, at a minimum, include the Secretary of the Interior's standards for rehabilitation codified in 36 C.F.R., Part 67, as the minimum standards or guidelines for that resource. The designation statement shall specify the significant exterior and interior elements and natural features that are expressly found by the planning commission to contribute to the historic landmark's significance. Unless otherwise stated, the designation statement, the protection afforded a historic landmark, shall encompass the entire parcel and any adjoining parcels under the same ownership at the time said designation statement is adopted.

(Ord. No. 2173, § 1(Exh. A), 3-4-08)

Sec. 17-132. - Removal of designation: substantial destruction.

- (a) In the event of substantial destruction of a landmark or historic district, the owner(s) of a landmark or owner(s) of fifty-one (51) percent of the parcels in a historic district may apply for removal of designation. The planning commission or city council may also initiate removal in such circumstances. The removal of a designation for this reason shall be processed and decided in the

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same manner as designations as set forth in this article, with the additional requirement that the determination of substantial destruction shall be set forth in the findings of the planning commission.

- (b) The complete demolition or removal of a landmark shall result in the automatic removal of the landmark designation.
- (c) Once a landmark or historic district designation has been removed, affected properties shall no longer be subject to any provision or regulation of this chapter.

(Ord. No. 2173, § 1(Exh. A), 3-4-08)

Sec. 17-133. - Use of California Historical Building Code.

All repairs, alterations, restorations, or changes in use of existing buildings and structures designated as landmarks or included as part of a historic district, or otherwise considered a historic resource under state law, may conform to the standards of the California Historical Building Code as an alternative to complying with building standards as set forth in [chapter 7](#) of this Code, notwithstanding the fact that such buildings may be nonconforming.

(Ord. No. 2173, § 1(Exh. A), 3-4-08)

Secs. 17-134—17-140. - Reserved.

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[Sec. 17-141. - Actions requiring certificate of appropriateness.](#)

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[Sec. 17-147. - Emergency demolition.](#)

[Secs. 17-148—17-150. - Reserved.](#)

Sec. 17-141. - Actions requiring certificate of appropriateness.

- (a) For landmarks or properties within a historic district, no person shall alter, restore, reconstruct, demolish, remove, replace, or relocate any exterior improvement or architectural feature that is either a contributing characteristic of the resource or visible from any public right-of-way; alter, restore, reconstruct, demolish, remove, replace, or relocate any permanent sign visible from a public right-of-way; or alter, restore, reconstruct, demolish, remove, replace, or relocate any interior characteristic that was identified as contributing during the designation without being granted a certificate of appropriateness, except as provided under division 6 of this article. Approval of such work shall be required even if no other permits or entitlements are required by the city. Procedures are set forth in [section 17-142](#) for the granting of a certificate of appropriateness in cases of substantial economic hardship.
- (b) *Minor alterations.* The commission may, by resolution, adopt a list of those types of alterations that are subject to approval of a certificate of appropriateness that are deemed to be "minor" in nature. The commission may modify the list of minor alterations from time to time by resolution as circumstances warrant. Applications for certificates of appropriateness involving only minor alterations shall be reviewed pursuant to procedures in [section 17-142\(e\)](#).

(Ord. No. 2173, § 1(Exh. A), 3-4-08)

Sec. 17-142. - Review procedures for certificates of appropriateness.

The following procedures shall be followed in processing applications for certificates of appropriateness:

- (a) *Application.* Applications for a certificate of appropriateness shall be filed with the planning department.
- (b) *Application materials.* Applications shall be accompanied by such materials as are required by the commission and the planning department that are reasonably necessary for the proper review of the proposed project.
- (c) *Noticing.*

