

- VOLUME I  
Title 2 - ADMINISTRATION AND PERSONNEL

CHAPTER 2.63 CULTURAL HERITAGE COMMISSION

**CHAPTER 2.63 CULTURAL HERITAGE COMMISSION** <sup>(B)</sup>

[2.63.010 Purpose.](#)

[2.63.020 Definitions.](#)

[2.63.030 Created—Members.](#)

[2.63.040 Duties.](#)

[2.63.050 Criteria for designation of landmarks and landmark districts.](#)

[2.63.060 Procedures for designation of landmark or landmark district.](#)

[2.63.070 Procedures for administering the certificate of appropriateness.](#)

[2.63.075 Hearings and determinations.](#)

[2.63.080 Appeals.](#)

[2.63.090 Publicly-owned resources.](#)

[2.63.100 Easements and development rights.](#)

[2.63.110 Penalties.](#)

**2.63.010 Purpose.**

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

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

(ORD-09-0003, § 1, 2009; Ord. C-6961 § 1 (part), 1992)

CHAPTER 2.63 CULTURAL HERITAGE COMMISSION

**2.63.020 Definitions.**

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

(ORD-09-0003, § 1, 2009; Ord. C-6961 § 1 (part), 1992)

**2.63.030 Created—Members.**

- A. A Cultural Heritage Commission is created by this Chapter whose purpose shall be to recognize, protect and promote the retention, maintenance and use of landmarks and landmark districts in the City in accordance with this Chapter. Said Commission shall consist of seven (7) members who shall

CHAPTER 2.63 CULTURAL HERITAGE COMMISSION

serve without compensation and who are residents of the City who have manifested a knowledge and interest in the City's heritage and landmark preservation.

- B. Commission members shall be appointed from among professionals in the disciplines of architecture, history, architectural history, archeology or other historic preservation related disciplines, such as urban planning, American studies, American civilization, cultural geography or cultural anthropology, to the extent that such professionals are available in the community. Commission membership may also include lay members who have special interest in, or who have demonstrated competence, experience, or knowledge in historic preservation or other historic preservation related disciplines.
- C. The term of office and the number of terms of office of the members of the Commission shall be in accordance with and pursuant to the provisions of [Chapter 2.18](#), as the provisions of [Chapter 2.18](#) are presently worded or hereafter amended.

(ORD-09-0003, § 1, 2009; Ord. C-6961 § 1 (part), 1992)

**2.63.040 Duties.**

The Cultural Heritage Commission shall have the following powers and duties:

- A. To recommend to the City Planning Commission that specific areas, places, buildings, structures, natural features, works of art or similar objects having a significant historical, cultural, architectural, archaeological, community or aesthetic value as part of the heritage of the City, be designated as a landmark or landmark district; or
- B. To review proposed substantial alterations to a designated landmark or to a contributing building or structure within a designated historic district, and to issue or deny a certificate of appropriateness thereon;
- C. To encourage public interest in cultural preservation in the City;
- D. To compile, maintain and update an informational local register of landmarks and historic districts and to publicize and periodically update the City's cultural resource survey;
- E. To review and comment for advisory purposes only upon the conduct of land use, housing, redevelopment, public works and other types of planning and programs undertaken by any agency of the City, County, State or nation, within the City of Long Beach, as they relate to the cultural heritage of the City;
- F. Upon authorization of the City Council, coordinate and cooperate with local, County, State and federal governments in pursuit of the Commission's purposes;
- G. Subject to the consent of City Council, recommend acceptance by the City of gifts, grants and conservation easement donations consistent with the purposes for which the Commission was established;
- H. To make and adopt, and periodically amend, rules and procedures governing the conduct of its business and provide for the administration of this Chapter consistent with [Chapter 2.18](#) of this Code;
- I. To assume whatever responsibility and duties may be assigned to it by the State under certified local government provisions of the National Historic Preservation Act of 1966, as amended; and
- J. To perform any other functions consistent with the purposes herein that may be directed by the City Council.

