

## South Pasadena Municipal Code

[Up](#)[Previous](#)[Next](#)[Main](#)[Collapse](#)[Search](#)[Print](#)[No Frames](#)CHAPTER 2 ADMINISTRATION**ARTICLE IVH. CULTURAL HERITAGE COMMISSION**

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**2.58 Definitions.**

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(a) “Accredited architectural historian” means an architectural historian who meets the historic preservation professional qualification standards of the National Park Service.

(b) “Alteration” means any exterior change or modification, through public or private action, of any cultural resource or of any property located within a historic district including, but not limited to, exterior changes to or modification of structure, architectural details or visual characteristics, such as surface texture, grading, surface paving, new structures, cutting, or removal of trees and other natural features, disturbance of archaeological sites or areas, and the placement or removal of any exterior objects, such as signs, plaques, light fixtures, street furniture, walls, fences, steps, plantings and landscape accessories substantially affecting the exterior visual qualities of the property; except such alterations as identified in Section 2.64(c)(1) shall not be subject to the provisions of this article.

(c) “Certificate of appropriateness” means the permit granted after review by the cultural heritage commission of applications to demolish, alter, relocate or remove a landmark, or an improvement or natural feature within a historic district, or a building or structure in accordance with and as provided in Section 2.64(b)(1).

(d) “Commission” means the cultural heritage commission of the city established by this article.

(e) “City council” or “council” mean the city council of the city of South Pasadena.

(f) “Cultural heritage inventory” means the list, as approved and adopted by the city council, of identified cultural resources which can potentially be designated as a landmark or as a historic district.

(g) “Cultural resource” means improvements, buildings, structures, signs, features, sites, places, areas or other objects of scientific, aesthetic, educational, cultural, architectural, archaeological or historical significance, whether manmade or natural, to the citizens of the city.

(h) “Demolition” shall have the meaning set forth in Division 36.700 of this code.

(i) “Exterior architectural feature” means the architectural elements embodying style, design, general arrangement and components of all of the outer surfaces of an improvement including, but not limited to, the kind, color and texture of the building materials and the type and style of all windows, doors, lights, signs and other fixtures appurtenant to such improvement.

(j) “Historic district” means any area or site containing a number of improvements or natural features which have a special character, historical interest or aesthetic value or which represent one or more architectural periods or styles typical to a period of history of the city, and which constitute a distinct section of the city that has been designated a historic district pursuant to this article.

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

(l) “Landmark” means any site or improvement, whether manmade or natural, which has special historical, cultural, aesthetic, archaeological or architectural character, interest or value as part of the development, heritage or history of the city, the state of California, or the nation and which has been so designated pursuant to this article.

(m) “Member” means any member of the cultural heritage commission.

(n) “Natural feature” means any tree, plant life or geological element subject to the provisions of this article.

(o) “Owner” means the person or persons appearing as the owner of the improvement, natural feature or

site on the last equalized assessment roll of the county of Los Angeles.

(p) "Parcel" or "lot" shall have the meaning set forth in Division 36.700 of this code.

(q) "Preservation" means the identification, study, protection, restoration, rehabilitation or enhancement of cultural resources.

(r) "Site" means a parcel or any portion of real property. (Ord. No. 2187, § 2, 2009.)

## **2.59 Creation.**

There is hereby created a cultural heritage commission of the city. (Ord. No. 2187, § 2, 2009.)

## **2.60 Composition of members.**

All members shall have an expressed interest in and knowledge of the cultural heritage of the city. Members shall be chosen from among:

(a) Professionals in the disciplines of architecture, history, planning, archeology, land economics or related discipline, to the extent such professionals are available in the community; and

(b) 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.

(c) 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. (Ord. No. 2187, § 2, 2009.)

