

2.65 Certificate of Appropriateness – Alteration and Demolition

- A. **Purpose.** This section sets forth the process for obtaining a Certificate of Appropriateness (“Certificate”) from the Commission, for the purpose of authorizing proposed work that may affect “historical resources,” as defined by this ordinance and for non-contributors that affect federal, state, and local historic districts and Historical Resources, within the City of South Pasadena. No person shall proceed with Demolition, Alteration, or relocation of such a resource, or new construction affecting such a resource, without first obtaining a Certificate. Approval of such work shall be required even if no other permits or entitlements are required by the City, and the Commission’s approval or denial of the proposed work shall be deemed a discretionary action under CEQA (California Code of Regulations, Title 14, § 15002(i)).
- B. **Intent.** It is the intent of the City of South Pasadena that Cultural Resources will not be demolished, inappropriately altered or relocated unless an imminent threat, as determined by the Building Official pursuant to Section 2.66, exists. Review of all applications for a Certificate of Appropriateness shall comply with all applicable state and federal laws and regulations, including without limitation, the California Environmental Quality Act, the National Historic Preservation Act and the National Environmental Policy Act.
- C. **Actions Requiring a Certificate of Appropriateness.** The following actions shall require a Certificate of Appropriateness from the Commission. Performance of any work that falls within the provisions of this article without a Certificate of Appropriateness is prohibited:
- (1) Alteration, Demolition, or relocation of, or new construction affecting: the South Pasadena Register of Landmarks and Historic Districts; the South Pasadena Inventory of Cultural Resources, and any other “historical resources” as defined by CEQA; and
 - (2) Any other project referred to the Commission by the City Council, Planning Commission, or City staff.
- D. **Exceptions to Requirements for Certificate of Appropriateness.** The following items of construction, work or labor on an Improvement or Natural Feature are deemed not to be an Alteration for the purposes of this article and shall not require a Certificate of Appropriateness:
- (1) Painting of any residential or commercial building ;
 - (2) Ordinary Maintenance and Repair which does not require a building permit, as provided in 2.67 of this article;
 - (3) Landscaping, including sprinkler system work, that does not affect a Character-Defining Feature;
 - (4) Paving work that does not affect a Character-Defining Feature;

- (5) All Alterations which are entirely interior and do not affect the exterior of an Improvement, except for interior features that are specifically mentioned as being important in a landmark designation;
- (6) Replacement of existing screens and awnings with the same or substantially consistent materials, form and shape;

E. Procedures for a Certificate of Appropriateness

- (1). **Emergency Actions.** The procedures in Section 2.65 shall not apply to Demolition, Alteration, and relocation requests pertaining to Improvements that need expedited evaluation in the interest of the public health or safety.
- (2). **Application.** The owner or authorized representative proposing a discretionary project that may affect any potential “Historical Resource,” shall file an application for a Certificate of Appropriateness, on forms provided by the Planning and Building Department for such purpose. The application must be accompanied by any required fee and such documentation as the Commission shall require, including without limitation:
 - (a) A written narrative of the project indicating the manner and the extent in which the proposed project is consistent with the Secretary of the Interior Standards for the Treatment of Historic Properties and the City of South Pasadena’s adopted design guidelines
 - (b) A landscaping plan which shall accurately and clearly display the following:
 - i. Existing trees on the project site that are subject to this City’s adopted Tree Ordinance;
 - ii. Species of all trees, and their appropriate trunk diameter, height, and condition;
 - iii. Final disposition of all existing trees;
 - iv. The extent of proposed vegetation;
 - v. Species and planting sizes of all proposed landscaping along with the provisions for irrigation and ongoing maintenance;
 - vi. Irrigation plan; and
 - vii. Indication of all hardscape along with the exterior of all structures and amenities, including colors and materials keyed to a materials and colors board as appropriate.
 - (c) a site or plot plan, at an appropriate scale, reflecting the proposed project including: areas of alteration and, or demolition, property lines, all recorded or proposed easements, and public rights of way. The site plan shall also indicate the footprint of buildings on adjacent properties.