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- (1) *Minor alterations.* No public noticing shall be required for applications for certificates of appropriateness involving only minor alterations.
- (2) *All applications other than minor alterations.* For applications involving other than minor alterations, public notice shall be provided as determined by resolution of the planning commission. Such resolution shall include at a minimum that where the subject property is part of a historic district, there shall be mailed notice not less than ten (10) days prior to the date of such hearing to persons owning other properties within the historic district.
- (d) *Economic hardship.* In cases where the applicant intends to seek approval on the basis of economic hardship, the following materials shall be submitted as part of the application:
 - (1) Form of ownership or operation of the property, whether sole proprietorship, for-profit or not-for-profit corporation, limited partnership, joint venture, or other method.
 - (2) The amount paid for the property, the date of purchase and the party from whom purchased, including a description of the relationship, if any, between the owner and the person from whom the property was purchased.
 - (3) Remaining balance on any mortgage or other financing secured by the property and annual debt service, if any for the previous two (2) years.
 - (4) Estimated market value of the property both in its current condition, and after completion of the proposed demolition, relocation, or removal, to be presented through an appraisal by a qualified professional expert.
 - (5) A report from a licensed engineer or architect with experience in rehabilitation as to the structural soundness of the structure and its suitability for rehabilitation.
 - (6) An estimate from an architect, developer, real estate consultant, appraiser, or other real estate professional experienced in rehabilitation as to the economic feasibility or reuse of the existing structure on the property.
 - (7) The assessed value of the land and improvements thereon according to the two (2) most recent assessments.
 - (8) Real estate taxes for the previous two (2) years.
 - (9) Annual debt service, if any, for the previous (2) two years.
 - (10) All appraisals obtained within the previous two (2) years by the owner or applicant in connection with his purchase, financing or ownership of the property.
 - (11) All listing of the property for sale or rent, price asked and offers received, if any; and
 - a. Any consideration by the owner as to profitable adaptive uses for the property.
 - b. For income-producing property:
 - i. Annual gross income from the property for the previous two (2) years.
 - ii. Itemized operating and maintenance expenses from the previous two (2) years.
 - iii. Annual cash flow, if any, for the previous two (2) years.
 - iv. Current estate taxes.
- (e) *Review of applications involving minor alterations.* Applications for certificates of appropriateness involving only minor alterations shall be reviewed by the minor alterations subcommittee of the commission, subject to the following provisions:

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- (1) The minor alterations subcommittee shall complete its review and mail notice to the applicant of its decision to approve or conditionally approve the application or to forward the application to the planning commission for a decision. The notice of decision shall state the findings and reasons relied upon in reaching the decision.
 - (2) Decisions of the minor alterations subcommittee to approve or conditionally approve an application must be by an affirmative vote of all members of the subcommittee present. If there are any dissenting votes, the application shall automatically be forwarded to the planning commission for a decision unless the application is withdrawn by written request of the applicant.
 - (3) Where the decision of the subcommittee is to conditionally approve the application, the decision of the subcommittee shall be final and conclusive unless, within ten (10) days of the date of notice of the decision, the applicant files with the planning department a written appeal setting forth all the points of disagreement with the subcommittee.
 - (4) Where the application has been forwarded or appealed to the planning commission, the application shall be heard by the commission at its next available regular, special, or additional meeting. Decisions of the commission shall be in writing and shall state the findings and reasons relied upon in reaching the decision.
- (f) *Review of other applications.* Applications for certificates of appropriateness other than for minor alterations shall be reviewed by the planning commission, subject to the following provisions:
- (1) Decisions of the commission shall be in writing and shall state the findings and reasons relied upon in reaching the decision.
 - (2) For applications for all work, the commission shall decide to approve, approve with conditions, or deny a certificate of appropriateness.
 - (3) For applications seeking approval on the basis of a finding of economic hardship, the commission shall first review the application on the basis of criteria contained in sections [17-143\(a\)](#) through (d) and/or 10-4.404(d)(1). If the applicable conditions are determined to not exist, then the application shall be reviewed on the basis of the criteria contained in sections [17-143\(e\)](#) and/or [17-144\(d\)\(2\)](#).

(Ord. No. 2173, § 1(Exh. A), 3-4-08)

Sec. 17-143. - Criteria for approval of certificates of appropriateness for other than demolition or removal.

