

Chapter 25.45 - HISTORIC PRESERVATION

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25.45.002 Intent and purpose.

The purpose of this chapter is to promote the public health, safety, and general welfare by providing for the identification, protection, enhancement, perpetuation, and use of improvements, buildings and their settings, structures, objects, monuments, sites, places, and areas within the city that reflect special elements of the city's architectural, artistic, cultural, engineering, aesthetic, historical, political, social, and other heritage to achieve the following objectives:

- (A) Safeguard the heritage of the city by providing for the protection of historic resources representing significant elements of its history;
- (B) Enhance the visual character of the city by encouraging the preservation of those buildings which make a significant contribution to the older neighborhoods of the city particularly to the designated historic register structures reflecting unique and established architectural traditions;
- (C) Foster public appreciation of and civic pride in the beauty of the city and the accomplishments of its past;
- (D) Strengthen the economy of the city by protecting and enhancing the city's attractions to residents and visitors;
- (E) Promote the private and public use of historic resources for the education, prosperity and general welfare of the people; and
- (F) Stabilize and improve property values within the city.

25.45.004 Definitions.

Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application.

"Code of Federal Regulations (CFR)" means the codification of the general and permanent rules and regulations published in the federal register by the executive departments and agencies of the federal government of the United States.

“Contributive property” means a property containing a structure that contributes to the overall character and history of the neighborhood and village atmosphere, but does not qualify as a historic resource. These structures are intact and are good representations of the era in which they were constructed. While these structures may not be architecturally significant, they are still important for their contribution to the streetscape. If rated, these properties would be identified with a California Office of Historic Preservation (“OHP”) status code of 6L. The following characteristics are typical of a contributive property:

(1) The structure remains intact and has not been substantially altered since the time of original construction. Examples include structures that reflect the Craftsman, Bungalow, Beach Cottage, Period Revival, Provincial, Settlement, Moderne and Mid-Century Modern styles.

(2) Structures which have been updated with insubstantial modifications, but retain their original form, character and scale should also be considered.

(3) The structure is located in an area largely intact to its original development and which contains several structures similar in scale which were also constructed during the same period.

(4) The property maintains a similar appearance to the time in which it was associated with an important person or persons or groups who significantly contributed to the cultural, artistic, or other important developmental aspects of the city, region, state, or nation.

“Character-defining features” include the overall shape of the building, its materials, craftsmanship, decorative details and features, as well as the various aspects of its site and environment. These features exude the historic character of a building.

“Cultural landscape” means a geographic area, including both cultural and natural resources and the wildlife or domestic animals therein, associated with a historic event, activity, or person or exhibiting other cultural or aesthetic values.

“Director” means the city's director of community development, or her/his designee.

“Demolition” - for the purpose of this chapter, means any act which removes all the existing exterior walls and or roof framing. Demolition permits require the applicant to obtain a Coastal Development Permit, which permits are subject to the California Environmental Quality Act, unless exempt therefrom.

“Historic assessment” means a historic building or site assessment to determine if a property is a historic resource or if a project will adversely affect a historic resource. An assessment shall be prepared by a consultant that meets the secretary of the interior's (SOI) professional qualifications standards, as defined in the Code of Federal Regulations, (36 CFR 61) or its successor.

“Historic context” means historical patterns that can be identified through the consideration of the history of the property and the history of the surrounding property. Historic context may also relate to an event or series of events, pattern of development, building form, architectural style, landscape, artistic value, use of materials and methods of construction, or be associated with a life of an important person.

“Historic integrity” means the ability of a property to convey its significance. Historic properties either retain integrity (this is, convey their significance) or they do not. Within the concept of integrity, the National Register criteria recognizes seven aspects or qualities that, in various combinations, define integrity. The seven aspects of integrity are location, design, setting, materials, workmanship, feeling and association.