## **2.61 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, subject to the approval of the city council.

(b) Enumerated Powers. The commission shall have the following powers and duties in addition to those otherwise provided in this article:

(1) 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;

(2) Adopt specific criteria for the designation of landmarks and historic districts subject to approval by the city council;

(3) 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 an area be designated a historic district;

(4) Compile and maintain a current register of all sites, natural features, buildings and structures designated and approved as landmarks or historic districts by the city council. A description of the landmark or historic district and its reason for inclusion shall be contained therein. Copies of the register and list shall be transmitted to the city clerk and city manager, and to the departments of planning, parks and recreation, public works and other appropriate departments and governmental or civic agencies;

(5) 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;

- (6) 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;
- (7) 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;
- (8) Submit annually a proposed budget to the city council covering services, supplies, equipment and other expenses appropriate for the performance of its duties;
- (9) Work closely with the city council, city attorney, city manager and staff, other commissions and the community redevelopment agency in order to assure that environmental changes will be orderly and will not damage the cultural or historical integrity of the city;
- (10) 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;
- (11) Render advice and guidance, upon request of the property owners, on the restoration, alteration, decoration, landscaping or maintenance of any landmark and historic district;
- (12) 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 landmarks and historic districts of the community;
- (13) 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 landmark or historic district;
- (14) Recommend to the city council the purchase or acceptance of fee or other interests in property for purposes of cultural resource preservation;
- (15) 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;
- (16) Review all applications for permits, environmental assessments, environmental impact reports, environmental impact statements, and other similar documents set forth in this article, pertaining to landmarks or historic districts;
- (17) Cooperate with local, county, state and federal governments in the pursuit of the objectives of historic preservation;
- (18) Perform any other functions that may be designated by resolution or motion of the city council;
- (19) Participate in the Certified Local Government Program and carry out any responsibilities delegated to it under that program;
- (20) Pursue the designation of historic districts and national register nominations to enable property owners to make use of federal tax incentives;
- (21) Render advice and guidance, upon the request of property owners or occupants, on procedures for inclusion of a building, structure, improvement, or site on the local, state or national register;
- (22) 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;
- (23) Approve or disapprove in whole or in part an application for a certificate of appropriateness regarding the demolition, alteration or removal 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. (Ord. No. 2187, § 2, 2009.)

## 2.62 Landmarks and historic districts.

### (a) Registering Landmarks and Historic Districts.

(1) Registering. 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 necessitating 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.

(2) 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:

(A) Its character, interest or value as a part of the heritage of the community;

(B) Its location as a site of a significant historic event;

(C) Its identification with a person, persons or groups who significantly contributed to the culture and development of the city, state or United States;

(D) Its exemplification of a particular architectural style of an era of history of the city;

(E) Its exemplification of the best remaining architectural type in a neighborhood;

(F) 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;

(G) Its embodiment of elements of outstanding attention to architectural design, engineering, detail design, detail, materials or craftsmanship;

(H) Its being 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;

(I) Its unique location or singular physical characteristic representing an established and familiar visual feature of a neighborhood;

(J) Its potential of yielding information of archaeological interest;

(K) Its integrity as a natural feature or environment that strongly contributes to the well-being of the people of the city;

(L) Its significance as a distinguishable neighborhood or area whose components may lack individual distinction;

(M) With respect to the designation of a historic district, 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 or lot. By way of example only, if the proposed historic district were composed of twenty parcels, then eleven property owners would be required to consent to the designation;

(N) Subject to review and approval by the city council, the commission may by resolution adopt additional or more detailed criteria and standards for the determination of designation of landmarks and historic districts.

(3) Designation Procedure. Landmarks and historic districts shall be established by the city council in the following manner:

(A) 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.

(B) 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 conduct a study and shall 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:

- (i) With respect to the proposed designation of a landmark, exercise its best efforts to meet with the owner in an effort to obtain such owner's written consent to the proposed designation; and
- (ii) With respect to the proposed designation of a historic district, shall have obtained the consent of affected owners in accordance with Section 2.62(a)(2)(M).
- (C) 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.
- (D) The commission shall notify the director of planning of the pendency of the consideration. No applications for a permit to construct, alter or demolish any improvement or natural feature, or any improvement or natural feature within a proposed historic district, filed subsequent to the date of notice to the director of planning by the commission, shall be issued 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 permit application may be approved.
- (E) The commission shall send written notice by registered mail to each 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 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.
- (F) 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.
- (G) The commission shall, within fifteen 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.
- (H) The affected owner 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.
- (I) 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, and shall render its decision thereon within thirty days after the close of the hearing of the city council. 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.
- (J) 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.
- (K) 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.
- (L) 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. (Ord. No. 2187, § 2, 2009.)