The minor alterations subcommittee, the planning commission, or the city council upon appeal, shall issue a certificate of appropriateness only when it determines the following conditions to exist as applicable in each case:

- (a) In the case of a landmark, the proposed work (other than demolition or removal):
 - (1) Conforms to the prescriptive standards adopted by the planning commission; and
 - (2) Will not detrimentally alter, destroy or adversely affect any exterior improvement or exterior architectural feature; and
 - (3) Will retain the essential elements that make the resource significant.
- (b) In the case of all properties located within a historic district, the proposed work (other than demolition or removal):

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- (1) Conforms to the prescriptive standards adopted by the planning commission; and
 - (2) Will not adversely affect the character of the district.
- (c) In the case of properties contributing buildings within a historic district, the proposed work (other than demolition or removal):
- (1) Will not detrimentally alter, destroy, or adversely affect any exterior improvement or exterior architectural feature; and
 - (2) Will retain the essential elements that make the resource significant.
- (d) In the case of construction of a new building, structure, or improvement on a site where a landmark is located or on a property within a historic district, the exterior of such improvements will not adversely affect and will be compatible with the external appearance of the existing designated improvements, buildings and structures on such site or within such district.
- (e) In the case where the applicant has requested consideration for approval on the basis of economic hardship:
- (1) It is not feasible to remove the resource to another site or otherwise preserve it; and
 - (2) The denial of the proposed work will be an immediate and substantial hardship on the applicant because of condition peculiar to the particular improvement; and
 - (3) The property cannot be put to a reasonable use or the owner cannot obtain a reasonable economic return there from without approval of the proposed work.

(Ord. No. 2173, § 1(Exh. A), 3-4-08)

Sec. 17-144. - Certificate of appropriateness for removal or demolition.

- (a) *Discretionary review of demolition permits.* The demolition of a historic landmark, buildings in a historic district, or potential historic resource as described by this article is considered to be a discretionary permit and subject to the California Environmental Quality Act (CEQA) and Permit Streamlining Act. Therefore, a demolition permit shall not be issued until the requirements of Division 4 herein have been met.
- (b) *Demolition review and conditions.*
- (1) The demolition of a landmark or structure located within a historic district shall be referred to the planning commission for review and conditions.
 - (2) Where appropriate, the planning commission may require that a memorial of the resources be incorporated into the proposed redevelopment of the site. Some examples are a photographic display, a book or pamphlet, an exhibit, re-use of original fixtures, and other methods deemed appropriate by the commission.
- (c) *Concurrent processing of demolition permits and replacement plans.*
- (1) No permit to wholly or partially demolish, remove, or relocate a historic landmark, building in a historic district, or potential historic resource shall be considered unless accompanied by complete applications for approvals necessary for the proposed new construction on the site.
 - (2) A demolition permit may not be issued until the building permit for the replacement structure is issued.
 - (3) Staff may refer the request for the replacement structure to the planning commission for advisory direction.

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- (4) Exceptions may be granted to this section when compelled by public safety due to eminent hazard as determined by the public works director.
- (d) *Criteria for approval of certificates of appropriateness.* The planning commission, or the city council upon appeal, shall issue a certificate of appropriateness only when it determines the following conditions exist as applicable in each case:
- (1) In the case of the whole or partial demolition or removal of a landmark or structure located within a historic district:
- a. The structure and/or site is a hazard to public health or safety and repairs or stabilization are not physically possible; or
 - b. The site is required for a public use which will be of more benefit to the public than the historic resource, and there is no feasible alternative location for the public use; or
 - c. Removal of the resource to another site is not feasible or practical; or
 - d. For a building in a historic district, the proposed replacement structure will not detract from or adversely affect the character of the historic district; or
 - e. For a partial demolition or removal, such action will not result in the loss of the essential elements that make the resource significant.
- (2) In the case where the applicant has requested consideration for approval of whole or partial demolition or removal on the basis of economic hardship:
- a. It is not feasible to remove the resource to another site or otherwise preserve it; and
 - b. The denial of the proposed work will work an immediate and substantial hardship on the applicant because of condition peculiar to the particular improvement; and
 - c. The property cannot be put to a reasonable use or the owner cannot obtain a reasonable economic return there from without approval of the proposed work.

(Ord. No. 2173, § 1(Exh. A), 3-4-08)

Sec. 17-145. - Expiration of certificate of appropriateness.

