



Culver CITY

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CULTURAL AFFAIRS COMMISSION MEETING AGENDA TUESDAY, August 12, 2008

PUBLIC COMMENT

The Cultural Affairs Commission will listen to the public on any item on the agenda or item of interest that is not on the agenda. The Cultural Affairs Commission cannot legally take action on any item not scheduled on the agenda. Such items may be referred for administrative action or scheduled on a future agenda.

If you wish to speak to the Commission, please complete a Speaker's Card and present it to the Secretary before the agenda item is called. You will be called to the podium by name when it is your turn to speak to the Commission.

PUBLIC COMMENT FOR ITEMS ON THE AGENDA

Persons wishing to speak on agenda items will be called at the time the agenda item is brought forward. Comments will generally be limited to five minutes per speaker; however, a three-minute limit may be declared by the Chair from time to time for agenda items for which many Speaker Cards have been submitted.

NOTE: AT OR ABOUT 11:00 P.M., COMMISSIONERS WILL DETERMINE WHETHER TO CONTINUE WITH DISCUSSION OF REMAINING ITEMS ON THE AGENDA OR TO CARRY SOME/ALL OF THE ITEMS OVER TO A FUTURE MEETING DATE.

PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA

A total of twenty minutes shall be devoted to audience participation at the beginning of the agenda. Speakers will be called on in the order cards were received by the Secretary. If additional time is needed, the Chair will allow for some at the end of the agenda.

When the Secretary calls your name, please advance to the podium, state your name and city of residence. Speakers must limit their comments to five minutes in length. A three-minute time limit may be declared by the Chair if there are a large number of individuals desiring to address the Commission.

CELL PHONES AND OTHER DISTRACTIONS

Use of cell phones, pagers and other communication devices is prohibited while the Commission meeting is in session. Please turn all devices off or place on a silent alert and leave the Chambers to use. During the meeting, please refrain from applause or other actions that may be disruptive to the speakers and the conduct of City business.

MEETING INFORMATION

Cultural Affairs Commission meetings are regularly scheduled for the second Tuesday of every month. Commission Agenda information is available 72 hours before each meeting.

Cultural Affairs Commission meetings can be viewed live on Channel 35 by most Comcast subscribers. Meetings are also broadcast on the City's Radio Station AM 1690. To view the commission meetings on line please visit <http://www.culvercity.org/webcast>.

ALD

Assisted Listening Devices are available through Cultural Affairs staff.



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AGENDA
Cultural Affairs Commission
August 12, 2008
7:00 p.m.
Mike Balkman Council Chambers – Meeting

CALL TO ORDER & ROLL CALL:

Chair Gayle Smashey
Vice Chair Marla Koosed
Commissioner Clement Hanami
Commissioner Luther Henderson, III
Commissioner Ronnie Jayne

PLEDGE OF ALLEGIANCE

PUBLIC COMMENT – Items Not On the Agenda

CONSENT CALENDAR *Note: Consent Calendar items are considered to be routine in nature and may be approved by one motion. Public requests to discuss Consent Calendar items must be filed with the Secretary before the Consent Calendar is called.*

C-1. Receive and file Secretary's Report on Posting of Agenda. ***Approve report.***

C-2. Minutes of the July 8, 2008 Regular Meeting. ***Approve minutes.***

ACTION ITEMS *Public requests to discuss Action Items must be filed with the Secretary before the item is called.*

A-1. Consideration of an Ordinance Amending Municipal Code Section 15.05 et seq. Regarding the Historic Preservation Program. ***Provide comments and make recommendation to City Council.***

A-2. Discussion Regarding Process for the Establishment of an Advisory Committee for the Citywide Historic Resources Inventory Update and Recommendation to the Culver City

City Council and Culver City Redevelopment Agency. ***Provide comments and make recommendation to City Council and Redevelopment Agency.***

PUBLIC COMMENT - Items Not On the Agenda (Continued)

RECEIPT OF CORRESPONDENCE

ITEMS FROM STAFF

ITEMS FROM COMMISSIONERS

ADJOURN

**Cultural Affairs Commission Meeting
Mike Balkman Council Chambers
September 9, 2008
7:00 PM**

Upcoming Public Meeting Tentative Schedule --August, 2008

Date	Day	Time	Location
<i>City Council</i>			
<i>August 11</i>	<i>Monday</i>	<i>7:00 PM</i>	<i>Council Chambers</i>
<i>Redevelopment Agency</i>			
<i>August 4</i>	<i>Monday</i>	<i>7:00 PM</i>	<i>Council Chambers</i>
<i>Parks and Recreation Commission</i>			
<i>August 5</i>	<i>Tuesday</i>	<i>7:00 PM</i>	<i>Patacchia Room</i>
<i>Planning Commission</i>			
<i>August 7</i>	<i>Thursday</i>	<i>7:00 PM</i>	<i>Council Chambers</i>
<i>Civil Service Commission</i>			
<i>August 6</i>	<i>Wednesday</i>	<i>7:00 PM</i>	<i>Council Chambers</i>
<i>Cultural Affairs Commission</i>			
<i>August 12</i>	<i>Tuesday</i>	<i>7:00 PM</i>	<i>Council Chambers</i>
• <i>Times and dates may be changed.</i> • <i>Meetings may be added or changed</i>			

**City of Culver City, California
Cultural Affairs Commission Agenda Item Report**

Meeting Date: 08/12/08		Item Number: <u>A-1</u>	
AGENDA ITEM: Consideration of an Ordinance Amending Municipal Code Section 15.05 et seq. Regarding the Historic Preservation Program.			
Contact Person/Dept.: B. Christine Byers/ Cultural Affairs		Phone Number: (310) 253-5776	
Fiscal Impact: Yes ☐ No ☒		General Fund: Yes ☐ No ☐	
Public Hearing: ☐		Action Item: ☒ Attachments: ☒	
Public Notification: Meetings and Agendas - Cultural Affairs (08/08/08); Culver City Historical Society (08/08/08)			
Department Approval: Sol Blumenfeld		City Manager Approval: N/A	
Chief Financial Officer: N/A			

RECOMMENDATION:

That the Cultural Affairs Commission ("CAC") consider the draft language of an Ordinance amending Culver City Municipal Code ("CCMC") Section 15.05 et seq. regarding the Historic Preservation Program, provide comments to staff, and make a recommendation to the City Council.

BACKGROUND:

The Culver City Historic Preservation Program was established by Ordinance in 1991. Since then, the relevant sections of the City's Municipal Code (Section 15.05 et seq.) have changed very little. In 2001, the City Council established the Cultural Affairs Commission and folded the City's Historic Preservation Program under the CAC's purview. Pursuant to Section 15.05.030, the CAC makes recommendations directly to the City Council with regard to designations of historic resources (also referred to as "historical resources" or "cultural resources"), including changing or removing designations. Decisions involving Certificates of Appropriateness and Certificates of Exemption fall under the purview of the Planning Commission but include the CAC and Cultural Affairs staff in the review process.

Since 1991, there have been significant changes made to the California Environmental Quality Act ("CEQA") with regard to historic resources. CEQA requirements apply to locally-designated historic resources (i.e., those listed in a local register as designated by a City Council) as well as those listed on, or eligible for listing on, the California Register of Historical Resources ("California Register."). Sites listed on or formally deemed eligible for listing on the National Register of

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Historic Places, are eligible for listing on the California Register and are considered historical resources under CEQA.

Good local preservation programs include relevant and standardized language in their municipal codes to ensure consistency in interpretation between local, state and Federal regulations (Federal guidelines, such as the Secretary of the Interior's Standards for Rehabilitation, are referenced and apply at both the state level and the local level).

Combined with updated historic structures surveys, preservation ordinances are intended to serve as a tool to ensure the protection of a community's historic resources while allowing development and change to occur as efficiently as possible.

DISCUSSION:

Cultural Affairs staff was directed in the spring of 2008 by the City Attorney to examine current sections of the CCMC pertaining to the Historic Preservation Program and draft language changes, as necessary, to reflect current state and federal laws as well as provide guidelines in keeping with accepted professional standards for effective preservation programs.

Cultural Affairs and City Attorney staff reviewed general ordinance guidelines provided by the California Office of Historic Preservation ("OHP"), preservation ordinances adopted by other cities in California, and sought input from local preservation organizations. After reviewing these materials, City Attorney and Cultural Affairs staff modeled much of the updated language on an ordinance adopted by the City of Huntington Park which also won a Los Angeles Conservancy Preservation Award in 2007.

In summary, the role of the CAC, Planning Commission and City Council, with regard to the Historic Preservation Program, and the review processes associated with administration of the program, remain unchanged. The basic sections of the draft Ordinance are, for the most part, consistent with what is currently included in the CCMC Section 15.05 et seq. (i.e., sections referring to the purpose of the program, how nominations are made, Certificates of Appropriateness, etc.). However, because all currently existing sections have been greatly expanded to include language that provides clearer definitions and process descriptions, a redlined or strikeout version of the existing CCMC sections was not a viable option. Staff have attached a copy of the current Historic Preservation Program Ordinance (Ordinance No. 2004 – 004) for reference while reviewing the summary comments

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provided below and the proposed language changes as they appear in draft Ordinance 2008 - .

Draft copies have been circulated for comment to the CAC Historic Preservation sub-committee (Vice Chair Koosed and Commissioner Hanami), the Culver City Historical Society, the Los Angeles Conservancy, and Mel Green of Melvyn Green & Associates, a structural engineer specializing in building code interpretation and historic preservation. The City's Planning Manager and Building Official have also been provided with a draft copy for review. The City Attorney's office will be adding in certain language to the attached draft as noted in bold.

An summary overview of most sections in the updated draft Ordinance, with general comments, follows below:

- **15.05.005 – Purpose**

This section adds specific language pertaining to historic resources as economic assets, encouraging the preservation of historic resources for purposes of education (already being implemented through the Culver City Historical Society and City Historian, Julie Lugo Cerra), and references Federal Section 106 reviews and CEQA.