### **2.63 Cultural heritage inventory—Additions and deletions.**

- (a) Addition. A property owner wishing to have their property included on the inventory may submit a written application for inclusion to the commission. The application shall provide photographic evidence, an evaluation by an accredited architectural historian, 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.

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 accredited historian, it shall recommend to the council that the property be included on the inventory. The council shall consider the recommendation and may, at its discretion, request further information from the applicant and hold a public hearing. The council may, by resolution, determine that the property be included on the inventory.

(b) Deletion. An owner of a cultural resource listed on the inventory may submit a written application to the commission requesting removal from the inventory. The application shall provide evidence and supporting documentation as to the lack of historic significance of the cultural resource, including photographic evidence as to the current condition of the cultural resource, an evaluation by an accredited architectural historian, and such further information as the commission may require. Written notice of such an application for deletion 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 cultural resource not less than ten days prior to the hearing. If the commission finds:

(1) That the cultural resource lacks historical significance as defined under national, state, and local criteria for historical significance; or

(2) That the cultural resource has lost its historical integrity due to irreversible alterations, it shall make a recommendation to the city council that the cultural resource be deleted from the inventory. The council shall consider the recommendation and may, in its discretion, request further information from the applicant and hold an additional public hearing. The council may, by resolution, determine that the cultural resource be deleted from the inventory.

(c) Additions to or deletions from the inventory may also be initiated by majority vote of the members of the commission. Should the commission initiate the addition of property to the inventory, or deletion 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.

Recommendations to the council as to such addition or deletion shall be made by the commission upon making the applicable findings set forth in subsections (a) or (b), above. The council shall consider the recommendation and may, in its discretion, request further information from the applicant and hold an additional public hearing. The council may, by resolution, determine that the property be added to or deleted from the inventory.

(d) 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. (Ord. No. 2187, § 2, 2009.)

## **2.64 Demolition and alteration.**

(a) Demolition or Alteration of Landmarks and Improvements Within Historic Districts.

(1) Nonemergency Demolition or Alteration. No landmark nor any improvement or natural feature within a historic district or any portion thereof shall be demolished, removed, relocated or altered without first obtaining a certificate of appropriateness from the commission. No certificate of appropriateness shall be approved unless the plans for the changes in construction, alteration, demolition, relocation or removal conform with the provisions of this subsection.

(2) Criteria. The commission shall establish, by resolution subject to review and approval by the city council, criteria for determining whether a landmark, or improvement or natural feature within an historic district shall be permitted to be demolished, removed, relocated or altered.

(A) Alterations. In considering the appropriateness of any alteration, new construction, reconstruction, relocation, restoration, remodeling or other modification of a landmark or an improvement or natural feature within a historic district, the commission shall consider, among other things:

(i) The purpose of this article;

- (ii) The historical and architectural value and significance of the landmark or historic district;
- (iii) The texture, material and color of the building or structure in question or its appurtenant fixtures, including signs and the relationship of such features to similar features of other buildings within the historic district;
- (iv) The position of the building or structure in relation to the street or public way and to other buildings and structures; and
- (v) With respect to a historic district, the impact of the proposed alterations on the criteria and standards adopted by the city council for designation of the historic district.

(B) Demolitions. In considering the appropriateness of any demolition, 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 a landmark or historic district. In the case of a demolition within a historic district, the commission shall make its determination based upon the impact to the criteria and standards adopted by the city council for designation of the historic district.

(C) Economic Hardship. In considering the appropriateness of either demolition or alteration of a landmark or improvement or natural feature within a historic district, 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 from the property to the owner.