- (d) structure floor plans and building sections, at a scale of at least one eighth inch equals one foot,
- (e) exterior elevations specifying all exterior materials with critical dimensions and existing Character Defining Features clearly indicated ,
- (f) materials, colors, and finishes clearly indicated on elevation drawings and keyed to a materials and colors board including light reflectance values, a clear indication of the appearance, location, and light effects of all exterior lighting fixtures, and a two-point perspective rendering showing proposed structures with profile drawings of the adjoining structures from an eye level elevation.
- (g) window and door schedule,
- (h) photographs of the site and its surroundings to document the existing conditions and provide a complete understanding of the property and its neighborhood context, include photographs of the site and adjacent properties for a distance of 300 feet from each end of the principal street frontage, as well as properties opposite the subject and adjacent properties. The photos shall be mounted color prints, supplied from continuous views along the principal streets, along with a key map provided indicating the relationship of all views to the parcels, streets, and related features.
- (i) documentation as may be required to understand the history of previous construction on the property including but not limited to: a series of site plans illustrating the chronological order of construction of permitted and non-permitted work, the construction or removal of Character Defining Features, building permits.
- (j) although not a mandatory requirement, it is strongly recommended for a complete understanding of the proposal, that a three-dimensional scale model of the projects site, a perspective view, or other similar types of graphic information also be provided.

The application shall be filed with the Director of Planning or his/her designee who shall transmit the same to the Commission within ten (10) days of the receipt of a complete application, as determined pursuant to the Permit Streamlining Act.

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

- (4). **Public Notice Requirements.** All projects requiring a Certificate of Appropriateness subject to the Commission's approval shall require public notification. The city shall, no later than ten (10) days prior to the hearing, give legal public hearing notice indicating the place, date and time of the Cultural Heritage Commission meeting and shall include a brief description of the proposed project. Public notification shall be provided as follows:
- (a) Hearing Notice to Applicant and Owners. Public notification shall be provided to the applicant; to all owners of real property as shown on the County's latest equalized assessment roll, and to all legal occupants located within a 300-foot radius of the subject parcel upon which a Certificate is requested.
 - (b) Hearing Notice to Owners of Historic District Properties. Public notification for any project proposed within a Historic District or a district listed on the California Register shall be as follows: the public notification described in subsection "i" above, plus the owners of real property as shown on the County's latest equalized assessment roll and to all legal occupants of each property located within that historic district or district listed on the California Register.
- (5). **Notification Procedure for Processing Applications.** Applications shall be processed according to the notification procedure established by the Planning and Building Department.
- (6). **Minor Project Review.** A Certificate of Appropriateness may be obtained by going through Minor Project Review if the proposed project is determined eligible for such review.
- (a) Eligibility for Minor Project Review. A project may be considered a Minor Project if it involves only the following:
 - i. Demolition or relocation of non-Character-Defining Features, including, without limitation, non-contributing additions, garages, accessory structures or incompatible, previously replaced windows, doors or siding material;
 - ii. Any undertaking that does not change exterior features, including without limitation:
 - 1. Re-roofing if the proposed roofing material is comparable in appearance, color and profile to the existing or original roofing material;
 - 2. Replacement of windows and doors if the proposed replacements are the same materials, form, and color as the existing or original windows and doors;
 - iii. An addition less than 200 square feet proposed for side or rear elevations (not visible from the public right-of-way), that does not materially alter the features or have an adverse effect on the integrity of a Cultural Resource;
 - iv. Minor changes to a previously approved Certificate;

- v. Any other undertaking determined by the Director of Planning or his/her designee to not materially alter the features or have an adverse effect on the integrity of an Historic Resource as defined by CEQA.

(b) Application Requirements for Minor Project Review.

- i. The required application materials include without limitation a written narrative of the proposed project, vicinity map, site plan and exterior elevations drawn to scale, window and door schedule, and photographs of the structure and the neighborhood.