The section also references the Certified Local Government Program ("CLG") which is a partnership among the National Park Service, OHP and local governments. Receiving Certified Local Government status provides additional credibility, affords access to technical and financial assistance from the state, and allows for greater autonomy in administering a preservation program at the local level. (Upon completion of an updated citywide survey, Culver City would be eligible for applying for CLG status.)

- **15.05.15 – Definitions**

This section folds most of the 15 existing definitions into a list of over 30 definitions. The additional terms that are defined reference both state and federal criteria and definitions (e.g., "Environmental Setting"). The current definitions for the "Landmark" and "Significant" historic designation classifications have been included. The "Cultural Resource" definition has been replaced with "Historic Resource" to remain more consistent with standard terminology in use today.

- **15.05.20 – Review Bodies**

This section is intended to clearly and concisely identify the appointed and elected bodies and key staff positions involved in administering the City's Historic Preservation Program.

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- **15.05.25 – 15.05.35 -- Designation of Historic Resources**

Provides clear, specific language associated with the process of designation of historic resources, including historic districts, to the Culver City Historic Register. These sections include the current designation categories, “Landmark” and “Significant”, however, the former “Recognized” category has been omitted per recommendation of OHP staff and City Attorney staff. (The “Recognized” category is honorary only and provides no protections. For purposes of CEQA, historical resources are broadly defined and include resources included in a local register. To provide an honorary only category that provides no protections or special review, poses a potential legal disconnect from state law. Those structures currently listed as “Recognized” will be reevaluated for their current level of significance during the updated citywide survey.)

Language is also included in these sections to account for the potential designation, in certain circumstances, of public or semi-public interior spaces or features. (The National Register nomination form for the Culver Hotel specifically includes descriptions of portions of the interior in the Statement of Significance. The Secretary of the Interior’s Standards for Rehabilitation provide specific guidelines for interior spaces, features and finishes.)

Specific language has also been added to this section for historic sign designation and certain criteria for these.

- **15.05.40 – Procedure for Rescinding or Amending a Historic Resource**

This section identifies criteria for rescinding or amending a historic resource designation which include: the discovery of new information about the resource and its significance as a property, total destruction through a catastrophic event, relocation or demolition.

- **15.05.45 – Procedure for Designation of Historic Districts**

The CCMC sections pertaining to the Historic Preservation Program, as currently written, include a definition for a Historic District (Culver City has three designated historic districts: Lafayette, Braddock and McConnell) but does not outline a process for the designation of historic districts. District nomination and designation requires a zoning map amendment which is outlined in Section 15.05.50 of the updated draft ordinance language.

- **15.05.55 – Certificate of No Effect and Certificate of Appropriateness**

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The Certificate of No Effect replaces an administratively reviewed and approved Certificate of Appropriateness. A Certificate of No Effect conforms with more widely used preservation terminology and is incorporated into many preservation ordinances. The end result, however, is the same as what is currently prescribed: when alterations are considered minor and will not diminish, eliminate or adversely affect the historic character of the subject property or district a Certificate of No Effect shall be issued by the City.

In the updated draft language, a Certificate of Appropriateness is reserved for major alterations and requires both Cultural Affairs Commission and Planning Commission review.

- **15.05.60 – Demolition**

This section is intended to provide reasonable measures to allow for certain demolition permits as applicable to historic structures or historic districts while ensuring that the loss of a building, structure or object will not adversely affect the integrity of the designated property or historic district. While certain circumstances, such as public safety, may dictate the necessity for demolition of a historic structure or a portion thereof, demolition by neglect is considered a nuisance and does not establish cause for demolition.

- **15.05.65 – Economic Hardship**

This section amends the existing Section 15.05.040 -- Certificate of Exemption -- and incorporates a more precise definition for economic hardship. Ordinance language allowing for exceptions due to economic hardship are standard to effective local preservation programs and emanate from private property rights. The new draft ordinance language provides separate definitions for non-income producing properties and income producing properties with regard to what constitutes economic hardship.

- **15.05.70 – Historic Variance**

The current CCMC section relating to the Historic Preservation Program does not address historic variances which are vital to supporting the reuse of a historic site by providing relief from strict compliance with standards set for new construction. Variances are part of normal planning procedures.

- **15.05.80 – Regulations and Penalties for Demolition of a Historic Resource Without a Demolition Permit & 15.05.85 – Regulations and**

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Penalties for Alteration of a Historic Resource Without a Required Permit

Demolition of a designated historic resource without a permit is a nuisance. Abatement may include reconstructing or restoring the property to its condition prior to demolition.

Financial Incentives for Preserving Historic Resources

The City of Huntington Park's model ordinance includes provisions for financial incentives for preservation historic resources, including adoption of a Mills Act and reduced permit application fees. Due to the fiscal impact of these incentives and the additional research required on staff's part, consideration of adopting a Mills Act Program will be placed on the CAC and City Council agenda at later date after the updated historic structures survey is underway.

FISCAL ANALYSIS:

This action item has no direct fiscal impact at this time.

ATTACHMENTS:

1. Ordinance 2004 – 004: Revisions to Historic Preservation Program
2. Draft Ordinance 2008 - : An Ordinance of the City Council of the City of Culver City, California, Amending Chapter 15.05 of the Culver City Municipal Code Relating to the Historic Preservation Program

MOTION:

That the Cultural Affairs Commission:

Recommend that the City Council Amend Section 15.05 of the Culver City Municipal Code Regarding the Historic Preservation Program Pursuant to Language Incorporated in the Draft Ordinance 2008 as Included with this Agenda Item.

EXHIBIT A

REVISIONS TO HISTORIC PRESERVATION PROGRAM

CHAPTER 15 05 HISTORIC PRESERVATION PROGRAM
Sections

- 15 05 005 Purpose
- 15 05 010 Definitions
- 15 05 015 Nomination for cultural resource designation
- 15 05 020 Cultural resource criteria
- 15 05 025 Classification of structures and districts
- 15 05 030 Process for designating, changing or removing designation
- 15 05 035 Certificate of Appropriateness
- 15 05 040 Certificate of Exemption
- 15 05 045 Appeals
- 15 05 050 Nonconformity
- 15 05 055 Encroachment into public right-of-way
- 15 05 060 Fees

§ 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.

§ 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 complies with the requirements of this Chapter

1 CERTIFICATE OF EXEMPTION The document authorizing work described in a
2 disapproved certificate of appropriateness after all alternatives were considered because
3 it was subsequently determined that such disapproval results in a substantial hardship
on the owner

4 CULTURAL RESOURCE A structure that has aesthetic, cultural, architectural or
5 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

6 HISTORICAL OR CULTURAL SIGNIFICANCE A criterion used to designate a
7 structure or district in which events occurred that made a significant contribution to City,
8 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

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

14 INCIDENTAL EXTERIOR MAINTENANCE The repair or replacement of building
15 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

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

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

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

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

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

27

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

3 **STRUCTURE** A building, sign or other constructed feature, improvement or
4 appurtenance

5 **§ 15 05 015 NOMINATION FOR CULTURAL RESOURCE DESIGNATION**

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

8 1 A resident of the City may nominate a structure or district to be
9 considered for designation as a cultural resource

10 2 An owner may nominate his or her structure, or his or her property
11 within a district

12 3 The Cultural Affairs Commission may nominate a structure or
13 district

14 4 The Cultural Affairs Commission or the City Council may nominate a
15 structure or district on its own motion

16 5 Applications for nomination shall be properly completed and filed
17 with the City on a form provided by the Community Development Department

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

24 **C** The Community Development Director shall prepare an evaluation of the
25 proposed designation and shall make a recommendation to the Cultural Affairs
26 Commission within forty-five (45) working days after the proper filing of the application as
27 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

28 **§ 15 05 020 CULTURAL RESOURCE CRITERIA**

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

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

1 1 The structure(s) is at least fifty (50) years old and the exterior of the
2 structure is accessible or visible to the public, or

3 2 The structure or district has special importance to the City

4 B Assessment criteria After satisfying the threshold criteria, a structure or
5 district shall be reviewed for compliance with one or more of the following criteria, as
6 defined under § 15 05 010 of this Chapter

7 1 Is the structure(s) of "architectural significance"?

8 2 Is the structure(s) of "historical or cultural significance"?

9 3 Do the structures in the district collectively meet 1 or 2 above?

10 § 15 05 025 CLASSIFICATION OF STRUCTURES AND DISTRICTS

11 Structures and districts which meet the requirements of § 15 05 020, above, shall
12 be classified as "recognized," "significant," or "landmark " Each structure or district shall
13 be so classified by applying a ranking system which shall be adopted by resolution of the
City Council

14 § 15 05 030 PROCESS FOR DESIGNATING, CHANGING OR REMOVING
15 DESIGNATION

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

18 A Classifications

19 1 "Landmark" structures or districts These structures or districts

20 a May be designated without owner consent

21 b Shall be required to display a plaque, provided by the City
22 and placed at a location approved by the City, which indicates that the structure or
23 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

24 2 "Significant" structures or districts These structures or districts

25 a If residential, shall be designated "significant" only with a
26 written consent of the owner, provided that the consent of only a majority of the owners
27 shall be required for a "significant district" designation Once the designation has been
made and the designation document has been filed for recordation, owner consent is

1 irrevocable If the required owner consent is not obtained, a residential structure or
2 district may be designated "recognized "

3 b If nonresidential, may be designated "significant" without
4 owner consent

5 c Shall be required to display a plaque, authorized and
6 provided by the City and placed at a location approved by the City, which indicates that
7 the structure or district is designated "significant "

8 3 "Recognized" structures These structures

9 a May be designated "recognized" without the consent of the
10 owner

11 b No other requirements of this Chapter apply to "recognized"
12 structures Owners are encouraged to preserve these structures

13 B Cultural Affairs Commission and City Council designation process

14 1 a Structures recommended for designation by the Cultural
15 Affairs Commission shall be subject to review and approval by the City Council All
16 owners of such structures shall be notified in writing of the proposed designation at least
17 ten (10) working days prior to the date of the meeting at which the City Council will make
18 its decision Each owner shall be given the opportunity to be heard on the proposed
19 designation of his or her structure The City Council shall either accept, modify or
20 disapprove the Cultural Affairs Commission's recommendations for designation of
21 specific structures Structures shall be designated by resolution of the City Council

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

26 C Cultural Affairs Commission designation process Nominations for
27 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

§ 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.