(ORD-09-0003, § 1, 2009; Ord. C-6961 § 1 (part), 1992)

CHAPTER 2.63 CULTURAL HERITAGE COMMISSION

**2.63.050 Criteria for designation of landmarks and landmark districts.**

A resource may be recommended for designation as a landmark or landmark district if it manifests one (1) or more of the following criteria:

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

(ORD-09-0003, § 1, 2009; Ord. ORD-05-0026 § 1, 2005; Ord. C-6961 § 1 (part), 1992)

**2.63.060 Procedures for designation of landmark or landmark district.**

The Cultural Heritage Commission may recommend the designation of a landmark or landmark district either upon its own nomination or upon nomination by any interested group or individual including the owner or occupant of property proposed for such designation. Any nomination which includes a public building shall be submitted to the City Manager for his review. Comments and recommendations resulting from that review may be submitted to the Cultural Heritage Commission. The Commission shall take no further action on the nomination until receipt of the City Manager's comments and recommendations; provided that, if a written report by the City Manager is not received within thirty (30) days of submittal to him, the Cultural Heritage Commission may proceed with its review of the nomination and the formulation

CHAPTER 2.63 CULTURAL HERITAGE COMMISSION

of a recommendation relating to the designation of a landmark or landmark district pursuant to the following procedures:

- A. The Cultural Heritage Commission shall, as a part of its review process:
  1. Consult with affected property owners;
  2. Prepare a preliminary report on the nomination which shall include, among other things:
    - a. Notification of affected City departments including, when public buildings are a part of the nomination, the City Manager;
    - b. Confirmation and verification that the nomination conforms to the requirements of [Section 2.63.050](#) of this Chapter;
    - c. Preliminary research into the character and history of the structure or area proposed for designation; and
    - d. A recommendation for final action by the Commission. If the Commission approves the nominated designation, then upon direction of the Commission, preliminary research, appropriate inventory forms and other supporting data as directed shall be completed as necessary to prepare the matter for final determination by the Commission. Final action recommending approval or disapproval of the nominated landmark or landmark district shall be by a majority vote of the Commission.
- B. If the Cultural Heritage Commission recommends approval, the Commission shall advise the Director of Development Services in writing of the proposed designation of a landmark or landmark district and secure from the Director of Development Services recommendations concerning the relationship of the proposed landmark or landmark district to the general plan of the City, its effect on the surrounding neighborhood and any other planning considerations which may be relevant to the proposed designation. If a written report by the Director of Development Services is not received within thirty (30) days of receipt of notice of a proposed designation, the Cultural Heritage Commission may conclude that the Director of Development Services has no objections to the designation and proceed with its consideration. The Cultural Heritage Commission shall acknowledge the recommendations, and incorporate them into their report to be submitted to the City Planning Commission. Included in the Cultural Heritage's Commission's report to the City Planning Commission shall be the Commission's recommended guidelines and standards to be applied to the subject property.
- C. The City Planning Commission shall schedule a public hearing on the proposed designation of a landmark or landmark district as soon as practicable after receiving the proposal from the Cultural Heritage Commission. Written notice shall be placed in the mail to all owners of record of real property within the boundaries of the area proposed for designation and located within the distance specified in Subsection 21.21.302.B.4. of this Code or any successor Section thereto. In those instances where the owners petition the City for such designation, it shall be the petitioners' obligation to furnish a current list of names and legal mailing addresses to the City Development Services Department of all real property owners to be notified and pay such fee as shall be established by separate resolution. When the proposed designation is by City initiative, the Development Services Department shall be responsible for preparing the notification list. The public hearing shall be set for not less than ten (10) days, nor more than thirty (30) days subsequent to the date of written notice.
- D. Within thirty (30) days after the close of the public hearing, the City Planning Commission shall make its recommendation on the proposed landmark or landmark district designation. These recommendations, together with the specific findings of fact constituting the basis for the Commission's decision shall be transmitted to the City Council.