“Historic landscape” means residential gardens and community parks, scenic highways, rural communities, institutional grounds, cemeteries, battlefields and zoological gardens. They are composed of a number of character-defining features which, individually or collectively contribute to the landscape's physical appearance as they have evolved over time. In addition to vegetation and topography, cultural landscapes may include water features, such as ponds, streams, and fountains; circulation features, such as roads, paths, steps, and walls; buildings; and furnishings, including fences, benches, lights and sculptural objects.

“Historic monitor” means a professional, who meets the qualification standards contained in the Code of Federal Regulations (36 CFR Part 61), who is hired at the applicant’s expense to oversee a development project to ensure that the construction and modifications are consistent with the secretary of the interior’s standards as conditioned in the project approval.

“Historic preservation style guide” means a publication that has been developed to assist in the identification of historic resources and 6L properties through providing expanded examples and definitions which define each historic rating category. Examples of historic and non-historic property characteristics are provided. This document will provide preferred design examples and guidelines for the alteration of historic structures. Projects which are consistent with these guidelines will typically not create an adverse impact to a historic structure.

“Historic register (or register)” means the city’s list of properties formally designated as historic resources. The current list of designated properties will be kept on file at the city clerk’s office.

“Historic resource” means a property or structure that is on the city’s local register or that satisfies the criteria identified in OHP status codes 1 through 5. Historic resources are usually excellent in condition and unique, or maintain the structures original integrity and demonstrate a particular architectural style or time period. Typically these properties shall meet one or more of the following criteria:

- (1) Individual structures that exemplify special aspects, character, interest or value as part of the heritage of the city. Examples include good and/or excellent representations of structures designed in the Craftsman, Bungalow, Beach Cottage, Period Revival, Provincial, Settlement, Moderne and Mid-Century Modern styles.
- (2) The property retains sufficient architectural integrity to continue to evoke the sense of place and time with which it is historically associated;
- (3) The location as a site of significant historic event;
- (4) The identification with a person or persons or groups who significantly contributed to the culture and development of the city;
- (5) The exemplification of a particular architectural style or way of life important to the city;
- (6) The embodiment of elements of outstanding attention to architectural design, detail, materials or craftsmanship.
- (7) It represents the work of a notable builder, designer, architect, or artist;
- (8) It has a unique location, a singular physical characteristic, or is an established and familiar visual feature of a neighborhood, community, or the city;
- (9) It is one of the few remaining examples in the city, region, state, or nation possessing distinguishing characteristics of an architectural or historical type or specimen;
- (10) It is a noteworthy example of the use of indigenous materials or craftsmanship.

“Heritage committee” means the committee, as established by city council, which serves an advisory role on matters pertaining to historic preservation as specified within this chapter.

“Insubstantial alterations” means exterior modifications that do not result in the physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings. These alterations are performed in such a way that the significance and integrity of a historical resource is not materially impaired. Examples include, but are not limited to, the following:

- (1) Any alteration that does not independently require design review approval as specified in Section 25.05.040 and other alterations that would not result in the destruction, relocation, or alterations that would materially change a historic resource's character-defining features, historical significance, or its exterior appearance.
- (2) Maintenance, repair, restoration, or in-kind replacement of severely deteriorated architectural features or building components.
- (3) Installation or replacement of electrical and/or plumbing equipment, utility work, or other mechanical and other building systems, including rooftop appurtenances not significantly visible from a public street and that would result in no change in the general appearance of the historic property.
- (4) Repair or partial replacement of porches, cornices, exterior siding, doors, balustrades, stairs, or other trim when the repair or replacement is done in-kind to match existing material, form, and general appearance.
- (5) Replacement of severely damaged or deteriorated windows when the replacement is done in-kind to match the existing materials, type, shape and general appearance.
- (6) Replacement of window panes in-kind or with double or triple glazing so long as the glazing is clear and untinted and the window does not alter the existing window material or general appearance. The replacement of existing archaic or decorative glass is not included in this exclusion.
- (7) Repair or replacement of roofing, when replacement is done in-kind to match the existing in form and general appearance.
- (8) Repair or replacement of roadways, driveways, and walkways when work is done in-kind to match the existing in material, form, shape, style and general appearance.
- (9) Repair or in-kind replacement of historically correct built or cultivated site or landscape features that are deteriorated, damaged beyond repair, or previously removed, including gates, fences, walls, hedges, freestanding walls, pergolas, gazebos and planting beds.
- (10) Repointing and repainting of bricks on the exterior of a property, with no change in appearance.
- (11) Removal of additions intended to restore the original appearance of a building, structure, site, or object.
- (12) Other insubstantial rehabilitation work as determined by the director.