1
2 B The approval of a Certificate of Appropriateness shall be conditioned upon
3 all exterior alterations complying with the U S Secretary of Interior's Standards for
4 Rehabilitation and Guidelines for Rehabilitating Historic Buildings, as the City Council,
5 Planning Commission or Community Development Director determines appropriate, and
6 with the California State Historic Building Code and the California Health & Safety Code
7 § 18950 et seq , as amended, as applied to the project by the Building Official. In
8 addition, before approving a Certificate of Appropriateness, the Community Development
9 Director, the Planning Commission or the City Council shall make one or more of the
10 following findings

11 1 The proposed alteration would not detrimentally change, destroy, or
12 adversely affect any exterior feature or appurtenance of the landmark or significant
13 structure upon which the work would be done

14 2 In the case of the proposed alteration to a structure within an historic
15 district, the proposed work would not be incompatible with the exterior features or other
16 improvements within the historic district, and would not adversely affect the character of
17 the historic district

18 3 In the case of any proposed alteration that includes construction of
19 new improvements on the site of a designated structure or district, the exterior features
20 of such new improvements would not adversely affect or be incompatible with the
21 exterior features of the designated cultural resource

22 4 In the case of an application to demolish a structure, that there has
23 been compliance with the waiting period and good faith efforts prescribed by the
24 provisions of this Code

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

1 1 Either the Certificate of Appropriateness shall be disapproved, or

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

9 a If the structure is designated significant, the Certificate of
10 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

§ 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

1
2 D Where a Certificate of Exemption is approved, the owner of a landmark
3 structure shall be required to prepare and file with the Community Development Director
4 a photographic or videotape documentary of the structure prior to making any exterior
5 changes to, or demolition of, the structure. A complete copy of these materials shall be
6 submitted to the Community Development Director for his or her files

7 § 15 05 045 APPEALS

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

20 B No decision that is subject to appeal shall become final until the time for
21 filing an appeal has run and no timely appeal has been filed, or until the date upon which
22 the decision on a timely appeal is made, whichever is later

23 § 15 05 050 NONCONFORMITY

24 Notwithstanding any other provision of this Code, improvements made to a
25 structure prior to its original designation, and improvements made under the
26 requirements of this Chapter shall not require correction of other nonconforming
27 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

§ 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

§ 15 05 060 FEES

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

ORDINANCE NO. 2008 -

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CULVER CITY, CALIFORNIA, AMENDING CHAPTER 15.05 OF THE CULVER CITY MUNICIPAL CODE RELATING TO THE HISTORIC PRESERVATION PROGRAM.

The City Council of the City of Culver City, California DOES HEREBY ORDAIN as follows:

SECTION 1. Chapter 15.05 of the City of Culver City Municipal Code is hereby amended to read as follows:

15.05.005 . Purpose.

1. Implement the historic preservation goals, policies and program as applicable.
2. Protect, enhance and perpetuate historic resources that represent or reflect distinctive and important elements of the City's cultural, social, economic, political, archaeological and architectural history;
3. Stabilize and improve property values, and enhance the visual and aesthetic character and environmental amenities of the City's historic areas;
4. Recognize the City's historic resources as economic assets;
5. Provide educational programs to promote and encourage preservation, restoration, rehabilitation and maintenance of existing historic resources for the culture, education, enjoyment and economic welfare of City's residents;

6. Foster civil pride in the beauty and noble accomplishments of the past by promoting private stewardship of historic resources that represent these accomplishments;

7. Promote the City as a destination for tourists and as a desirable location for business;

8. Ensure that the rights of owners of historic resources are safeguarded;

9. Fulfill the City's responsibilities as a Certified Local Government under Federal preservation laws, at such time as the City becomes a Certified Local Government; and

10. Fulfill the City's responsibilities for Federal Section 106 reviews and for the California Environmental Quality Act.

15.05.10. Enabling

This section is adopted pursuant to California Government Code Section 37361 and in the furtherance of the City's police powers to regulate for the health, safety and welfare of its residents.

15.05.15. Definitions

Unless it is plainly evident from the content that a different meaning is intended, certain words and phrases used in this Article are defined as follows:

“ADVERSE EFFECT” (also “Significant Adverse Effect”) shall mean an activity or action that has the potential to diminish the significance of a Historic Resource.

“ALTERATION/SUBSTANTIAL ALTERATION” (also “Alter”) shall mean any physical modification or change to the exterior of a building, structure, site, object or designated interior that may have a negative effect on significant features of a Historic Resource and requires City approval and a Building Permit under **Title 8 and 9 of this Code**

1 or does not require a Building Permit but may have a significant adverse affect on
2 character-defining features of a Historic Resource. Alteration shall also include
3 construction of additions, but shall not include incidental exterior maintenance.

4 "ARCHITECTURAL ATTRIBUTES" shall mean the design and/or construction
5 technique and elements or combination of elements that are character-defining features of
6 a building.

7 "CALIFORNIA ENVIRONMENTAL QUALITY ACT" ("CEQA") shall mean the
8 State Statute codified in the California Public Resources Code Section 21000 et seq.

9 "CALIFORNIA REGISTER OF HISTORICAL RESOURCES" (also "California
10 Register") shall mean the State Statute codified in the California Public Resources Code
11 Section 5020.1 et seq.

12 "CERTIFICATE OF APPROPRIATENESS" shall mean the document verifying
13 that alterations proposed to a designated structure complies with the requirements of this
14 chapter.

15 "CERTIFICATE OF NO EFFECT" shall mean a certificate issued by the
16 Community Development Director stating that proposed work on the property is minor in
17 nature and will have no detrimental effect on the historic character of the property and
18 therefore can proceed without further approvals and authorizing the issuance of necessary
19 permits for the proposed work.

20 "CERTIFIED LOCAL GOVERNMENT" shall mean the program authorized by
21 the National Historic Preservation Act of 1966 (16 U.S.C. Section 470 et seq.) and the
22 subsequent participatory agreement between the City and the State of California Office of
23 Historic Preservation.

1 “COMMUNITY DEVELOPMENT DIRECTOR” shall mean the Community
2 Development Director of the City of Culver City or his or her designee.

3 “CONTRIBUTING PROPERTY” (also, “Contributing Structure”) shall mean a
4 property within a designated historic district as designated by the City or as listed in the
5 California Register or National Register that has characteristics and features that relate to
6 the historic context and historic significance of the district and that has been specified in the
7 designation or listing as contributing.

8 “CULTURAL AFFAIRS COMMISSION” shall mean the City Commission
9 responsible for implementing the Historic Preservation program as outlined in the Culver
10 City Municipal Code.

11 “CULVER CITY HISTORIC REGISTER” is the City’s official list of sites,
12 buildings, structures, districts and objects which have been designated as a historic
13 resource pursuant to this Article that are worthy of preservation because they possess
14 historic and/or architectural significance and integrity.

15 “DECLARATION OF DESIGNATION OF A HISTORIC RESOURCE” shall
16 mean a document approved by the City Council which designates a site as a historic
17 resource.

18 “DEMOLITION” shall mean the complete destruction or removal of a building,
19 structure or object, removal of more than fifty (50%) percent of perimeter walls, removal of
20 any portion of a structural wall of a street-facing elevation of a building, or
21 removal/destruction of any portion of a structure, site, etc., that may have an adverse affect
22 on the significance of a property.

23 “DEMOLITION BY NEGLECT” shall mean the failure to provide ordinary and
24 necessary maintenance and repair to a historic resource, whether such neglect is willful or
25

1 unintentional or by design, by the owner or any party in possession of such property, which
2 results in one or both of the following conditions:

3 1. The severe deterioration of exterior features so as to create or
4 permit a dangerous or unsafe condition to exist, as defined in the State
5 Historical Building Code.

6 2. The deterioration of a structure, including but not limited to,
7 exterior walls, roof, chimneys, doors, windows, porches, structural or
8 ornamental architectural elements, or foundations, which could result in
9 permanent damage and loss of a Historic Resource's architectural and/or
10 historic significance.

11 "DESIGN GUIDELINES" shall mean written policies on the appropriate
12 treatments and approaches for planning alterations or additions to designated properties
13 and new construction within Historic Districts. The guidelines are intended to help the
14 owner in planning for changes and upgrades to historic properties that do not adversely
15 affect the character-defining features of a historic property or district. The guidelines are
16 used by the Community Development Director, the Cultural Affairs Commission and the
17 Planning Commission in decisions about the issuances of Certificates of No Effect or
18 Certificates of Appropriateness.

19 "ENVIRONMENTAL SETTING" shall mean the entire parcel as of the date of
20 Historic Resource designation, and to which it relates historically and physically and/or
21 visually. Environmental Setting includes, but is not limited to, accessory structures and
22 buildings, walkways and driveways, landscape (including trees, gardens, lawns), walls,
23 fences, gates, rocks, open space, and any other types of hardscapes.

1 “FIXTURE” shall mean a decorative or functional device permanently affixed,
2 or originally permanently affixed, to the site or the interior or exterior of a structure and
3 contributing to its ability to meet the criteria for destination as a Historic Resource.
4 Permanently affixed includes, but is not limited to, attachment by screws, bolts, pegs, nails
5 or glue, and may include such attachment methods as rope, glass or leather if such
6 material is integral to the design of the device. Fixtures include, but are not limited to,
7 lighting devices, murals, built-in furniture and cabinetry, paneling and molding, leaded glass
8 or other decorative windows and decorative hardware.