CHAPTER 2.63 CULTURAL HERITAGE COMMISSION

- E. The City Council shall consider the matter as soon as practicable after receiving the City Planning Commission's recommendation. If the City Council approves the landmark or landmark district designation, such approval shall be evidenced by ordinance. The City Clerk shall then notify the Director of Development Services of its action in order to ensure compliance with this Chapter.
- F. The ordinance designating a landmark or landmark district shall include a description of the particular characteristics which justify the designation and which should therefore be preserved; shall set forth the reasons relative to [Section 2.63.050](#) for the designation; shall develop a set of general guidelines to establish standards for future proposed changes, and shall delineate the location and boundaries of the landmark site or landmark district. A certified copy of such ordinance shall be recorded in the office of the County Recorder of the County of Los Angeles by the City Clerk immediately following its effective date.
- G. The property included in the designation ordinance shall upon designation be subject to the controls and standards set forth in this Chapter.
- H. The record owner of real property designated as a landmark or the record owner of a historically significant contributing property within a landmark district, or the City, on its own initiative, may petition to withdraw from designated status provided the same procedure described above to cause such designation is followed. Any owner of designated property that petitions for withdrawal from designated status shall furnish the materials required in Subsection C. of this Section and shall pay such fee as established by the City Council by resolution; provided, that in no case may real property be withdrawn from designated status unless it has lost those contributing qualities that led to its initial designation and the City Council, upon recommendation of the Cultural Heritage Commission and the Planning Commission, by resolution so finds.
- I. Once the Cultural Heritage Commission has approved a nomination for designation proceedings, no permits for the alteration, remodel, enlarging, demolition or removal of a structure or improvement nominated for landmark status as provided in this Section shall be issued during the pendency of a review related thereto; provided, that the prohibition shall terminate on the one hundred eighty-first (181st) day following approval of the nomination for designation proceedings, and provided that, notwithstanding the provisions of this Subsection I., requests for building permits which the Director of Development Services determines will have no adverse effect on the architectural character of the nominated property, and which meet the guidelines for approval of certificates of appropriateness set forth in [Section 2.63.070](#), may be approved during the pendency of review for nomination.
- J. If the Cultural Heritage Commission fails to transmit a recommendation for landmark designation of any kind to the Planning Commission within sixty (60) days of its action to recommend such designation, any aggrieved or interested party may petition the Cultural Heritage Commission to do so within twenty (20) days of the expiration of said sixty (60) day period. If the recommendation is not transmitted within thirty (30) days after such petition, the nomination for designation shall be deemed null and void and of no further force and effect.
- K. Recordation of landmarks and historic districts. All buildings or structures or areas designated as landmarks or landmark districts by the City Council pursuant to this Chapter shall be so recorded by the City in the office of the Los Angeles County Recorder. The document to be recorded shall contain a legal description of the property or properties, the date and substance of the designation, a statement explaining that the demolition, alteration, or relocation of the structure is restricted, and a reference to this Section authorizing the recordation.

(ORD-09-0003, § 1, 2009; Ord. C-7760 § 1, 2001; Ord. C-6961 § 1 (part), 1992)