(c) Process for Minor Project Review

- i. After the Certificate of Appropriateness application for Minor Project Review is deemed complete by the Director of Planning or his/her designee, the Commission's Chairperson, or his/her designee shall evaluate the application to determine its eligibility for Minor Project Review.
 - ii. If the proposed project meets the Minor Project eligibility criteria, the Commission's Chairperson, or his/her designee (the "Chair") may elect to do one of the following:
 - 1. Approve the Certificate of Appropriateness: If the proposed project is deemed to be consistent with the City of South Pasadena Design Guidelines and the Secretary of the Interior's Standards for the Treatment of Historic Properties, the Commission may approve the proposed project.
 - 2. Consent Calendar: If the Chair determines that the proposed project needs additional review the Chair may elect to place the item on the Commission's next meeting agenda and the project shall be noticed pursuant to Section 2.65(E)(4) as a Consent Calendar item.
 - 3. Deny the Certificate of Appropriateness: If the proposed project is deemed to be inconsistent with the City of South Pasadena Design Guidelines and the Secretary of the Interior's Standards for the Treatment of Historic Properties, the Chair may elect to refer the proposed project to the entire Commission.
- (d) If the proposed project does not meet the Minor Project eligibility criteria and/or is inconsistent with the City of South Pasadena Residential or Commercial Design Guidelines or the Secretary of the Interior's Standards for the Treatment of Historic Properties, the Staff shall forward the application to the Commission for its review and recommendation according to the standard Certificate of Appropriateness process.
- (e) From time to time as circumstances warrant, the Commission may, by resolution, modify the list of criteria for actions deemed to qualify for Minor Project review.

(7). **Standard Certificate of Appropriateness Criteria.** The Commission shall determine whether to approve or deny the issuance of the Certificate based upon the following criteria:

(a) **Non-Emergency Actions.** The following procedures shall apply to all Alteration, Demolition, and relocation requests that do not involve an emergency, nor a need to expedite evaluation in the interest of the public health or safety.

In evaluating the appropriateness of the proposed project, the Commission may consider (as applicable):

- i. The purpose of this article.
- ii. Whether any affected Improvement or natural feature is listed in or eligible for listing in the South Pasadena Register of Cultural Resources, California Register of Historical Resources, or the National Register of Historic Places, or is otherwise a “Historical Resource”.
- iii. The California Environmental Quality Act and its implementing Guidelines, and whether:
 1. The project is consistent with the Secretary of the Interior’s Standards for the Treatment of Historic Properties, and is therefore exempt from CEQA under Class 31, which applies to “projects limited to maintenance, repair, stabilization, rehabilitation, restoration, preservation, conservation or reconstruction of historical resources in a manner consistent with the Secretary of the Interior’s Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings (1995), Weeks and Grimmer.” (CEQA Guideline [Cal. Code Regs. Title 14] § 15331).
 2. The project would normally qualify for a categorical exemption from CEQA, but the project is subject to CEQA because the Exception for Historical Resources exception applies and the project “may cause a substantial adverse change in the significance of a historical resource.” (CEQA Guideline § 15300.2(f) [Exception for Historical Resources]; CEQA Guideline § 15064.5(b) [Determining the Significance of Impacts on Historical and Unique Archeological Resources; definition of “substantial adverse change in the significance of a historical resource”].
- iv. City of South Pasadena Zoning Code
- v. City of South Pasadena Residential Design Guidelines, and particularly:
 1. The Design Guidelines for Historic Residences that apply to any Improvement or Natural Feature on the Cultural Heritage Inventory, including Landmarks, and Improvements or Natural Resources within both designated and potential Historic Districts;

