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Culver City Municipal Code

CHAPTER 15.05: HISTORIC PRESERVATION PROGRAM

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Cross-reference:

Administrative Assessment Cost Recovery Program, see §§ 15.02.900 through 15.02.915

§ 15.05.005 PURPOSE.

The purpose of this Chapter is to protect the City's unique historical, architectural and cultural heritage as reflected in the City's architectural history and patterns of cultural development. It is also intended to encourage and facilitate public knowledge, understanding and appreciation of the City's historic past and unique cultural resources.

('65 Code, § 38-1) (Ord. No. 91-005 § 1 (part); Ord. No. 91-018 § 1; Ord. No. 2002-007 § 1 (part); Ord. No. 2003-019 § 1 (part); Ord. No. 2004-004 § 1 (part))

§ 15.05.010 DEFINITIONS.

Unless the contrary is stated or clearly appears from the context, the following definitions shall govern the interpretation of this Chapter:

ALTERATION. Any work involving the exterior of a designated structure for which a City permit must be obtained, including the demolition, addition, removal, restoration, relocation or other modification, in whole or in part, of a structure.

ARCHITECTURAL SIGNIFICANCE. A criterion used in designating a structure that is an outstanding or surviving example of period, style, detail, unique craftsmanship or method of construction; or represents the work of a locally, statewide or nationally significant architect, designer, or builder.

CERTIFICATE OF APPROPRIATENESS. The document verifying that alterations proposed to a designated structure comply with the requirements of this Chapter.

CERTIFICATE OF EXEMPTION. The document authorizing work described in a disapproved Certificate of Appropriateness, after all alternatives were considered, because it was subsequently determined that such disapproval results in a substantial hardship on the owner.

CULTURAL RESOURCE. A structure that has aesthetic, cultural, architectural or historical significance to the City, State or nation, and that may have been designed as a landmark, significant, recognized or historic district under this Chapter.

HISTORICAL OR CULTURAL SIGNIFICANCE. A criterion used to designate a structure or district in which events occurred that made a significant contribution to City, State or national history or culture; or that involved a close association with the lives of people who made a significant contribution to the history and development of the City, State or nation.

HISTORIC DISTRICT. A designated area consisting of one (1) or more contiguous parcels improved with structures at which events occurred that made a significant contribution to the City, State or national history or culture, or an area that contains structures that are collectively significant examples of period, style, or method of construction that provide distinguishing characteristics of the architectural type or period represented. An historic district may be either a landmark district or a significant district.

INCIDENTAL EXTERIOR MAINTENANCE. The repair or replacement of building features in like kind, or paint up/clean up work, that does not change either the exterior appearance of the building envelope of a designated structure.

LANDMARK STRUCTURE. A structure designated as an exceptional example of the highest architectural, historical, or cultural significance to the community.

MAJOR EXTERIOR ALTERATION. An alteration resulting in an addition, demolition, or other significant modification to the existing envelope, or a substantial change in the exterior appearance of any structure designated landmark, significant or historic district.

MINOR EXTERIOR ALTERATION. An alteration resulting in a noticeable but less than substantial change in the exterior appearance, but no change in the existing envelope of a structure designated landmark, significant or historic district.

OWNER. The fee title owner of real property on which there is a designated structure, or which is part of an historic district, or any person who applies for any certificate under this Chapter.

RECOGNIZED STRUCTURE. A structure designated as being of architectural, historical, or cultural interest.

SIGNIFICANT STRUCTURE. A structure designated as being of substantial architectural, historical, or cultural significance to the community.

STRUCTURE. A building, sign or other constructed feature, improvement or appurtenance. ('65 Code, § 38-2) (Ord. No. 91-005 § 1 (part); Ord. No. 91-018 § 1; Ord. No. 94-017 § 1; Ord. No. 2002-007 § 1 (part); Ord. No. 2003-019 § 1 (part); Ord. No. 2004-004 § 1 (part))

§ 15.05.015 NOMINATION FOR CULTURAL RESOURCE DESIGNATION.