CHAPTER 2.63 CULTURAL HERITAGE COMMISSION

**2.63.070 Procedures for administering the certificate of appropriateness.**

- A. No person owning, renting or occupying property which has been designated a landmark or which is situated in a designated landmark district, shall make any environmental change to such property unless a certificate of appropriateness has been issued authorizing such environmental change. Except as otherwise set forth in this Chapter, all environmental changes made to designated landmarks, or historically significant properties within landmark districts within the City, require a certificate of appropriateness whether or not the alteration, demolition, removal or construction of such property requires a City permit.
- B. The Cultural Heritage Commission shall be responsible for considering and issuing certificates of appropriateness for those sites or improvements which have been designated as landmarks pursuant to the provisions of this Chapter; and also for substantial alterations made to contributing structures/buildings or sites within a designated historic district. For the purpose of this Section, the term "substantial alteration" shall mean an alteration which jeopardizes a structure's individual eligibility as a contributing structure in the National Register of Historic Places, or its status as a contributing structure within a designated City historic district or in the California Register of Historical Resources, such as, but not limited to:
  - 1. The addition, removal, alteration or substitution of defining architectural features, such that the building/structure is incapable of yielding important historical information about its period, including changes to the following: exterior siding (unless siding is replaced with siding of similar size and appearance), roof pitch, fenestration and the compatibility of additions in terms of general scale, massing and materials.
  - 2. Isolation of a property or alteration of its setting such that the historic character and integrity are no longer reflected in the site. Examples may include the following: introduction of parking lots, removal of subsidiary buildings or relocation of a structure from its original site.
  - 3. Use of surface cleaning or maintenance methods which endanger the building/structure, or object's historic building materials, such as sandblasting and improper masonry repointing.

The Director of Development Services shall be responsible for considering and issuing certificates of appropriateness for buildings/structures within designated landmark districts in all other instances, including, but not limited to; replacement of windows and doors (including screen doors) with like materials (e.g., wood window changed with wood or wood clad window of similar aesthetics); replacement/repair of siding with siding similar in size and appearance; replacement/repair of a porch or primary entry to the building/structure; replacement/repair of garage doors that are visible from the public right-of-way; or installation/repair of rain gutters.

- C. An applicant for a certificate of appropriateness shall file an application with the Cultural Heritage Commission or Director of Development Services, as appropriate. The application shall contain all facts and information necessary to properly consider the matter. The applicant shall also pay such fee as is established by resolution of the City Council.
- D. The Cultural Heritage Commission or, as appropriate, the Director of Development Services, shall only issue a certificate of appropriateness if it is determined that the proposed environmental change:
  - 1. Will not adversely affect any significant historical, cultural, architectural or aesthetic feature of the concerned property or of the landmark district in which it is located and that issuance of the certificate is consistent with the spirit and intent of this Chapter;
  - 2. Will remedy any condition determined to be imminently dangerous or unsafe by the Fire Department or the Development Services Department;

CHAPTER 2.63 CULTURAL HERITAGE COMMISSION

3. The proposed change is consistent with or compatible with the architectural period of the building;
  4. The proposed change is compatible in architectural style with existing adjacent contributing structures in a historic landmark district;
  5. The scale, massing, proportions, materials, colors, textures, fenestration, decorative features and details proposed are consistent with the period and/or compatible with adjacent structures;
  6. The proposed change is consistent with the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings of the U.S. Department of the Interior.
- E. If the Commission, or if authorized, the Director of Development Services, determines that the proposed environmental change will adversely affect any significant historical, cultural, architectural or aesthetic feature of the concerned property or of the landmark district in which it is located, the certificate of appropriateness shall be denied. If the Commission or the Director of Development Services finds that the adverse effects can be overcome by minor modifications to the application, a certificate of appropriateness with conditions may be issued.
- F. Once a certificate of appropriateness is issued, the applicant may proceed with the proposed environmental change provided all other requirements of the City are met.
- G. The California State Historical Building Code provides alternative building regulations for the rehabilitation, preservation, restoration or relocation of qualified historic buildings or structures. This shall include structures on national, State or local historical registers or official inventories, such as the National Register of Historic Places, State historical landmarks, State points of historical interest, and City or County registers or inventories of historical or architecturally significant sites, places, historic districts or landmarks. The California State Historical Building Code, Part 8 of the Uniform Building Code, shall be used for any designated City landmark or contributing historic structure in a designated historic district through the City's building permit procedure.
- H. The provisions of this Section shall not be construed so as to prevent the ordinary maintenance and repair of any exterior feature of a landmark, or building/structure of historic or contributing historical significance within a landmark district; or to prevent the construction, reconstruction, alteration, restoration or demolition of any feature which is necessary to remedy an immediately unsafe or dangerous condition as determined by the Fire Department and/or Development Services Department, excluding orders issued pursuant to [Chapter 18.68](#) of this Code. In such cases, the work must be approved by the Director of Development Services, and no certificate of appropriateness shall be required. Examples of this work shall include, but not be limited to the following:
1. Construction, demolition or alteration of side and rear yard fences that does not alter the historical appearance or historical integrity of the structure;
  2. Construction, demolition or alteration of front yard fences that does not alter the historical appearance or historical integrity of the structure;
  3. Repairing or repaving of flat concrete work in the side and rear yard that does not alter the historical appearance or historical integrity of the structure;
  4. Repaving of existing front yard paving, concrete work and walkways that does not alter the historical appearance or historical integrity of the structure;
  5. Roofing work that does not alter the historical appearance or historical integrity of the structure;
  6. Foundation work that does not alter the historical appearance or historical integrity of the structure;