2. The Design Guidelines for Non-Historic Existing Residences that apply to single-family, Non-Contributors located within Historic Districts, as well as residences outside Historic District boundaries; and
 3. The Design Guidelines for New Single-Family Residences that apply to new construction located in Historic Districts.
- vi. City of South Pasadena Commercial Design Guidelines
 - vii. Secretary of the Interior's Standards for the Treatment of Historic Properties, and the associated Guidelines State Historical Building Code (Title 24, Part 8 of California Code of Regulations)
 - viii. The historic and architectural value and significance of the Improvement or Natural Feature
 - ix. The position of the Improvement or Natural Feature in relation to the street or public way and to other Improvements and Natural Features
 - x. The texture, material and color of the Improvement in question or its appurtenant fixtures, including signs and the relationship of such features to similar features of other Cultural Resources located nearby, if the project is located outside of a designated or potential Historic District, or to other Improvements within a Historic District, if the project is located within a designated or potential Historic District
 - xi. With respect to a designated Historic District, the impact of the proposed Demolition, Alterations, Relocation, or new construction on the criteria and standards adopted by the City Council for designation of the Historic District
 - xii. With respect to proposed relocations or Demolitions, review of the replacement structure, to be considered by the Cultural Heritage Commission and Planning Commission concurrently with the relocation or Demolition permit request. A building permit for the replacement structure must be obtained before a Cultural Resource is relocated or demolished
 - xiii. With respect to proposed Demolitions, the Commission shall consider whether the Improvement or Natural Feature is of such unusual or uncommon design, texture or materials that it could not be reproduced or be reproduced only with great difficulty and expense or whether retention of such would substantially aid in preserving and protecting the "historical resource," as defined by CEQA, or the Historic District.
 - xiv. Any applicable report from a Historic Architect or Structural Engineer regarding the feasibility of the proposed work, or feasibility of the Commission's suggestions for project revision, subject to peer review by a City consultant.

- xv. Second Units. To the extent that the Commission has review authority over a second unit, consideration shall be given to any existing second unit ordinance in South Pasadena and to California Government Code § 65852.2, which allows agencies to impose standards on second units that include, without limitation, standards that prevent adverse impacts on any real property that is listed in the California Register of Historic Places, and standards for parking, height, setback, lot coverage, architectural review, and maximum size of a unit.
 - xvi. Density Bonuses. Pursuant to California Government Code § 65915, a density bonus requested for a housing development shall not be granted if the City finds that, among other things, the “concession or incentive would have a specific adverse impact, as defined in paragraph (2) of subdivision (d) of Section 65589.5, upon public health and safety or the physical environment or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low- and moderate-income households.” The Commission shall consider the provisions of Government Code § 65915, as it may be amended from time to time, in its review of proposed projects, and in any recommendations made to the Planning Commission.
 - xvii. Earthquake Hazard Reduction. Municipal Code Chapter 9, Article III contains standards and provisions for earthquake hazard reduction in all City buildings and structures, including special provisions in Section 9.38 with which a “historical building” may comply “as a means to preserve original architectural elements and facilitate restoration.” Those special provisions include standards for existing or re-erected walls of unburned clay masonry or adobe construction; guidance for determining allowable stresses for archaic materials; and consideration for alternative materials, design or methods of construction, including a request for an opinion by the State Historical Building Safety Board for its consideration, advice or findings in accordance with the State Historical Building Code. Certificate of Appropriateness review shall consider the provisions in Municipal Code Chapter 9, Article III as a whole, and particularly Section 9.38, as well as any other relevant provisions in this Ordinance.
 - xviii. Whether the owner applied for a Certificate of Economic Hardship in accordance with subsection (6)(C)
- (b) **Certificate of Economic Hardship.** In considering the appropriateness of either demolition or alteration, the Commission shall approve or conditionally approve a Certificate of Appropriateness if it finds that such cultural resource cannot be remodeled or rehabilitated in a manner which would allow a reasonable use of or reasonable return on investment from the property to the owner. If the project is subject to CEQA, the Certificate of Economic Hardship shall not be granted until all CEQA review has been conducted in accordance with law.