A. A structure or a district may be nominated to be considered by the Cultural Affairs Commission and City Council for designation as a cultural resource as follows:

1. A resident of the City may nominate a structure or district to be considered for designation as a cultural resource.
2. An owner may nominate his or her structure, or his or her property within a district.
3. The Cultural Affairs Commission may nominate a structure or district.
4. The Cultural Affairs Commission or the City Council may nominate a structure or district on its own motion.
5. Applications for nomination shall be properly completed and filed with the City on a form provided by the Community Development Department.

B. If the City Council disapproves designation of a structure or district, that same structure or substantially the same district shall not be renominated by any person within one (1) year after the date of disapproval. Furthermore, only the owner, the City Council, or the Cultural Affairs Commission may renominate the same structure or substantially the same district more than one (1) year after the City Council has disapproved its designation.

C. The Community Development Director shall prepare an evaluation of the proposed designation and shall make a recommendation to the Cultural Affairs Commission, within forty-five (45) working days after the proper filing of the application, as to the appropriateness and qualifications of the application for consideration by the Commission. The Cultural Affairs Commission shall follow the procedures in § 15.05.030 in considering a designation application.

('65 Code, § 38-3) (Ord. No. 91-005 § 1 (part); Ord. No. 91-018 § 1; Ord. No. 94-017 § 2; Ord. No. 2002-005 §§ 1 (part) and 2 (part); Ord. No. 2002-007 § 1 (part); Ord. No. 2003-019 § 1 (part); Ord. No. 2004-004 § 1 (part))

§ 15.05.020 CULTURAL RESOURCE CRITERIA.

After the City receives an application for designation of a structure or district, the following criteria will be applied in evaluating the appropriateness of such a designation:

A. *Threshold criteria.* To be considered for designation, the structure(s) must meet one of the following criteria:

1. The structure(s) is at least fifty (50) years old and the exterior of the structure is accessible or visible to the public; or
2. The structure or district has special importance to the City.

B. *Assessment criteria.* After satisfying the threshold criteria, a structure or district shall be reviewed for compliance with one or more of the following criteria, as defined under § 15.05.010 of this Chapter:

1. Is the structure(s) of “architectural significance”?
2. Is the structure(s) of “historical or cultural significance”?
3. Do the structures in the district collectively meet 1. or 2. above?

(‘65 Code, § 38-4) (Ord. No. 91-005 § 1 (part); Ord. No. 91-018 § 1; Ord. No. 2002-007 § 1 (part); Ord. No. 2003-019 § 1 (part); Ord. No. 2004-004 § 1 (part))

§ 15.05.025 CLASSIFICATION OF STRUCTURES AND DISTRICTS.

Structures and districts which meet the requirements of § 15.05.020, above, shall be classified as “recognized,” “significant,” or “landmark.” Each structure or district shall be so classified by applying a ranking system which shall be adopted by resolution of the City Council.

(‘65 Code, § 38-5) (Ord. No. 91-005 § 1 (part); Ord. No. 91-018 § 1; Ord. No. 2002-007 § 1 (part); Ord. No. 2003-019 § 1 (part); Ord. No. 2004-004 § 1 (part))

§ 15.05.030 PROCESS FOR DESIGNATING, CHANGING OR REMOVING DESIGNATION.

The following process shall be used to designate, or to change or remove the designation (hereinafter “designate”) of a structure or district as a cultural resource:

A. *Classifications.*

1. *“Landmark” structures or districts.* These structures or districts:
 - a. May be designated without owner consent.
 - b. Shall be required to display a plaque, provided by the City and placed at a location approved by the City, which indicates that the structure or district is designated “landmark.” Prior to the installation of the plaque, the City Council shall take a formal action to authorize the expenditure of funds required to fabricate and install the plaque.
2. *“Significant” structures or districts.* These structures or districts:
 - a. If residential, shall be designated “significant” only with a written consent of the owner, provided that the consent of only a majority of the owners shall be required for a “significant district” designation. Once the designation has been made and the designation document has

been filed for recondition, owner consent is irrevocable. If the required owner consent is not obtained, a residential structure or district may be designated “recognized.”