9 “HISTORIC CONTEXT” shall mean a broad pattern or historical development
10 in a community or its region that may be represented by historic resources.

11 “HISTORIC DISTRICT” shall mean a district that is designated by the City or
12 is listed in the California Register or National Register. Such Historic District shall be in the
13 form of an overlay zone in the City’s Zoning Map. A Historic District shall be an area that is
14 geographically defined as possessing a concentration of historic resources or a
15 thematically related grouping of properties which contracture to each other.

16 “HISTORIC RESOURCE” (formerly “Cultural Resource”) shall mean a
17 building, structure, site, object, landscape, sign, district, or contributing member to a district
18 that is significant in local, state or national history, architecture, engineering, archeology or
19 culture and is designated by the City, listed the California Register or the National Register
20 .

21 “HISTORIC VARIANCE” is intended to provide relief from strict compliance
22 with development standards and/or regulations of the Culver City Municipal Code that may
23 impair the ability of a historic building or site to be properly used for adaptive reuse and/or
24 to be altered in a manner that will have the least impact upon its historic character and the
25

1 surrounding area. The intent is to grant Historic Variances only to the extent that they are
2 necessary to achieve the objectives stated and no further.

3 “INCIDENTAL EXTERIOR MAINTENANCE” is the repair or replacement of
4 building features in like kind, or paint-up/clean-up work, that does not change either the
5 exterior appearance of the building envelope of a designated structure.

6 “LANDMARK STRUCTURE” is a structure designated as an exceptional
7 example of the highest architectural, historical, or cultural significance to the community.
8

9 “NATIONAL HISTORIC LANDMARK” shall mean protected cultural resources
10 of national significance as specified by the National Park Service that commemorate and
11 illustrate United States history and culture.
12

13 “NATIONAL REGISTER OF HISTORIC PLACES” (also “National Register”)
14 shall mean the official inventory of districts, sites, buildings, structures and objects
15 significant in American history, architecture, archeology and culture which is maintained by
16 the Secretary of the Interior under the authority of the Historic Sites Act of 1935 and the
17 National Historic Preservation Act of 1966 as amended (16 U.S.C. 470-470t, 36 C.F.R
18 Sections 60, 63).

19 “NON-CONTRIBUTING PROPERTY” (also “Non-Contributing Structure”)
20 shall mean a property in the boundaries of a Historic District that is designated by the City
21 and/or is listed in the California Register or National Register and that lacks characteristics
22 or features relating to the historic context and historic significance of the district, and
23 specified in the designation or listing as non-contributing.
24
25
26
27
28

1 “PRIMARY BUILDING” or “STRUCTURE” shall mean a building or structure
2 that houses the primary use on a property or parcel. It shall not include accessory
3 buildings such as garages, pool houses or sheds.

4 “SIGNIFICANT STRUCTURE” is a structure designated as being of
5 substantial architectural, historical, or cultural significance to the community.
6

7 “SECRETARY OF THE INTERIOR’S STANDARDS FOR REHABILITATION”
8 (also “Secretary’s Standards”) shall mean the Secretary of the Interior’s Standards for
9 Rehabilitating Historic Buildings, issued by the U.S. Department of the Interior, National
10 Park Service (36 CFR Part 67) and the publications of the National Park Service,
11 Preservation Assistance Division, Guidelines for Rehabilitating Historic Buildings (1992,
12 N.P.S.) and The Secretary of the Interior’s Standards for the Treatment of Historic
13 Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing
14 Historic Buildings (1995, N.P.S.), and any subsequent publication on the Secretary’s
15 Standards by the National Park Service.
16

17 “SITE” shall mean the natural setting, terrain features, trees, shrubs and
18 landscaping of a delineated area.
19

20 “STATE HISTORICAL BUILDING CODE” shall mean Part 8 of Title 24
21 (California Building Standards Code) of the California Code of Regulations.
22

.....**15.05.20. Review Bodies**

Cultural Affairs Commission	Recommends to the City Council designations of Historic Resources. Recommends to the Planning Commission and/or City Council or Redevelopment Agency proposals for projects involving demolition of City-owned historic structures, sites, and districts.
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		Reviews and makes recommendation to the Planning Commission approval/denial of Certificates of Appropriateness.
City Council		Approval/denial of designations of Historic Resources and Districts. Calls for review/appeals of decision of the Planning Commission.
Community Development Director		Approve/deny applications for Minor Projects (except demolition).
Planning Commission		Approve/deny applications for Historical Variances Approve/deny applications for Certificates of Appropriateness.

15.05.25 General procedures.

Applications to the Planning Manager for alterations, additions, relocations, demolitions and new construction and applications for relief from the replacement building requirement under this ***Chapter shall be processed according to the standard review procedure of _____ in this Code.***

The Community Development Director or his or her designee shall specify the application requirements for designation of Historic Resources and for reviews of projects to construct, alter, relocate, and demolish.

15.05.30 Criteria for designation of Historic Resources to the Culver City Historic Register.

A. Historic Resource. A Historic Resource is a site, structure, building object or district that is at least fifty (50) years of age, or in special circumstances, under fifty (50) years, designated by the City Council that possesses significance and integrity of location, setting, design, materials, workmanship, feeling and association according to the

following criteria:

1. Associated with events that have made a significant contribution to the broad patterns of the history of the city, region, state or nation; or
2. Associated with the lives of persons who are significant in the history of the city, region, state or nation; or
3. Embodies the distinctive characteristics of a Historic Resource property type, period, architectural style or method of construction, or that is a representation of the work of an architect, designer, engineer, or builder whose work is significant to the city, region, state or nation, or that possesses high artistic values that are of City, Regional, State-wide or National significance; or
4. Has yielded, or may be likely to yield, information important in prehistory or history of the city, region, state or nation.

B. A Historic Resource designation may include significant public or semi-public interior spaces and features. The criteria used to determine if an interior is significant includes the following:

1. Historically the space has been open to the public; and
2. The materials, finishes and/or detailing are intact or later alterations are reversible; and
3. The plan, layout and features of the space are illustrative of its historic function; or
4. Its form and features articulate a particular concept of design; or
5. There is evidence of distinctive craftsmanship.

D. Historic Resources, including Historic Districts and Historic Signs, shall be classified either as "Landmark" or "Significant" .

1. Historic Resources, including Historic Districts, classified “Landmark” may be designated without owner consent.
2. Historic Resources classified “Significant” may be designated without owner consent if non-residential or if residential, only with written consent of the owner. Written consent of at least 50% of the owners of contributing properties shall be required for a “Significant” designation of a Historic District. Once the designation has been made and the designation document has been filed for recondition, owner consent is irrevocable.

C. Historic Signs. A Historic Sign shall include all signs designated historically significant by the City Council and such sign meets the following criteria:.

1. The sign is exemplary of technology, craftsmanship or design of the period when it was constructed, uses historic sign materials and means of illumination, and is not significantly altered from its historic period. Historic sign materials shall include metal or wood facings, or paint directly on the façade of a building. Historic means of illumination shall include incandescent light fixtures or neon tubing on the exterior of the sign. If the sign has been altered, it must be restorable to its historic function and appearance.
2. The sign is integrated into the architecture of the building. Such signs shall include but not be limited to sign pylons on buildings in the Moderne style.
3. A sign not meeting criteria 1 or 2 above may be considered for inclusion in the inventory if it demonstrates extraordinary aesthetic

quality, creativity, or innovation, and findings to that effect are made
by the Cultural Affairs Commission.

All other regulations described in Culver City Municipal Code Title ____

shall also apply.

D. Historic District. A Historic District shall be an area that is geographically defined as possessing a concentration of historic resources or a thematically related grouping of properties which contribute to each other and are unified by plan or physical development or a significant and distinguishable entity whose components may lack individual distinction but are important as a collection representing one or more of a defined historic, cultural, development and/or architectural context(s).

When considering applications to designate a Historic District, the City shall apply the above criteria according to the procedures set forth in the National Register of Historic Places bulletins for evaluating historic properties published by the National Park Service.

15.05.35. Procedures for Designation of Historic Resources.

A. An application for the nomination of a Historic Resource shall be submitted to the Community Development Director. If the applicant is not the owner of the property, the owner shall be notified within ten (10) calendar days of submittal of the application by the Community Development Director that an application has been submitted. Within thirty (30) days of submittal of the application for nomination, the Community Development Director or his or her designee shall determine if the nominated property meets the applicable criteria and is eligible for designation and shall notify the applicant and/or property owner in writing whether or not the property is eligible for designation. If the Community Development Director determines that the property is not

1 eligible for designation, the applicant and/or property owner may appeal the decision to the
2 Cultural Affairs Commission and the Cultural Affairs Commission shall review the
3 nomination at a noticed public hearing. If the Community Development Director determines
4 that the property is eligible for designation, within forty-five (45) days of the determination of
5 eligibility, the Director shall prepare a designation report, which shall establish in the record
6 how the property meets the applicable criteria, and schedule a public hearing before the
7 Cultural Affairs Commission. The property owner will be given at least ten (10) calendar days
8 notice of the public hearing. Where applicable, the report shall include a map showing the
9 boundaries for the proposed designation and a legal description for the property.
10

11 B. The Cultural Affairs Commission shall review the application and
12 designation report and recommend approval or denial of the designation to the City Council.
13 If the Cultural Affairs Commission recommends approval of the designation, the nomination
14 shall be forwarded to the City Clerk and scheduled for a noticed public hearing before the
15 City Council within sixty (60) days. The City Council may approve or deny the designation
16 of any Historic Resource.
17

18 C. To be designated a Historic Resource the City shall adopt a declaration
19 of designation by the City Council and executed by the Mayor. Notice of the designation
20 shall be mailed to the owner of record of the designated property. The City Clerk shall
21 record the declaration in the Office of the County Recorder.
22

23 D. Once nominated, no building permit shall be issued for major
24 alteration, construction, demolition, or removal of any potential historic resource until the
25 final disposition of the nomination by the City Council unless such alteration or removal is
26 authorized by formal resolution of the City Council as necessary for public health, welfare
27 or safety. In no event shall the delay be for more than one hundred eighty (180) days
28

1 **15.05.40. Procedure for Rescinding or Amending a Historic Resource**

2 **Designation.**

3 A. Rescission of or amendment to a designation of a Historic Resource
4 shall follow the same procedure as the procedure for designation of a Historic Resource. In
5 rescinding the designation of a Historic Resource, the City Council shall determine that the
6 Historic Resource no longer meets the designation criteria due to findings of fact that:

7 1. New information compromises the significance of the property;
8 or

9 2. Destruction of the Historic Resource through a catastrophic
10 event has rendered the structure a hazard to the public health, safety or
11 welfare as determined by the City Building Official or his or her designee in
12 accordance with and pursuant to the California Building Code or the State
13 Historic Building Code; or

14 3. The Historic Resource has been relocated, demolished or
15 removed.