- 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 for a Certificate of Economic Hardship:
 1. The past and current use of the property;
 2. The proposed future use of the property;
 3. The original purchase price and date purchased;
 4. The current assessed value of the property;
 5. The estimated market value of the property, evaluated by an independent party experienced with appraising Cultural Resources, prepared within three (3) months before submitting the application for a Certificate of Economic Hardship to the Commission: in its current condition, after completion of the proposed project, after any changes recommended by the Commission, and, in the case of proposed Demolition after renovation of the existing property for continued use
 6. The current outstanding mortgage debt encumbering the property identifying principal balance, interest rate, and monthly payment amounts;
 7. The immediate past three-year history of income and expenses, if it is an income-producing property;
 8. Form of ownership or operation of the property, whether sole proprietorship, for profit or not-for-profit corporation, limited partnership, limited liability company, joint venture or other;
 9. An estimate of the cost of the proposed project-estimate of any additional cost that would be incurred to comply with the recommendations of the Commission;
 10. A report from a Historic Architect or Structural Engineer with experience in rehabilitation as to the structural soundness of any structures on the property and their suitability for rehabilitation;
 11. In the case of proposed demolition, an estimate from a Historic architect, developer, real estate consultant, appraiser or other real estate professional experienced in rehabilitation, as to the economic feasibility of rehabilitation or reuse of the existing structure on the property;
 12. Such other information of applicant or principal investors in the property, considered necessary by the commission to determine if there is a reasonable return to the owner;

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

(ii) Findings. The following findings shall be made for all Certificate of Economic Hardship applications:

1. Denial of the application will diminish the value of the subject property so as to leave substantially no value.
2. Sale or rental of the property is impractical, when compared to the cost of holding such property for uses permitted in this zone.
3. An adaptive reuse study has been conducted and found that utilization of the property for lawful purposes is prohibited or impractical.
4. Rental at a reasonable rate of return is not feasible.
5. Denial of the Certificate of Appropriateness would damage the owner of the property unreasonably in comparison to the benefit conferred on the community, or
6. All means involving City sponsored incentives, such a transfer of development rights, tax abatements, financial assistance, building code modifications, changes in the zoning ordinance, loans, grants, and reimbursements, have been explored to relieve possible economic disincentives.

(c) Conditions. Conditions of approval for a Certificate of Appropriateness may include the following:

- i. The Commission conditions its approval on subsequent review of specific items by the Planning Commission;
- ii. Documentation appropriate to the project, consistent with the Historic American Buildings Survey/Historic American Engineering Record/Historic American Landscapes Survey (HABS/HAER/HALS) standards of the Department of the Interior, will be conducted;
- iii. One or more facades or elements will be retained; Approval of the Certificate of Appropriateness will be suspended for one hundred and eighty (180) days to allow the owner to take steps as it deems necessary to preserve or restore the Cultural Resource, including acquisition of the property, moving the resource to another location, or removing and saving parts or Character-Defining Features from the resource;

- iv. In the case of an approved relocation of an Historic Resource, building permits shall first be issued for the replacement project on the current location, prior to the relocation of an historic resource to another location.
 - v. In the case of an approved demolition or relocation, all CEQA documentation has been reviewed and approved by the appropriate review authority ;
 - vi. In the case of an approved demolition or relocation, any Mills Act contract formerly existing on the property shall no longer be in force, pursuant to the cancellation terms in the contract;
 - vii. In the case of an approved demolition, the owner shall repay to the City any preservation grants or loans the owner previously accepted from the City as incentives to help preserve the resource;
 - viii. Any other conditions the Commission deems appropriate, on a case-by-case basis.
- (d) **Findings.** To approve a Certificate of Appropriateness, the Commission shall make all of the Mandatory Findings listed below, and at least three (3) of the Project Specific Findings listed below. If the Commission cannot make the required findings, the Certificate of Appropriateness shall be denied.
- i. Mandatory Findings:
 - 1. The Commission has considered the resource’s status on the South Pasadena Register of Cultural Resources, South Pasadena Cultural Heritage Inventory, California Register of Historical Resources, or National Register of Historic Places, and whether the property otherwise qualifies as a “Historical Resource” as defined by CEQA.
 - 2. The project is consistent with the goals and policies of the General Plan
 - 3. The project is consistent with the goals and policies of this article;
 - 4. The Commission has considered the criteria identified in Section 2.65(E)(7) of this article;
 - 5. The Commission has considered the Certificate of Appropriateness application, and all written and oral testimony submitted, including any evaluations of the property and proposed project by a Qualified Architectural Historian.
 - ii. Project Specific Findings, Appropriate to the Project Type:
 - 1. The project removes inappropriate alterations of the past