- b. If nonresidential, may be designated “significant” without owner consent.
- c. Shall be required to display a plaque, provided by the City and placed at a location approved by the City, which indicates that the structure or district is designated “significant.”

3. “*Recognized*” structures. These structures:

- a. May be designated “recognized” without the consent of the owner.
- b. No other requirements of this Chapter apply to “recognized” structures. Owners are encouraged to preserve these structures.

B. *Cultural Affairs Commission and City Council designation process.*

1. a. Structures recommended for designation by the Cultural Affairs Commission shall be subject to review and approval by the City Council. All owners of such structures shall be notified in writing of the proposed designation at least ten (10) working days prior to the date of the meeting at which the City Council will make its decision. Each owner shall be given the opportunity to be heard on the proposed designation of his or her structure. The City Council shall either accept, modify or disapprove the Cultural Affairs Commission recommendations for designation of specific structures. Structures shall be designated by resolution of the City Council.

b. Any modification or disapproval by the City Council shall be supported by a finding that the basis for the Cultural Affairs Commission's recommendation, or that designation of the property, would impose a substantial hardship on the property owner that outweighs the benefit to the community.

C. *Cultural Affairs Commission designation process.* Nominations for designation filed after the initial designation process, and not filed within a time period during which the Cultural Affairs Commission has been reconvened, shall be reviewed by the Community Development Director for compliance with designation criteria established in § 15.05.020. The Community Development Director's review and recommendation shall be submitted to the Cultural Affairs Commission. The Cultural Affairs Commission shall either designate the structure as a cultural resource or disapprove the nomination application. The owner of record of any nominated structure, as well as the applicant and other persons who, in writing, have requested notice, shall be notified, in writing, at least ten (10) calendar days, as observed by the Administrative Offices of the City and excluding national holidays, prior to the Cultural Affairs Commission's review.

('65 Code, § 38-6) (Ord. No. 91-005 § 1 (part); Ord. No. 91-018 § 1; Ord. No. 94-017 § 3; Ord. No. 97-018, § 1; Ord. No. 2002-005 § 2 (part); Ord. No. 2002-007 § 1 (part); Ord. No. 2003-019 § 1 (part); Ord. No. 2004-004 § 1 (part))

§ 15.05.035 CERTIFICATE OF APPROPRIATENESS.

A. No person shall demolish, remove or make alterations affecting the exterior appearance of any designated landmark or significant structure or historic district, in whole or in part, without first obtaining a Certificate of Appropriateness or a Certificate of Exemption. The requirement

and process for obtaining a Certificate of Appropriateness shall depend on the category of exterior alteration proposed.

1. *Major exterior alterations.* Prior to the issuance of any City permit required for a proposed major exterior alteration, as defined in § 15.05.010, a Certificate of Appropriateness application, signed by the owner, shall be filed with the Planning Manager, with a complete copy provided to the Community Development Director. The Planning Manager shall submit the application to the Planning Commission at its next regularly scheduled meeting, which is not more than sixty (60) working days after receipt of the completed application. The application and analytic materials prepared by the Planning Manager shall include any input provided by the Cultural Affairs Division staff. The Planning Commission shall approve, conditionally approve or disapprove the application within thirty (30) working days. If the Planning Commission does not disapprove or conditionally approve the application within thirty (30) working days, or for good cause does not extend the time for action, the application shall be deemed approved.

2. *Minor exterior alterations.* Prior to the issuance of any City permit required for a proposed minor exterior alteration, as defined in § 15.05.010, a Certificate of Appropriateness application, signed by the owner, shall be filed with the Planning Manager. The Planning Manager shall submit the application to the Community Development Director. The Community Development Director shall approve, conditionally approve or disapprove the application within thirty (30) working days. If the Community Development Director does not disapprove or conditionally approve, the application within thirty (30) working days, or for good cause does not extend the time for action, the application shall be deemed approved.