CHAPTER 2.63 CULTURAL HERITAGE COMMISSION

7. Chimney work that does not alter the historical appearance or historical integrity of the structure;
8. Landscaping that does not alter the historical appearance or historical integrity of the structure;
9. Installation of water heaters, electrical box, air conditioning units or other utility items provided they are not visible from the public right-of-way;
10. Repainting, unless the repainting would alter the historical appearance or historical integrity of the structure.

The Director of Development Services shall determine whether or not the proposed work, alteration, construction or improvement constitutes ordinary maintenance and repair and is therefore exempt from the certificate of appropriateness requirement established by this Chapter.

- I. Notwithstanding any other provisions of this Chapter, a certificate of appropriateness shall become void unless construction relating to the environmental change is commenced within twelve (12) months of the date of issuance. Certificates of appropriateness may be renewed for a twelve (12) month period by applying to the Commission staff or to the Director of Development Services. If the environmental change is not completed within twelve (12) months after the expiration of the last building permit, a new certificate of appropriateness shall be required.

(ORD-09-0003, § 1, 2009; Ord. C-7836 § 1, 2002; Ord. C-6971 § 1, 1992; Ord. C-6961 § 1 (part), 1992)

**2.63.075 Hearings and determinations.**

All hearings conducted by the Cultural Heritage Commission and determinations by the Director of Development Services shall be conducted in accordance with the provisions of this Chapter and in the following manner:

- A. For hearings to be conducted by the Cultural Heritage Commission, notice shall be given not less than fourteen (14) days, nor more than forty-five (45) days prior to the hearing. Notice of hearing shall be mailed or personally delivered to the applicant and to the owner(s) of the subject property or their authorized agent. Notice shall also be mailed or delivered to all owners of real property as shown on the latest equalized assessment roll located within the distance specified in Subsection 21.21.302.B.4. of this Code or any successor Section thereto. Notice of hearing shall also be posted at the landmark site at least fourteen (14) days prior to the hearing in a form and manner deemed appropriate by the Director of Development Services.
- B. The Director of Development Services shall consider all applications for certificates of appropriateness within his/her jurisdiction as set forth in [Section 2.63.070](#). Determinations shall be made within forty-five (45) days after the applicant has submitted an application and the Director determines it to be complete. The Director has authority to approve, conditionally approve or deny an application. Determinations made pursuant to this Subsection shall not require a formal hearing or notice. In making his/her determination the Director shall make written findings in accordance with the criteria set forth in Subsections 2.63.070.D. and E. Rather than act on an application for a certificate of appropriateness within his/her jurisdiction, the Director of Development Services may, in his/her sole discretion, refer the application to the Cultural Heritage Commission for its determination. In such case the procedures set forth in Subsection 2.63.075.A. shall apply.
- C. Hearings conducted by the Cultural Heritage Commission need not be conducted according to the technical rules of evidence. Any relevant evidence shall be admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil actions.