16 B. Notice of the rescission of or amendment to a designation shall be
17 mailed to the owner of record of the property. The City Clerk shall file for removal of the
18 recordation with the Office of the County Recorder.

19 **15.05.45. Procedure for Designation of Historic Districts**

20 A. An application for designation of a Historic District shall be submitted to
21 the Community Development Director. The application shall include.

- 22 1. A map with the boundaries of the proposed district;
23 2. An inventory and photographs of all properties in the district
24 including both contributing and non-contributing properties.
25
26
27

1 B. Within sixty (60) days of submittal of the application, the Community
2 Development Director shall prepare a designation report, which shall establish in the record
3 how the Historic District meets the applicable criteria, and schedule a noticed public hearing
4 before the Cultural Affairs Commission. All property owners within the proposed district will
5 receive written notice of the hearing by the Cultural Affairs Commission ten (10) calendar
6 days in advance of the hearing.

7 C. The Cultural Affairs Commission shall review the application, report,
8 and recommend approval or denial of the designation. If the Cultural Affairs Commission
9 finds that the district meets the criteria for designation, the Community Development
10 Director shall submit the application to the Planning Commission for a Zoning Map
11 Amendment. The application for a Zoning Map Amendment for a Historic District overlay
12 shall include:
13

- 14 1. A map with the boundaries of the proposed district;
- 15 2. A legal description of the district;
- 16 3. An inventory of all properties in the district including contributing
17 and non-contributing properties; and
- 18 4. A written report describing how the district meets the criteria for
19 designation and a summary of the character-defining features of the district.
20

21 D. Within forty-five (45) days of the application for a Zoning Map
22 Amendment, the Planning Commission shall review the application at a public hearing in
23 compliance with ***Culver City Municipal Code Title*** ____ and recommend to the City
24 Council approval or denial of the Historic District. Applications for a Zoning Map
25 Amendment to designate a Historic District shall be exempt from all fees for amendments
26 to the Zoning Map.
27

1 E. Within thirty (30) days of the decision by the Planning Commission, the
2 Community Development Director shall request that the City Clerk schedule a public
3 hearing by the City Council and shall submit the following documentation to the City Clerk:

- 4 1. Recommendations by the Cultural Affairs Commission and the
5 Planning Commission;
6 2. A map with the boundaries of the proposed district;
7 3. A legal description of the proposed district; and
8 4. Designation report for the proposed district describing how it
9 meets the criteria for designation.
10

11 The City Clerk shall then schedule a hearing before the City Council. The City Council may
12 approve or deny the application.

13 The Historic District designation shall be approved by a declaration of the City
14 Council and executed by the Mayor. The City Clerk shall record the declaration in the
15 Office of the County Recorder. A Zoning Map Amendment shall be adopted by the
16 respective district and preparation of design guidelines will be initiated within a reasonable
17 time period.
18

19 Rescission and/or amendments to a Historic District overlay shall follow the
20 relevant procedures prescribed in ***Culver City Municipal Code Title*** ____ for Historic
21 Districts.

22 **15.05.50. Effect of Historic District Zoning Designation**

23 A. From and after the approval of Historic District Overlay Zone by the
24 City Council designating a property or district on the Culver City Historic Register, any
25 demolition, relocation, alteration, new construction or any other development within the
26
27
28

1 boundaries of the designated property will be subject to the provisions of the ordinance
2 codified in this Article.

3 B. Within a reasonable time period the Community Development
4 Department will prepare design guidelines for designated properties to offer assistance to
5 property owners and/or their representatives in understanding the physical characteristics
6 that contribute to the significance of the property or district. The guidelines recognize that
7 changes will occur to historic properties for their continued use and functional viability.
8 Their intent is to provide guidance in the planning of alterations and new construction such
9 that the proposed work does not adversely affect the character-defining features and/or
10 diminish the significance of the historic properties or district. These guidelines will apply to
11 the significant features set forth in the designation report. The guidelines will be used in the
12 review and issuance of "Certificates of No Effect" and "Certificates of Appropriateness."

14 C. For designated properties, the provisions and processes of other City
15 codes, ordinances and regulation standards may be modified if it can be demonstrated that
16 the proposed modification(s) will assist to maintain the significance of the historic and
17 architectural character of the property or district.

19 D. Designated historic properties will be eligible and have priority to
20 participate in City programs related to financial, developmental, technical or promotional
21 assistance that will serve to maintain, preserve and/or enhance their historic and
22 architectural character.

23 **15.05.55 Certificate of No Effect and Certificate of Appropriateness.**

24 A. Any person, owner or entity applying for a Building Permit or any other
25 permit for exterior alterations, relocation or development of a property designated on the
26 Culver City Historic Register or interior alterations to a property designated with
27

1 documented significant interior features, will be deemed incomplete unless a Certificate of
2 No Effect or a Certificate of Appropriateness is submitted concurrently. A fee may be
3 charged for the application for a Certificate of No Effect or a Certificate of Appropriateness.

4 B. In the event work requiring a Certificate of No Effect or a Certificate of
5 Appropriateness is being performed without such an approval, the City will contact the
6 person performing the work and require that all work cease. If the work continues, the
7 Building Official or his or her designee will issue a Stop Work Order. In the event that work
8 is being performed that is not in accordance with an approved Certificate of No Effect or
9 Certificate of Appropriateness, the Building Official or his or her designee will issue a Stop
10 Work Order.
11

12 C. The provisions for the issuance of Certificates of No Effect or
13 Appropriateness shall not be construed to prevent Incidental Exterior Maintenance or repair
14 which does not change the design, materials or, architectural elements or site features of a
15 designated property. Selected activities are exempt from the review procedures including
16 exterior repainting and paint color selection, and the repair of exterior walls with materials
17 and finishes to match the existing walls.
18

19 D. Criteria and Procedures for Issuance of a Certificate of No Effect.

20 1. The Community Development Director or his or her designee
21 shall issue a Certificate of No Effect if:

22 a. It is determined that the work is minor and clearly meets
23 the applicable design guidelines; and/or

24 b. Modifications to the proposed work requested by the City
25 are agreed to by the applicant; and
26

27 c. The proposed work will not diminish, eliminate or
28

adversely affect the historic character of the subject property or the district in which it is located.

2. No changes shall be made to the approved plans for which a Certificate of No Effect was issued without resubmittal to the Community Development Director for approval of the changes.

3. If the Community Development Director or designee determines that the proposed work is not eligible for a Certificate of No Effect, then the property owner must apply for and obtain a Certificate of Appropriateness.

E. Criteria and Procedures for the Issuance of a Certificate of Appropriateness.

1. The review and decision on the issuance of a Certificate of Appropriateness will be undertaken by the Planning Commission with a recommendation from the Cultural Affairs Commission. The Community Development Director or his or her designee shall first review the application and if it is determined to be complete, schedule the item for a hearing on the next available meeting of the Cultural Affairs Commission. Notice of the public hearing will be provided according to the procedure set forth in Title 9.

2. If the project is part of work that requires an Initial Study or Environmental Impact Report, the public hearing will be scheduled before the Planning Commission within thirty (30) days of the completion of the Initial Study or Environmental Impact Report and/or any other requirement by CEQA.

3. Community Development staff will be assigned to review the application materials and prepare a report analyzing how the proposed work conforms with the appropriate guidelines, including but not limited compliance with the Secretary of the

1 Interior's Standards for Rehabilitation, and make a recommendation for approval, denial or
2 approval with conditions. In analyzing the project's conformance with building code
3 provisions, the California Building Code or the State Historic Building Code may also be
4 applied.

5 4. The Planning Commission will review the application, staff report
6 and evidence presented at the public hearing, together with the Cultural Affairs
7 Commission's comments and recommendation, to make a decision to issue a Certificate of
8 Appropriateness. The Planning Commission shall approve, deny, approve with conditions
9 or continue the application with specific direction as to what additional information is
10 needed to make a decision to approve or deny the application.

11
12 a. If the application is approved, a Certificate of
13 Appropriateness shall be issued.

14 b. If the application is denied, the owner or applicant can
15 appeal the decision in writing to the City Council within ten (10)
16 working days of the Planning Commission's decision. The City
17 Council will hear the appeal according to the provisions of the
18 Culver City Municipal Code Title 1 Chapter 4.

19
20 5. An application for a Certificate of Appropriateness shall include the
21 following:

22 a. Completed City application forms;

23 b. Three (3) sets of site plan, floor plan and scaled
24 elevations and drawings of the proposed work and its
25 relationship to the designated historic property's buildings,
26 structures, sites and features;

- c. Written scope of work and narrative description of how the work is in conformance with the applicable design guidelines and length of time estimated to complete the project;
- d. Accurate representation of all building materials and finishes to be used;
- e. Photographs and other exhibits as needed to clearly depict location, extent and design of proposed work;
- f. Application fees.