3. *Incidental exterior maintenance.* While no Certificate of Appropriateness shall be required for incidental exterior maintenance work, as defined in § 15.05.010, the owner is required to notify the Planning Manager of the work proposed to be performed prior to commencement. The Planning Manager shall verify that such work qualifies as incidental exterior maintenance work, and that no further requirements of this Chapter apply, as follows:

a. When the proposed incidental exterior maintenance work requires a building permit, the building permit plan check review and approval process shall be deemed to constitute the Planning Manager's verification.

b. When the proposed incidental exterior maintenance work does not require a building permit, a written statement describing the proposed work shall be submitted by the owner, and the Planning Manager shall indicate the required verification thereon.

B. The approval of a Certificate of Appropriateness shall be conditioned upon all exterior alterations complying with the U.S. Secretary of Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings, as the City Council, Planning Commission or Community Development Director determines appropriate, and with the California State Historic Building Code and Cal. Health & Safety Code §§ 18950 et seq., as amended, as applied to the project by the Building Official. In addition, before approving a Certificate of Appropriateness, the Community Development Director, the Planning Commission or the City Council shall make one or more of the following findings:

1. The proposed alteration would not detrimentally change, destroy, or adversely affect any exterior feature or appurtenance of the landmark or significant structure upon which the work would be done.

2. In the case of the proposed alteration to a structure within a historic district, the proposed work would not be incompatible with the exterior features or other improvements within the historic district, and would not adversely affect the character of the historic district.

3. In the case of any proposed alteration that includes construction of new improvements on the site of a designated structure or district, the exterior features of such new improvements would not adversely affect or be incompatible with the exterior features of the designated cultural resource.

4. In the case of an application to demolish a structure, that there has been compliance with the waiting period and good faith efforts prescribed by the provisions of this Code.

C. In the event the Planning Commission or Community Development Director determines that the proposed alterations would have an adverse impact, one of the following two courses of action shall be taken:

1. Either the Certificate of Appropriateness shall be disapproved; or

2. Up to a six (6) month waiting period shall be imposed during which the owner shall try to identify, and the Planning Commission or Community Development Director shall evaluate, ways to accomplish the owner's goals and to preserve the designated structure. If at the end of the waiting period, the Planning Commission or Community Development Director determines that the owner has acted in good faith but no acceptable way to meet the owner's goals and preserve the structure has been found, one of the following shall occur:

a. If the structure is designated significant, the Certificate of Appropriateness shall be approved; but

b. If the structure is designated landmark, the Certificate of Appropriateness shall be disapproved.

D. No permits for alterations to a nominated landmark or significant structure shall be issued, nor shall any alteration be done, until a final designation decision has been made and a Certificate of Appropriateness, where required, has been approved.

('65 Code, § 38-7) (Ord. No. 91-005 § 1 (part); Ord. No. 91-018 § 1; Ord. No. 94-017 § 4; Ord. No. 2002-005 §§ 1 (part) and 2 (part); Ord. No. 2002-007 § 1 (part); Ord. No. 2003-019 § 1 (part); Ord. No. 2004-004 § 1 (part))

§ 15.05.040 CERTIFICATE OF EXEMPTION.

A. A Certificate of Exemption application may be filed by an owner where, in the owner's opinion, there has been or will be a deprivation of all reasonable use or economic return on the property because of any one of the following:

1. Designation of a structure as landmark or significant;

2. Imposition of the maximum waiting period set forth in § 15.05.035 C.2. relating to the waiting period for a certificate of appropriateness; or

3. Disapproval of a certificate of appropriateness.

B. A Certificate of Exemption application shall be signed by the owner and filed with the Planning Manager. The Planning Manager shall submit the application to the Planning Commission at its next regularly scheduled meeting, which is not more than sixty (60) working days after receipt of the completed application. The owner shall have the burden of proof to present evidence supporting the exemption request. The Planning Commission shall review all the evidence presented and, within thirty (30) working days after the date of its hearing, make its determination on the application.