A certificate of appropriateness shall lapse and become void thirty-six (36) months (or a 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 request of the property owner, a certificate of appropriateness may be extended by the planning commission for an additional period of up to twelve (12) months. The planning commission may approve, approve with conditions, or deny any request for extension.

(Ord. No. 2173, § 1(Exh. A), 3-4-08)

Sec. 17-146. - Revocation of certificate of appropriateness.

A certificate of appropriateness may be revoked or modified for reasons of (1) noncompliance with any terms or conditions of the certificate; (2) noncompliance with any provisions of this article; or (3) a finding of fraud or misrepresentation used in the process of obtaining the certificate. Revocation proceedings may be initiated by motion of the planning commission or city council. Once revocation proceedings have been initiated, all work being done in reliance upon such certificate or associated

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permits shall be immediately suspended until a final determination is made regarding the revocation. The decision to revoke a certificate of appropriateness shall be made by the planning commission following a public hearing, with written notice provided to the property owner at least ten (10) days prior thereto.

(Ord. No. 2173, § 1(Exh. A), 3-4-08)

Sec. 17-147. - Emergency demolition.

Structures that are landmarks or included in historic districts that have been severely damaged as a result of an earthquake, fire, or other natural disaster, and which require immediate demolition because the building presents an imminent threat to public safety, shall be exempt from the provisions of this article. A determination to demolish a structure on such grounds shall be made by the planning commission acting on the advice and recommendation of the public works director. In the absence of a quorum of the planning commission, such a determination may be made by the public works director, or the city manager, in consultation with any available members of the planning commission and the planning department.

(Ord. No. 2173, § 1(Exh. A), 3-4-08)

Secs. 17-148—17-150. - Reserved.

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DIVISION 5. - APPEALS

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[Sec. 17-151. - Appeals.](#)

[Sec. 17-152. - Notice of public hearing before the city council for appeals.](#)

[Sec. 17-153. - Decision of the city council.](#)

[Secs. 17-154—17-160. - Reserved.](#)

Sec. 17-151. - Appeals.

Any decision by the planning commission to approve or disapprove a designation of a landmark or historic district, or to approve or disapprove a certificate of appropriateness shall be final and conclusive unless, within ten (10) days following such decision:

- (a) A written appeal is filed by any interested party with the city clerk requesting a public hearing before the city council stating the reasons for such appeal. All required fees for said appeal shall be paid in full to the city upon the filing of each appeal; or
- (b) A member of the city council requests a public hearing before the city council stating the grounds for the appeal.
- (c) Such appeal, or city council request for a public hearing, shall be set for a public hearing by the city clerk in a timely fashion.

(Ord. No. 2173, § 1(Exh. A), 3-4-08)

Sec. 17-152. - Notice of public hearing before the city council for appeals.

Notice of public hearing before the city council to consider an appeal of the decision of the planning commission shall be given in the same manner as set forth for the original application.

(Ord. No. 2173, § 1(Exh. A), 3-4-08)

Sec. 17-153. - Decision of the city council.

The decision of the city council on all applications shall be final and conclusive.

(Ord. No. 2173, § 1(Exh. A), 3-4-08)

Secs. 17-154—17-160. - Reserved.

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DIVISION 6. - MAINTENANCE AND REPAIR

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[Sec. 17-161. - Ordinary maintenance and repair.](#)

[Sec. 17-162. - Duty to keep in good repair.](#)

[Secs. 17-163—17-170. - Reserved.](#)

Sec. 17-161. - Ordinary maintenance and repair.

Nothing in this chapter shall be construed to prevent the ordinary maintenance or repair of any exterior improvement or exterior architectural feature that does not involve a change in design, material or external appearance thereof, nor does this chapter prevent the alteration, restoration, demolition, removal, or relocation of any such improvement or architectural feature when the public works director certifies to the planning commission that such action is required for the public safety due to an unsafe or dangerous condition and cannot be accomplished under the California Historical Building Code.

(Ord. No. 2173, § 1(Exh. A), 3-4-08)

Sec. 17-162. - Duty to keep in good repair.