(i) 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:

- a. The past and current use of the property;
- b. The original purchase price;
- c. The current assessed value of the property;
- d. The estimated market value of the property:
  - 1. In its current condition,
  - 2. After completion of the proposed construction, alteration, demolition or removal,
  - 3. After any changes recommended by the commission, and
  - 4. In the case of demolition, after renovation of the existing property for continued use (if by appraisal, such appraisal shall not be older than six months from the date of submission to the commission);
- e. The current outstanding mortgage debt encumbering the property identifying principal balance and interest rate;
- f. The immediate past three-year history of income and expenses, if income-producing property;
- g. Form of ownership or operation of the property, whether sole proprietorship, for profit or not-for-profit corporation, limited partnership, joint venture or other;
- h. An estimate of the cost of the proposed construction, alteration, demolition or removal and an estimate of any additional cost that would be incurred to comply with the recommendations of the commission;
- i. A report from a licensed engineer or architect with experience in rehabilitation as to the structural soundness of any structures on the property and their suitability for rehabilitation;
- j. In the case of proposed demolition, an estimate from an architect, developer, real estate consultant, appraiser or other real estate professional experienced in rehabilitation, as to the economic feasibility of rehabilitation or reuse of the existing structure on the property;
- k. 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.

(b) Demolition or Alteration of Other Buildings and Structures.

(1) Nonemergency Demolition or Alteration. Until such time as the cultural heritage inventory is approved

and adopted by the city council, no building or structure, fifty years or older, shall be demolished without first obtaining a certificate of appropriateness in accordance with this subsection. Upon the adoption of the cultural heritage inventory, no building or structure which is listed on the cultural heritage inventory shall be demolished, removed, relocated or altered without first obtaining a certificate of appropriateness in accordance with this subsection.

(2) Criteria. The commission shall determine whether a building or structure as provided in subsection (b) (1) of this section, or any portion thereof, shall be permitted to be demolished, removed, relocated or altered based on the following criteria:

(A) In considering the appropriateness of demolition or alteration, the commission shall consider whether the building, structure, improvement or natural feature would reasonably meet national, state or local criteria for designation as a landmark or as part of a historic district.

(B) The commission shall also consider whether denial of the certificate would result in economic hardship in accordance with subsection (a)(2)(C) of this section.

(c) Exceptions to Requirements of Certificate of Appropriateness.

(1) Not Alteration. The following items of construction, work or labor on a building, structure or improvement are deemed not to be an alteration for the purposes of this article and shall not require a certificate of appropriateness:

(A) House painting;

(B) Routine maintenance which does not require a building permit;

(C) Landscaping, including sprinkler system work;

(D) Flat concrete work;

(E) All alterations which are entirely interior and do not affect the exterior of the building, structure or improvement;

(F) Replacement of existing screens and awnings with same or substantially consistent materials.

(2) Demolition in the Interest of Public Health or Safety. Where it is determined by a duly authorized city official that demolition, removal or alteration of a landmark, or of an improvement or natural feature within a historic district, or of a building or structure as provided in subsection (b)(1) of this section, is immediately necessary in the interest of the public health or safety, the city official may issue a demolition permit without the affected owner first obtaining a certificate of appropriateness. The commission shall be notified in writing as soon as possible, but in any event within not more than five days of the receipt of any application for such work in order to pictorially document the building, structure or improvement prior to commencement of demolition.

(d) Procedures for a Certificate of Appropriateness.

(1) An application for a certificate of appropriateness ("certificate"), accompanied by such documentation as the commission shall require, shall be filed with the director of planning who shall transmit the same to the commission within ten days of the receipt of a complete application. The commission shall determine whether to approve or deny the issuance of the certificate based upon the criteria established in subsections (a) and (b) of this section, respectively, for a landmark or historic district, or a building or structure as provided in subsection (b)(1) of this section. The commission shall have sixty days from the date of receipt of a complete application from the director of planning within which to grant or deny the certificate.

(2) All projects requiring a certificate of appropriateness subject to the cultural heritage commission's approval shall require public notification. Projects which are within the following parameters shall require a three hundred foot radius public notification.

(A) Any demolition of an existing structure and new house or structure;

(B) A change from the existing architectural design (i.e., replacement of all existing windows with a different window, removal and replacement of existing exterior with different materials, a roof reconfiguration or similar construction which alters the existing style);

- (C) A two-story addition on a single-story existing structure;
- (D) A fifty-percent increase to the existing structure or five hundred square feet, whichever is less;
- (E) An addition that exceeds the floor area ratio.