C. A Certificate of Exemption shall not be approved unless the Planning Commission finds that the designation, maximum waiting period, or Certificate of Appropriateness disapproval has deprived or will deprive the owner of a reasonable economic return on the property or of any reasonable use of the property. In the case of a proposed demolition of a designated structure, the Planning Commission shall also make one or more of the following findings:

1. Conversion of the use of the structure to a different allowable use is not feasible.
2. Rehabilitation of the structure or some other alternative method of preserving the structure, including relocation within the City, is not feasible.
3. All means involving City-sponsored incentives, such as transfer of development rights, tax abatements, and financial assistance, have been explored and found infeasible.
4. Disapproval of the Certificate of Exemption would damage the owner unreasonably in comparison to the benefit conferred on the community.

D. Where a Certificate of Exemption is approved, the owner of a landmark structure shall file with the Community Development Director a photographic or videotape documentary of the structure prior to making any exterior changes to, or demolition of, the structure. A complete copy of these materials shall be submitted to the Community Development Director for his or her files.

('65 Code, § 38-8) (Ord. No. 91-005 § 1 (part); Ord. No. 91-018 § 1; Ord. No. 94-017 § 5; Ord. No. 2002-007 § 1 (part); Ord. No. 2003-019 § 1 (part); Ord. No. 2004-004 § 1 (part))

§ 15.05.045 APPEALS.

A. *Appeals of Designation of Historic Structure or Cultural Resource, Decision regarding Certificate of Appropriateness, or Decision regarding Certificate of Exemption.* The applicant, the owner, or any Culver City resident may appeal an action of the Cultural Affairs Commission, the Community Development Director, the Planning Manager, or the Planning Commission, by filing a notice of appeal not later than ten (10) working days after the date of a notice of decision. The ten (10) working days shall be based on the work schedule maintained by the Administrative Offices of the City and shall exclude national holidays. The City Council, Planning Commission, or Cultural Affairs Commission, as appropriate, shall review the appeal at its next regularly scheduled meeting, which is no more than sixty (60) working days after City receipt of the notice of appeal, and shall render a decision on the appeal on or before its next regularly scheduled meeting after the date the appeal has been heard.

B. *Timing for decisions subject to appeal becoming final.* No decision that is subject to appeal shall become final until the time for filing an appeal has run out and no timely appeal has been filed, or until the date upon which the decision on a timely appeal is made, whichever is later.

('65 Code, § 38-9) (Ord. No. 91-005 § 1 (part); Ord. No. 91-018 § 1; Ord. No. 94-017 § 6; Ord. No. 2002-07 § 1 (part); Ord. No. 2003-019 § 1 (part); Ord. No. 2004-004 § 1 (part))

§ 15.05.050 NONCONFORMITY.

Notwithstanding any other provision of this Code, improvements made to a structure prior to its original designation, and improvements made under the requirements of this Chapter shall not require correction of other nonconforming conditions that do not, in the Building Official's determination, cause unsafe conditions; provided that, the extent of any such nonconforming conditions shall not be worsened by the improvements.

('65 Code, § 38-10) (Ord. No. 91-018 § 1; Ord. No. 94-017 § 7; Ord. No. 2002-07 § 1 (part); Ord. No. 2003-019 § 1 (part); Ord. No. 2004-004 § 1 (part))

§ 15.05.055 ENCROACHMENT INTO PUBLIC RIGHT-OF-WAY.

The City Engineer may grant permission for an encroachment into the public right-of-way for an improvement made pursuant to a Certificate of Appropriateness under § 15.05.035, if the improvement cannot be made in any other feasible manner and subject to all conditions deemed appropriate by the City Engineer.

('65 Code, § 38-11) (Ord. No. 91-018 § 1; Ord. No. 2002-07 § 1 (part); Ord. No. 2003-019 § 1 (part); Ord. No. 2004-004 § 1 (part))

§ 15.05.060 FEES.

The City Council, by resolution, may adopt fees for the costs of processing applications and appeals pursuant to this Chapter.

('65 Code, § 38-12) (Ord. No. 91-018 § 1; Ord. No. 2002-07 § 1 (part); Ord. No. 2003-019 § 1 (part); Ord. No. 2004-004 § 1 (part))