6. Standards for Consideration of a Certificate of Appropriateness.

- a. The proposed work will be reviewed relative to the elements of placement, orientation, size, scale, massing, proportions, materials, textures, finishes, patterns, details, embellishments and the relationship of these elements to one another which contribute to the historic, architectural, cultural, technological and/or educational significance of the property;
- b. Conformance with the City's adopted guidelines, including CEQA and the Secretary of the Interior's Standards for Rehabilitation;
- c. For the relocation of historic buildings and structures, the extent to which the new location and its siting re-create the setting and environment associated with the original period of significance for the historic property.

7. A Certificate of Appropriateness will expire one year from the date of issuance unless work is started within that time. No changes shall be made to the approved

1 plans after the issuance of a Certificate of Appropriateness without resubmittal to the
2 Community Development Director and determination of the necessary approval process for
3 the proposed changes.

4 **15.05.60. Demolition.**

5 Historic properties are irreplaceable assets of a community. Once
6 demolished they are forever gone and cannot be replaced. Therefore, it is the intent of this
7 section to preserve the historic and architectural resources that have a demonstrated
8 significance to the City of Culver City. Consequently these provisions are structured to take
9 reasonable measures to ensure that historic properties are not inadvertently or
10 unnecessarily destroyed and explore all alternatives to their demolition.
11

12 A. No permit shall be issued by the Building Official or his or her designee to
13 demolish a property listed on the Culver City Historic Register, the California Register , or
14 the National Register or be considered an historical resource under CEQA, without a
15 Certificate of Demolition approval.

16 B. Upon receipt of an application for demolition the Building Official or his or
17 her designee will refer it to the Community Development Director. Within fourteen (14)
18 calendar days of the request the applicant will be provided a written response describing
19 the specific submittal materials needed in addition to the general application information.
20

21 C. The general application for demolition approval will include:

- 22 1. The demolition permit application;
- 23 2. If the building has been determined by the Building Official or
24 his or her designee to be an imminent hazard pursuant to the
25 California Building Code or the State Historic Building Code, with
26 written documentation of such determination;
27

1 3. Narrative text, graphic illustration or other exhibits that the
2 building, structure or object is of no historic or architectural value or
3 importance.

4 D. Upon receipt of a completed application for demolition approval and a
5 determination by the Community Development Director that all requested material has
6 been provided, the application will be considered in the following manner:

7 1. Within fourteen (14) calendar days the Community Development
8 Director shall make a determination if a demolition approval can be issued according to the
9 following criteria:

- 10 a. The building, structure or object has been determined to
11 be an imminent hazard to public safety, and necessary repairs
12 will cause the loss or alteration of the significant character-
13 defining features of the property; and/or
14 b. The building is not structurally sound despite evidence of
15 efforts to properly maintain the property; and/or
16 c. The building, structure or object cannot be practically
17 moved to another location within the City; and/or
18 d. No documentation exists to support or demonstrate that
19 the property has historic, architectural, cultural, engineering or
20 technological significance; and
21 e. The loss of the building, structure or object will not
22 adversely affect the integrity of the Historic District or
23 designated property on which it is located.

24 E. If the demolition request is not approved by the Community
25

1 Development Director, the applicant may appeal the decision to the City Council

- 2 1. Staff will prepare a staff report including the original
- 3 submittal materials and a report analyzing the request and the
- 4 reasons for their denial.
- 5 2. The City Council will review the application, staff report
- 6 and hear evidence presented by the property owners, parties of
- 7 interest and members of the general public to determine if the
- 8 criteria for demolition approval have been met. The City Council
- 9 shall approve, deny, delay the demolition for a specified period,
- 10 approve with conditions or continue the application to obtain
- 11 additional information necessary to consider the demolition
- 12 request.
- 13 3. If a demolition request is delayed in an attempt to find an
- 14 alternative to demolition, the City will work:
- 15
- 16 a. With the property owner(s) to determine what
- 17 types of assistance might be provided by the City to
- 18 retain the property and/or place it in productive use;
- 19 b. To investigate methods of acquisition by a private,
- 20 non-profit or public entity that will preserve the property;
- 21 c. To make the larger community aware of the
- 22 impending loss of the historic resources.
- 23

24 At the end of the specified period of time for the delay of
25 demolition, a report will be made to City Council and if
26 substantial financial, development or technical assistance has
27

1 been offered by the City to the property owner or if an offer for
2 purchase at fair market value of the property is refused by the
3 property owner, the application for demolition may be denied.

4 4. If the demolition request is denied because it does meet the
5 aforementioned criteria, the applicant may request demolition approval based upon a
6 finding of "Economic Hardship" as set forth in this Code.

7 5. If the demolition request is denied, the owner or applicant may
8 appeal the _____ decision in writing to the City Council with ten (10) calendar days . The
9 City Council will hear the appeal according to the provisions of the ***Culver City***
10 ***Municipal Code Chapter*** ____.

11 6. If a Certificate of Demolition Approval is granted on any basis
12 other than that of imminent hazard to public safety or economic hardship, the Community
13 Development Director or designee will not issue a Certificate of Demolition Approval and
14 the Building Official or his or her designee will not issue a demolition permit until a
15 replacement/reuse plan for the property has been approved by the Cultural Affairs
16 Commission.

17 a. The replacement/reuse plan must be in compliance with
18 existing zoning, the City's General Plan, any adopted
19 neighborhood or specific plan for the area and applicable design
20 guidelines.

21 b. Vacant land or non-use will not constitute a valid
22 replacement/reuse plan.

23 c. The Community Development Director or designee will
24 analyze the replacement/reuse plan for its conformance with the
25

1 aforementioned standards and prepare a report with
2 recommendations for approval, denial or approval with
3 conditions.

4 d. The Cultural Affairs Commission will review the
5 replacement/reuse plan and report and make a decision to
6 approve, deny, approve with conditions or continue the matter
7 with specific instructions as to what information is needed to
8 make a decision on the request.

9
10 7. If the replacement/reuse plan is denied, the owner or applicant
11 may appeal the decision of the CAC in writing to the City Council within fourteen (14) days
12 of the CAC's decision. The City Council will hear the appeal according to the provisions of
13 the ***Culver City Municipal Code Chapter ____***.

14 F. Demolition by Neglect.

15 It is the intent of this Article to address the range of circumstances that affect
16 the preservation of the City's significant historic and architectural resources including loss
17 because of deterioration from lack of maintenance. Whether this occurs unintentionally or
18 deliberately, the end result is the same. Consequently, it is declared that the exterior
19 features of all buildings or structures designated on the Culver City Historic Register shall
20 be maintained against decay, deterioration and structural defects and receive reasonable
21 care and upkeep appropriate for their preservation, protection, perpetuation and use.

22 1. Standards for Reasonable Care.

23 The owner, or such other persons who may have legal possession, custody and/or control
24 of a designated property shall, upon written request of the City, repair its exterior features if
25 they are found to be deteriorating, or if their condition is contributing to the deterioration of
26

1 building or structure's structural integrity or the creation of a hazardous or unsafe condition
2 for life or health. These exterior features include, but are not limited to:

- 3 a. Deterioration of exterior walls, foundations or other vertical
- 4 supports that causes leaning, sagging, splitting, listing or buckling;
- 5 b. Deterioration of flooring or floor supports or other horizontal
- 6 members that causes leaning, sagging, splitting, listing or buckling;
- 7 c. Deterioration of external chimneys that causes leaning, sagging,
- 8 splitting, listing or buckling;
- 9 d. Deterioration of crumbling exterior plasters or mortars;
- 10 e. Ineffective waterproofing of exterior walls, roofs, foundations
- 11 including broken windows and doors;
- 12 f. Defective protection or lack of weather protection for exterior
- 13 walls and roof coverings including lack of paint or weathering due to
- 14 lack of paint or other protective covering;
- 15 g. Rotting holes or other forms of decay. Deterioration of exterior
- 16 stairs, porches, handrails, window and door frames, cornices,
- 17 entablatures, wall facings, ornament, trim and other architectural
- 18 details that cause de-lamination, instability, loss of shape and form and
- 19 crumbling.
- 20
- 21

22 2. Enforcement Procedures.

- 23 a. The Community Development Director may file a petition listing
- 24 specific defects with the Building Official or his or her designee
- 25 requesting the correction of defects and/or repairs to designated
- 26 properties.
- 27

1 b. Whenever such a petition is filed, the Building Official or his or
2 her designee shall attempt to make direct personal contact with the
3 owner or other such person having legal possession or custody and/or
4 his representative. If personal contact cannot be accomplished then
5 written notification of the specific defects and a right to inspect the
6 property will be mailed to the owner or such person having legal
7 possession, custody and/or control and posted at a conspicuous
8 location appropriate to the identified defects. In the written notification
9 the Building Official or his or her designee shall document the nature of
10 the specific defects and corrective action ordered.
11

12 c. After receiving agreement from the owner, his representative or
13 other such persons having legal possession, custody and control of the
14 property for an inspection, the Building Official or his or her designee
15 and the Community Development Director or his/her designee shall
16 conduct an investigation and prepare a written report whether the
17 property requires work to meet the "Standards for Reasonable Care
18 and Upkeep" set forth above.
19

20 d. If the property is found to contain conditions needing
21 corrections, the owner, his representative or such persons having legal
22 possession, custody and control of the property will be served within
23 fifteen (15) days with a complaint identifying the deficiencies and
24 providing notice that a hearing will be held before the Board of City
25 Commissioners on their next available agenda. The purpose of the
26 hearing is to:
27
28

1. Receive evidence about the deteriorated conditions;
2. Develop a plan and schedule for undertaking the needed repairs to stabilize the building or structure and arrest further deterioration; and

e. Following such notice and hearing a written determination as to the conditions which need to be addressed will be prepared and the owner or other interested parties will be served with an order to repair those defective elements within a reasonable specified time frame.

f. If the owner fails to make the necessary repairs within the identified time frame, the City may utilize any available remedy at law to correct the deficiencies that create any hazardous and/or unsafe conditions to life, health or property. The expense of this work can be recorded as a lien on the property.