The owner, occupant, or other person in actual charge of a landmark or a building, structure, or improvement that is located within a historic district shall keep in good repair the exterior portions of all such buildings, structures, or improvements, and all interior portions thereof whose maintenance is necessary to prevent deterioration and decay of any exterior improvement or exterior architectural feature.

(Ord. No. 2173, § 1(Exh. A), 3-4-08)

Secs. 17-163—17-170. - Reserved.

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DIVISION 7. - HISTORIC PRESERVATION PARTICIPATION INCENTIVES

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[Sec. 17-171. - Incentive programs.](#)

[Secs. 17-172—17-180. - Reserved.](#)

Sec. 17-171. - Incentive programs.

To foster preservation of the city's cultural heritage, the following incentives for participation are available only to landmarks and buildings located in historic districts:

- (a) *State Historic Building Code.* Any alteration made for preservation, rehabilitation, restoration, or relocation of such properties shall be made according to the requirements of the state historical building code pursuant to the California Health and Safety Code Section 18950, et seq.
- (b) *Mills Act contracts.* The city council may authorize the use of contracts pursuant to California Government Code Section 50280 et. seq., also known as the Mills Act. Such contracts may be entered into at the sole discretion of the city council based on the recommendation of the planning commission in a form approved by the city attorney, for the specific intent to promote the continued preservation of historic properties.
- (c) *Fee relief.* The applicable building permit fee shall be sixty (60) percent of the actual permit fee at time of issuance.
- (d) *Setback flexibility.* One-story additions shall be allowed to maintain setbacks up to the line of existing encroachments, provided that all setbacks as required by the Uniform Building Code for new construction are maintained.
- (e) *Relief from nonconforming parking requirements.* Single-family residences that are nonconforming due to substandard parking shall not be required to provide parking according to current standards provided that additional floor area does not exceed fifty (50) percent of the existing floor area in any twelve-month period. In multiple-family residential properties, adding units in accordance with existing zoning standards shall not be required to bring existing nonconforming parking into compliance with current parking requirements.
- (f) *Recognition.* The planning commission shall establish a program to recognize historic properties with special plaques, signage, and other appropriate forms of recognition.
- (g) *Financial benefits.* Owners of such properties are eligible to apply for local, state, and federal financial benefits as available.

(Ord. No. 2173, § 1(Exh. A), 3-4-08)

Secs. 17-172—17-180. - Reserved.

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DIVISION 8. - ENFORCEMENT

DIVISION 8. - ENFORCEMENT

[Sec. 17-181. - Enforcement.](#)

[Sec. 17-182. - Penalties.](#)

Sec. 17-181. - Enforcement.

- (a) It shall be the duty of the public works director or his/her designee to administer and enforce the provisions of this chapter.
- (b) In addition to the regulations of this article, other regulations of the West Covina Municipal Code, and other provisions of law which govern the appeal or disapproval of applications for permits, licenses or certificates of appropriateness covered by this article, the public works director shall have the authority to implement the enforcement thereof by serving notice requiring the removal of any violation of this chapter upon the owner, agent, occupant or tenant of the improvement, building, structure or land.
- (c) In addition to the foregoing remedies, the city attorney may institute any necessary legal proceedings to enforce the provisions of this article, including the ability to maintain an action for injunctive relief to restrain or enjoin or to cause the correction or removal of any violation of this chapter, or for an injunction in appropriate cases.
- (d) If any provision or clause of this article is held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such invalidity shall not affect other provisions of this article. The provisions and clauses of this article are declared to be severable.

(Ord. No. 2173, § 1(Exh. A), 3-4-08)

Sec. 17-182. - Penalties.

For any action or development covered by this article that is undertaken without the issuance of a certificate of appropriateness or that is undertaken without full compliance with the terms and conditions of an issued certificate of appropriateness, the public works director shall order the action stopped by written notice. It shall be a misdemeanor for any person to carry out any work on any building, structure, improvement, or property in violation of a notice stopping such work or in violation of this article.

(Ord. No. 2173, § 1(Exh. A), 3-4-08)