2. The project is appropriate to the size, massing, and design context of the historic neighborhood. The addition provides a clear distinction between the new and historic elements
3. The project restores original historic features
4. The project adds substantial new living space (for example: a second story toward the rear of the residence) while preserving the single story [architectural style or building type] character of the streetscape
5. The project enhances the appearance of the [residence or building] without adversely affecting its original design, character, or heritage.
6. The project will not adversely affect the character of the Historic District in which the property is located
7. The project will be compatible with the appearance of existing Improvements on the site and the new work will be compatible with massing, size, scale, and Character-Defining Features to protect the historic integrity of the property and its environment.
8. The project is consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties, and is therefore exempt from CEQA under Class 31, which applies to "projects limited to maintenance, repair, stabilization, rehabilitation, restoration, preservation, conservation or reconstruction of historical resources in a manner consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings (1995), Weeks and Grimmer." (CEQA Guideline [Cal. Code Regs. Title 14] § 15331.)
9. Relocation as an alternative to Demolition of the "historical resource," as defined by CEQA, is appropriate because:
 - a. CEQA analysis has been conducted, and the owner has provided substantial evidence, as defined in CEQA (Public Resources Code § 21080(e)), demonstrating that no feasible alternative exists that would avoid a significant adverse impact on the resource;
 - b. Relocation is required to prevent destruction of the resource at its current location
 - c. The new location is compatible with the resource's original character and use
 - d. Upon relocation, the resource retains its historic features and compatibility in orientation, setting, and general environment

- e. If located within the City of South Pasadena, the receiving location is appropriately zoned
- f. The relocation is part of a definitive series of actions that will assure preservation of the resource

10. Demolition of the “historical resource,” as defined by CEQA, is appropriate because of the following:

CEQA analysis has been conducted, and the owner has provided substantial evidence, as defined in CEQA (Public Resources Code § 21080(e)), demonstrating that no feasible alternative exists that would avoid a significant adverse impact on the resource;

- a. The owner is approved for a Certificate of Economic Hardship;
- b. The size, massing and scale of the replacement structure is harmonious with other Improvements and Natural Features that contribute to the Historic District or neighborhood character;
- c. The replacement structure contributes to the integrity of the Historic District or neighborhood.

- (8). **Expiration of Certificate of Appropriateness.** A Certificate of Appropriateness shall lapse and become void eighteen (18) months (or shorter period if specified as a condition of approval) from the date of final approval, unless a building permit (if required) has been issued and the work authorized by the Certificate has commenced prior to such expiration date and is diligently pursued to completion. Upon application by the property owner before the expiration of a Certificate of Appropriateness, the Commission may extend the expiration date of the Certificate for an additional period of up to twelve (12) months. The Commission may approve, approve with conditions, or deny any request for extension.
- (9). **Revocation or Modification 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 Commission or City Council. Once revocation proceedings have been initiated and written notice provided to the property owner, all work being done in reliance upon such Certificate or associated permits shall be immediately suspended until a final determination is made regarding the revocation. The decision to revoke a Certificate of Appropriateness shall be made by the Commission following a public hearing, with written notice provided to the property owner at least ten (10) days prior thereto. The Commission’s decision may be appealed to the City Council, pursuant to paragraph 11 (Appeal).
- (10). **Denial of Certificate.** In the case of a decision by the Commission not to permit Demolition, relocation 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.

(11). **Appeal.**

- (a) Any person aggrieved by the Commission's approval or denial of a Certificate of Appropriateness may appeal the Commission's decision to the City Council.
- (b) Within fifteen (15) calendar days from the effective date of the Commission's decision to the affected owners, the appellant shall file his/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.
- (c) Within sixty (60) days following the filing of a written appeal, or as soon as practicable, the city council shall conduct a public hearing to review the decision of the commission. At any time prior to its final decision, the council may refer the matter back to the commission for further consideration. The council shall set the matter for hearing and shall give written notice by certified mail addressed to the owner, of the time and place for the hearing, at least ten days prior to the date thereof.
- (d) 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. 2004, (part); Ord. No. 2039, § 1(B); Ord. No. 2045, § 1.)