Projects that do not meet the above stated parameters shall be required to provide a one hundred foot radius public notification.

(3) The city shall, no later than ten days prior to the hearing, give legal notice to the applicant and to the owners of property. If the legal owner is not a resident, notice will also be given to the occupant of the property indicating the place, date and time of the cultural heritage commission meeting.

(4) Applications shall be processed according to the notification procedure established by the community development department.

(5) In the case of a decision by the commission not to permit demolition, removal or alteration, the applicant for the certificate and the director of planning shall be notified in writing of such denial, which shall set forth the reasons given in support thereof.

(6) Demolition, significant alteration or removal of any improvement, site or natural feature which fall within the provisions of this article without a certificate of appropriateness authorizing the work to be done, is prohibited.

(e) Appeal.

(1) Any person aggrieved by the commission's approval or denial of a certificate of appropriateness may appeal the decision of the commission to the city council.

(2) Within fifteen calendar days after the mailing of notice to the affected owners of the decision of the commission, the appellant shall file his or her written letter of appeal and shall pay a filing fee, as determined by resolution of the city council, with the city clerk. 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 subsection (e)(3) of this section.

(3) Within sixty days following the filing of a written appeal, 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.

(4) 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. (Ord. No. 2187, § 2, 2009.)

## **2.65 Maintenance and care.**

(a) Ordinary Maintenance and Repair. Nothing in this article shall be construed to prevent the ordinary maintenance and repair of any exterior architectural feature of any designated landmark or improvement or natural feature within a historic district that does not involve a change in design, material, color or appearance thereof. Nothing in this article shall prevent the construction, reconstruction, alteration, restoration or demolition of any such feature which the city official charged with the issuance of building permits shall certify is required by the public safety because of an unsafe or dangerous condition.

(b) Affirmative Duty to Maintain. Every landmark and improvement or natural feature within a historic district shall be maintained in good repair by the owner or such other person who has legal possession or control thereof, in order to preserve it against decay and deterioration to the extent practicable. (Ord. No. 2187, § 2,

2009.)

## **2.66 Historic preservation incentives.**

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(a) By enactment of this section, the city desires to foster preservation of South Pasadena's cultural heritage landmark and historic district properties, and historic properties listed on the California Register.

(b) Mills Act Contracts. The city council authorizes the use of contracts pursuant to California Government Code Section 50280 et seq., alternately known as "Historical Property Contracts" or the "Mills Act." 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. (Ord. No. 2187, § 2, 2009.)

## **2.67 Enforcement and penalties.**

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(a) Obligations and Consequences upon Demolition Without a Certificate of Appropriateness.

(1) Demolition, relocation, significant 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, and shall be abated by reconstructing or restoring the property to its original condition prior to the performance of work in violation of this article whenever possible. The owner of the property, within thirty days of notice from the director of planning that demolition, relocation, significant alteration or removal has been performed in violation of this article shall execute and record a covenant in favor of the city to do such reconstruction or restoration within one year of the date of such notice. The form of the covenant shall be subject to approval by the city attorney, and shall run with the land. Upon application to the commission, the time may be extended by the commission, if the owner shows the work cannot reasonably be performed within one year. 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 of planning.

(2) With respect to a violation of this article on a landmark or an improvement within a historic district, no building or construction-related permits shall be issued for a period of five years from the date of demolition for property on which demolition has been done in violation of this article and 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 of planning may be issued. For purposes of this section, the 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 owner shall have the affirmative obligations to plant grass, to provide a temporary irrigation system to maintain such landscaping and to prevent the accumulation of debris and waste on the property during this period.

(3) With respect to a violation of this article on a building or structure as provided in Section 2.64(b)(1), no building permits or other construction-related permits shall be issued for a period of three years from the date of demolition of such building or structure if such demolition is done without first obtaining a certificate of appropriateness for the demolition. Permits which are necessary for public safety or welfare in the opinion of the director of planning may be issued. No permits or use of the affected property as a parking area shall be allowed. The 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 owner shall have the affirmative obligations to plant grass, to provide a temporary irrigation system to maintain such landscaping and to prevent the accumulation of debris and waste on the property during this period.