15.05.65. Economic Hardship.

A. Purpose. It is the policy of Culver City to respect private property rights. The City recognizes, therefore, that there may be some circumstances in which the operation of this section could create an undue economic hardship. This provision is created to provide property owners with a means of demonstrating that such a hardship exists, and that they should be allowed to demolish a designated historic property because of the hardship. It is the intent of this provision to insure that no private property is taken by a government action without just compensation.

B. Standards for Obtaining a Certificate of Economic Hardship. Separate standards are established for investment or income producing properties and non-income producing properties:

1. Non-income producing properties shall consist of owner-occupied dwellings or properties owned by non-profit organizations or public entities.
 2. The basis to establish economic hardship for an income producing property shall be that a reasonable rate of return cannot be obtained from the property in its present condition or if rehabilitated.
 3. The basis to establish economic hardship for a non-income producing property shall be found when the property owner demonstrates that the property has no beneficial private or institutional use.
 4. Demonstration of an economic hardship shall not be based on or include any of the following circumstances:
 - a. Willful or negligent acts by the owners;
 - b. Purchase of the property for substantially more than market value;
 - c. Failure to perform normal maintenance and repairs;
 - d. Failure to diligently solicit and retain tenants;
 - e. Failure to provide normal tenant improvements;
 - f. Failure to accept an offer of purchase of the property at fair market value from a party willing to dedicate a Conservation Easement for the preservation of the property;
 - g. Owners who purchased subject property who knew or should have known of the circumstances or conditions that led to the assertion of economic hardship.
- C. Procedures for Obtaining a Certificate of Economic Hardship.
1. Application. The property owner seeking a Certificate of Economic Hardship must provide sufficient information to support the application for a

1 hardship determination. The City shall maintain a written policy statement
2 identifying the types of submittal materials required for the consideration of an
3 application for a Certificate of Economic Hardship. Different submittal
4 materials may be required depending upon the property's use and
5 circumstances. Necessary studies, evaluations and the compilation of
6 required information shall be conducted by the property owner at his or her
7 own expenses.

8 2. Administrative Process. Upon receiving a request for an application for
9 a Certificate of Economic Hardship, the Community Development Director
10 shall provide a written response within fifteen (15) days describing the
11 submittal materials required to consider the request.
12

13 a. Within five (5) days of the receipt of the application with the
14 required submittal materials, the Community Development Director shall
15 determine if it is complete. If it is determined that the application is not
16 complete, the owner will be notified in writing as to the deficiencies. The
17 Director will take no further steps to process the application until the
18 deficiencies have been remedied.
19

20 b. An application fee will be set to defray all costs of the review
21 process.

22 c. When the application is complete, the Community Development
23 Director will refer the application to the City Financial Officer who will review
24 the application according to the aforementioned standards. Following this
25 review a report will be issued with the City's response.
26

27 d. If the property owner can demonstrate that the standards have
28

1 been met then a demolition permit will be issued within thirty (30) days of the
2 granting of the Certificate of Economic Hardship. During that thirty (30) day
3 period, the City may require the owner to:

- 4 1. Provide, at the owner's sole expense, professionally
5 prepared documentation of the site, structures, buildings or
6 objects that are to be demolished;
- 7 2. Salvage building materials, architectural elements or
8 other features deemed valuable for other preservation or
9 restoration activities with the City.

10 e. In the event the City's response concludes that the application
11 does not demonstrate a case for economic hardship, then the application will
12 be set for a public hearing before the Cultural Affairs Commission.

- 13 1. The application, all support materials and the City's report
14 will be provided to the CAC in advance of the hearing. At the
15 hearing the applicant will be provided an opportunity to present
16 his application and be represented by counsel. The CAC may
17 approve, deny or approve with conditions the issuance of a
18 Certificate of Economic Hardship.
- 19 2. If the request for a Certificate of Economic Hardship
20 request is denied, the owner or applicant may appeal the
21 Cultural Affairs Commission's decision in writing to the City
22 Council within fourteen (14) days of the CAC's decision. The
23 City Council will hear the appeal according to the provisions of
24 the ***Culver City Municipal Code Chapter ____***.

1 D. Temporary Restraint.

2 While it is the intent of this Article to preserve historic properties that have
3 been formally recognized as significant through designation to the Culver City Historic
4 Register, it is understood that the identification, evaluation and designation of all sites,
5 structures, buildings, objects and districts within the City of importance to the general
6 welfare, economic prosperity and civic pride of the community is an on-going process.
7 Therefore, it is important to establish reasonable measures to protect properties which
8 potentially qualify for designation and allow for a review and hearing process to ensure they
9 are not needlessly lost or substantially altered such that their significance is diminished.
10

11 1. No demolition permit will be permitted for properties for which the
12 designation process has been initiated unless demolition is granted by the
13 procedures set forth in this Code.

14 2. No Building Permits for exterior alterations or interior work on
15 properties designated because of the significance of their interior features will
16 be issued for properties for which the designation process has been initiated
17 unless the work is approved by the Community Development Director.

18 3. When any permit is requested for properties for which designation has
19 been initiated, a public hearing to consider the application for designation
20 must be scheduled before the Cultural Affairs Commission within one year of
21 the initiation of the stay or the stay will expire.
22

23 **15.05.70. Historic Variance.**

24 A Historic Variance is intended to provide relief from strict compliance with the
25 standards set by this Article and the Culver City Municipal Code, that may impair the ability
26 of a Historic Resource, Historic District, or contributing property to a Historic District to be
27

properly used for adaptive reuse and/or to be altered in a manner that will minimize the impact upon its historic character and the surrounding area. A property designated under this Article as a Historic Resource is allowed for adaptive reuse in compliance with the provisions of this Article and the Culver City Municipal Code. As used herein, adaptive reuse is a change of use to a new use, including but not limited to retail uses, commercial uses, etc., as long as such use is in compliance with the applicable zoning, the City's General Plan, any adopted neighborhood or specific plan for the area and applicable design guidelines except as otherwise provided herein. The approval of a Historic Variance shall be based on the following findings:

1. The Historic Variance is necessary to provide for the appropriate use of an existing building, and/or to provide for the design and alteration of a building or site in a manner that will enhance its functional use and utility, including potential adaptive reuse.
2. The Historic Variance will not prevent the use from being able to adequately function on the site.
3. The Historic Variance will not adversely impact property within the neighborhoods and Historic District, if it is within a Historic District.
4. The Historic Resource being preserved will retain its integrity as a Historic Resource and any impacts on its historic characteristics shall be minimized.
5. The Historic Variance will not adversely impact properties or public rights-of-way within a Historic District.
6. The Historic Variance is the minimum departure from the requirements of this Code.

15.05.75. Notification of Changes to City Owned Historic Resources.

1 The Cultural Affairs Commission shall review and provide recommendations to
2 the City Council on all projects affecting City-owned Historic Resources, including
3 designated public and semi-public interior spaces. The Cultural Affairs Commission shall be
4 notified of a project affecting City-owned Historic Resources before any plans for such City-
5 owned Historic Resources are approved or work commences.

6 **15.05.80. Regulations and Penalties for Demolition of a Historic Resource Without**
7 **a Demolition Permit.**

8 A. Demolition, including demolition by neglect, of any Historic Resource, without
9 compliance with this Article is expressly declared to be a nuisance, and shall be
10 abated by reconstructing or restoring the property to its condition prior to the
11 performance of work in violation of this Article, or in the case of demolition by
12 neglect, by completing such work as required to stabilize and arrest further
13 deterioration of the property. The owner of the property, within seven (7) days of
14 notice from the Community Development Director or the Director's designee that
15 demolition has been performed or demolition by neglect has occurred in violation of
16 ***Culver City Municipal Code Chapter*** ___, as determined by the Building
17 Official or his or her designee, shall be stabilized per the Building and Safety Division
18 requirements and must be reconstructed or restored within six (6) months of the date
19 of such notice. Upon application to the Cultural Affairs Commission, the time may be
20 extended by the Cultural Affairs Commission if the owner shows the work cannot
21 reasonably be performed within one year. If the owner refuses to perform the
22 necessary work as described above, then the City may, after a duly noticed public
23 hearing, in compliance with ***Culver City Municipal Code Title*** ___, before the
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1 Cultural Affairs Commission, cause such stabilization, reconstruction or restoration
2 to be done, and the owner shall reimburse the City for all costs incurred in doing the
3 work. The cost of the work performed by the City shall constitute a lien against the
4 property on which the work is performed. Restoration or reconstruction may only be
5 required when plans or other evidence is available to effect the reconstruction or
6 restoration to the satisfaction of the CAC and Community Development Director.

7 B. If a Historic Resource is demolished without a Certificate of Appropriateness,
8 as required by ***Culver City Municipal Code Title*** ___, no building or
9 construction-related permits shall be issued, and no permits or use of the property
10 shall be allowed, from the date of demolition for a period of five (5) years. For
11 purposes of this section, the demolition shall be presumed to have occurred on the
12 date the City has actual knowledge of the demolition. The owner shall have the
13 burden of proving a different date if one is claimed.

14 C. The Community Development Director shall provide notice by Certified Mail of
15 the applicability of this section to the owner on the Rolls of the Tax Assessor, and
16 any other person known to have an interest in the property, as soon as practicable
17 after having knowledge that the provisions of this section are applicable to the
18 property. The date the City first had actual knowledge of the demolition shall be
19 stated in the notice.