CHAPTER 2.63 CULTURAL HERITAGE COMMISSION

- D. After considering all of the testimony and evidence submitted, the Cultural Heritage Commission shall render its decision within fifteen (15) calendar days of the hearing. The decision shall be in writing and shall include findings of fact, a summary of the relevant evidence, a statement of issues and a decision. A copy of the decision shall be provided to the applicant and to any other person who has requested it. All hearings shall be conducted and decisions rendered no later than ninety (90) days from the date that an application has been deemed complete by the Director of Development Services.

(ORD-09-0003, § 1, 2009)

**2.63.080 Appeals.**

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

- A. The appellant may file a notice of appeal, in writing, with the Department of Development Services within ten (10) calendar days after issuance of the written decision to deny or approve the application for a certificate of appropriateness. The appeal shall, in the case of a decision of the Cultural Heritage Commission, be heard by the Planning Commission, or in the case of a determination by the Director of Development Services, by the Cultural Heritage Commission. The appeal hearing shall be conducted no later than forty-five (45) days after the notice of appeal has been filed and deemed complete. Notice of the appeal hearing shall be provided to the appellant, the applicant, and to any person who has requested in writing that such notice be provided. Notice of the appeal hearing shall also be posted at the subject site at least fourteen (14) days prior to the hearing in a form and manner deemed appropriate by the Director of Development Services.
- B. The appeal body may affirm, reverse or modify the action of the Cultural Heritage Commission or the Director of Development Services and may affix whatever conditions of approval as it deems reasonably necessary.
- C. The decision of the Cultural Heritage Commission or the Planning Commission on appeal shall be final. Pursuant to California Code of Civil Procedure Section 1094.6, the time within which to seek judicial review of the final decision is ninety (90) days after the date the decision becomes final. The decision becomes final as of the date the appeal hearing is conducted and a decision is rendered.

(ORD-09-0003, § 1, 2009; Ord. C-7521 § 1, 1998; Ord. C-6961 § 1 (part), 1992)

**2.63.090 Publicly-owned resources.**

The provisions of this Chapter shall also apply to any plans to alter, redecorate or refurbish the exterior or interior features, or make any environmental change, to any designated cultural resources owned by the City or other public entities. The Director of Development Services shall notify the Cultural Heritage Commission at least sixty (60) days in advance of such plans, allowing adequate time for the Commission to study and make recommendations on the plan.

(ORD-09-0003, § 1, 2009; Ord. C-6961 § 1 (part), 1992)

**2.63.100 Easements and development rights.**

This Chapter shall empower the City to acquire facade easements or development rights to landmarks, or other cultural resources within a landmark district, through purchase, donation or

- VOLUME I  
Title 2 - ADMINISTRATION AND PERSONNEL

CHAPTER 2.63 CULTURAL HERITAGE COMMISSION

condemnation. The easement or development rights shall be designed to run with the land in order to preserve or maintain the significant features of the landmark or cultural resource within the landmark district.

(ORD-09-0003, § 1, 2009; Ord. C 6961 § 1 (part), 1992)

**2.63.110 Penalties.**

- A. Any person who knowingly violates a requirement of this Chapter or knowingly fails to obey a lawful order issued by the Commission or the Director of Development Services, or to comply with a condition of approval of any certificate or permit issued under this Chapter shall be guilty of a misdemeanor and subject to provisions of [Section 1.32.010](#) of this Code.
- B. Any person who constructs, alters, removes or demolishes a cultural resource in violation of this Chapter shall be required to restore the building, object, site or structure to its appearance or setting prior to the violation. Any action to enforce this provision may be brought by the City or any other interested party. The civil remedy may be in addition to, and not in lieu of, any criminal prosecution and penalty and other remedy provided by law.

(ORD-09-0003, § 1, 2009; Ord. C 6961 § 1 (part), 1992)

---

FOOTNOTE(S):

---

--- (8) ---

**Note**— Prior ordinance history: Ordinance C-6624. ([Back](#))