20
21
22 **15.05.85. Regulations and Penalties for Alteration of a Historic Resource Without**
23 **a Required Permit.**

24 The alteration of a Historic Resource without obtaining a Certificate of
25 Appropriateness and required permits, is expressly declared to be a nuisance, and shall be
26 abated by restoring the property to its appearance prior to the performance of the work
27

1 without the required approval. The owner of the property shall stop and stabilize the work
2 within seven (7) days of notice from the Community Development Director that alteration
3 has been performed in violation of ***Culver City Municipal Code Title*** _____. Within six
4 (6) months of the date of notice, the property shall be reconstructed or restored. Upon
5 application to the Cultural Affairs Commission, the time may be extended. All restoration
6 shall be performed in accordance with the Secretary's Standards or applicable guidelines. If
7 the owner refuses to perform the restoration, then the City may after a duly noticed public
8 hearing, in compliance with ***Culver City Municipal Code Title*** _____, before the
9 Cultural Affairs Commission cause such reconstruction or restoration to be done and the
10 owner shall reimburse the City for all costs incurred in doing such work. The cost of the
11 work performed by the City shall constitute a lien against the property on which the work is
12 performed. Restoration or reconstruction may only be required when plans or other
13 evidence is available to the City, from which the prior appearance of the building or
14 structure can be determined.
15

16
17 In the event the appearance of the building or structure prior to the
18 unapproved work cannot be determined, the owner shall obtain permits after obtaining
19 Cultural Affairs Commission approval in accordance with Culver City Municipal Code Title _____.
20 All work authorized by such permits shall comply with the Secretary's Standards or
21 applicable guidelines, and shall be reviewed by the Community Development Director for
22 compliance and in accordance with Culver City Municipal Code Title _____. Pursuant to Culver
23 City Municipal Code Title _____, each day the alteration exists without approval or a valid
24 Building Permit shall constitute a separate offense.
25

26 **15.05.95. Violations.**
27
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Pursuant to ***Culver City Municipal Code Title*** ____, violation of this Article may be charged by the City Prosecutor as misdemeanors, and be punished accordingly. Such criminal penalties are cumulative and not exclusive to any legal or equitable remedies for the violation.

15.05.100. Exceptions to the Article.

1. In the event an Historic Resource is damaged as a result of a disaster or emergency, such that the Historic Resource is rendered uninhabitable, the City shall determine the level of risk associated with temporary retention of the Historic Resource in a deteriorated state. To the extent feasible, the deteriorated resource shall be fenced or otherwise secured to protect the public from the threat posed by the structure, until such time as the City can determine whether feasible alternatives to demolition exist.
2. In the event of a Federally declared disaster, the City shall consult with appropriate Federal and State agencies to determine if assistance is available to aid in the preservation of Historical Resources.
3. Any property which is subject to an exclusive negotiation agreement, owner participation agreement or disposition and development agreement between the Community Development Director and a third party on or after the effective date of the ordinance adopting this Article shall be exempt from the provisions set forth herein.

15.05.105. Applicability.

The following types of projects are subject to review under this Code: all projects for new construction, exterior alterations, interior alterations which materially affect a structure's appearance from the public right-of-way or that have been identified as contributing to the significance of the buildings or Sites; and all projects for alterations,

1 additions, relocations, and demolitions of Historic Resources and applications for relief from
2 the Replacement Building Permit requirement according to the procedures of this Code. In
3 addition, the Cultural Affairs Commission may delegate other review and approval functions
4 to the Director of Community Development. The extent of review shall be as prescribed by
5 approved design standards.

6 **15.05.110. Findings.**

7 The City Council of the City of Culver City hereby finds that the alteration or
8 destruction of properties of architectural significance poses a current and immediate threat
9 to the public health, safety and welfare, and to the aesthetics, policies and visions for the
10 City of Culver City.

11 **15.05.115. Fees.**

12 The City Council shall by resolution prescribe fees for all applications, reviews
13 and appeals authorized by this Code.

14 **15.05.120. Appeals.**

15 All appeals under this Article not specifically stated, shall be held in
16 accordance with ***Culver City Municipal Code Title*** ____.

17 SECTION 2. This Ordinance shall take effect thirty (30) days from the
18 date of its adoption and, as required by ***Section 619*** of the City Charter, prior to the
19 expiration of fifteen (15) days from the adoption hereof the City Clerk shall cause this
20 Ordinance to be published in The Culver City News. Additionally, the City Clerk shall post
21 this Ordinance or a summary thereof in at least three public places within the City pursuant
22 to ***Section 517*** of the City Charter.

23 **OR**

1 SECTION 2. The Mayor of the City shall sign and City Clerk shall
2 attest to the passage of this ordinance. The effective Date of this ordinance shall be (30)
3 days from the date of its adoption and prior to the expiration of fifteen (15) days from the
4 adoption hereof, the City Clerk, pursuant to Government Code Section 36933(c)(1), shall
5 cause a summary of this ordinance to be published in The Culver City News along with the
6 record of the vote for approval and adoption and shall post at City Hall, a certified copy of
7 the full text of this Ordinance along with the record of the vote thereon. Additionally, the
8 City Clerk shall post a summary of this Ordinance in at least three public places within the
9 City pursuant to **Section 619** of the City Charter.
10

11 **OR**

12 SECTION 2. This Ordinance is adopted as an emergency measure pursuant
13 to **Charter Section 510** and is effective immediately pursuant to the reasons set forth in
14 the preamble hereto, and shall remain in effect for a period of one hundred eighty (180)
15 days; provided that, this period may be extended by the City Council should the public
16 interest require.
17

18 SECTION 3. This ordinance shall take effect immediately upon its adoption
19 and as required by **Section 512** of the City Charter, prior to the expiration of fifteen (15)
20 days from the adoption hereof, the City Clerk shall cause this Ordinance to be published in
21 the Outlook. Additionally, the City Clerk shall post this Ordinance or a summary thereof in
22 at least three public places within the City pursuant to **Section 617** of the City Charter.
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25 APPROVED and ADOPTED this _____ day of _____,2008.
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D. SCOTT MALSIN, Mayor
City of Culver City, California

ATTEST:

APPROVED AS TO FORM:

MARTIN COLE,
City Clerk

CAROL A. SCHWAB,
City Attorney

**City of Culver City, California
Cultural Affairs Commission Agenda Item Report**

Meeting Date: 08/12/08		Item Number: <u>A-2</u>	
AGENDA ITEM: Discussion Regarding Process for the Establishment of an Advisory Committee for the Citywide Historic Resources Inventory Update and Recommendation to the Culver City City Council and Culver City Redevelopment Agency.			
Contact Person/Dept.: B. Christine Byers/ Cultural Affairs		Phone Number: (310) 253-5776	
Fiscal Impact: Yes ☐ No ☒		General Fund: Yes ☐ No ☒	
Public Hearing: ☐		Action Item: ☒	Attachments: ☐
Public Notification: Meetings and Agendas - Cultural Affairs (08/08/08); Culver City Historical Society (08/08/08)			
Department Approval: Sol Blumenfeld		City Manager Approval: N/A	
Chief Financial Officer: N/A			

RECOMMENDATION:

That the Cultural Affairs Commission ("CAC") provide input and make a recommendation to the Culver City City Council ("City Council") and the Culver City Redevelopment Agency ("Redevelopment Agency") about the process for selection of individuals to serve on an Advisory Committee in conjunction with the upcoming City-wide historic resources inventory update.

BACKGROUND & DISCUSSION:

On August 18, 2008, the City Council and the Redevelopment Agency will consider a draft Request for Proposals ("RFP") for a consultant team to perform a City-wide historic structures inventory update. Pursuant to a memorandum prepared in May 2008 for both City Council and CAC which outlined the legal necessity, processes, and anticipated timeline for a survey, staff also addressed the need for the formation of an Advisory Committee.

Historic resource surveys demand considerable community outreach and involvement. Typically an Advisory Committee comprised primarily of community representatives is formed to help with outreach, to serve as liaisons, and to provide input at significant junctures during the process. Significant junctures include involvement in the selection of a consultant team, review and certification of the context statement, review and certification of the survey results, and designation nominations at the local, state or national levels. Final decisions at these junctures would always rest with the City Council and the Redevelopment Agency, but the Advisory Committee provides input during the process. In 1989, the City of Culver

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City formed a “Historic Preservation Advisory Committee” to review the results of the 1987 historic structures survey, establish designation criteria and make recommendations to the City Council for historic designation at the local level.

Staff recommends that a community Advisory Committee in Culver City include representatives from:

- The City's two main movie studio lots
- The three currently designated historical residential districts (Braddock, Lafayette & McConnell Historic Districts)
- Culver City Historical Society
- Staff from the City's Planning, Building Safety and Parks Departments
- Culver City Chamber of Commerce
- Downtown Business Association
- Various civic organizations/clubs
- A representative from the City's Planning and Cultural Affairs Commissions
- A member of the City Council

It is recommended that the Advisory Committee be comprised of approximately 15 individuals, including staff, so as to ensure a manageable sized group but one that is representative of the majority of residential and business-based associations and entities within the City. However, community outreach at the beginning and during the survey process will include extensive City-wide public noticing and a number of public meetings.

Staff recommends contacting each of the above-referenced entities and asking for nominations of individuals to represent them, including persons who have a background in design, urban planning or preservation. Staff would then return to the City Council and the Redevelopment Agency in September with a list of names for further consideration.

Staff recommends the approval of the list of Advisory Committee members by end of September / early October so that two or three individuals from that group can participate in the interviews of the short-listed consultant teams.

FISCAL ANALYSIS:

There are no additional direct costs associated with this agenda item at this time. A total of \$200,000 is currently appropriated in the FY 2008 – 09 budget for the citywide historic structures survey that includes noticing and public outreach.

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ATTACHMENTS:

None.

MOTION:

That the Cultural Affairs Commission:

1. Recommend the City Council and Redevelopment Agency direct staff to proceed with the compilation of a list of names for the Advisory Committee.