“Mills act” means the state law as defined in Section 50280 of the California Public Resources Code, which allows cities to enter into contracts with the owners of structures on the city’s historic register who may receive a reduction in property taxes. To qualify as a historic resource, a property must be listed on the City’s Historic Register and satisfies the criteria identified in OHP status codes 1 through 5.

“Replacement In-Kind” means the replacement of a building material or finish with the exact same materials as existing, or with a historically accurate replacement. Historic properties may qualify for the application of the State Historic Building Code to facilitate replacements in-kind, subject to approval of the Building Official.

“Substantial alteration” means demolition, destruction, relocation, or alteration such that

the significance and integrity of a historical resource or a 6L property would be impaired. This would include any act or failure to act that destroys, removes, or relocates, in whole or part, a historical resource in such a way that its historic or architectural character and significance are materially altered. Major Remodels, as defined in section 25.08.024, are considered “substantial alterations”.

25.45.006 Procedures for the alteration/demolition of structures 70 years or older not listed on the historic register.

(A) Application. Application to demolish, relocate, or substantially alter a building or structure that is 70 years or older (not currently listed on the city’s historic register) shall be made by a property owner or authorized agent. Applications shall contain such information as prescribed by the director. A historic assessment shall be required unless the requirement for such an assessment is waived in writing by the director.

(B) Director Determination. Within thirty (30) days of receipt of a complete application as described in subsection (A) of this section, the director shall make an initial determination of whether the property is eligible to be considered a historic resource.

(1) If the director finds that the property may be eligible for an OHP status code of 1 through 5, or 6L, then the director will submit a rating evaluation application to the heritage committee for review as prescribed by Section 25.45.008 to determine the appropriate rating of the property.

(2) If the director determines that the property does not meet the criteria referenced in subsection (B)(1), the property shall be processed without further restrictions under this chapter unless a timely appeal is filed. The director will provide a 14-day notification pursuant to section 25.05.065(D) of this determination. Notification shall also be provided to the heritage committee.

(C) Appeals.

(1) Any determination made by the director pursuant to subsection (B)(2) of this section may be appealed pursuant to 25.05.070.

25.45.008 Property rating evaluation.

(A) Intent and Purpose. The property owner, the owner’s authorized agent or the director (pursuant to 25.45.006) may request that the heritage committee review a property to determine the appropriate property rating with regard to its historic character.

(B) Applications. Applications shall contain such information as prescribed by the director.

(C) Public Notice. Public notice shall be subject to the provisions of Section 25.05.065.

(D) Heritage Committee Review. The heritage committee shall, at its next available meeting, conduct a public hearing to determine the appropriate property rating. The heritage committee may also request that a historic assessment at the cost of the city be prepared to evaluate the property if one has not already been submitted. After consideration of all testimony and evidence presented at the public hearing the heritage committee shall determine the appropriate OHP status code that best suits the property. The heritage committee shall make the following findings as part of the review:

(1) Explanation of the significance or lack of significance of the property under consideration;

(2) Explanation of the integrity or lack of integrity of the property under consideration;

(3) Identification of or lack of the important character-defining exterior architectural, site or landscaping features of the property under consideration;

Any development application proposed to demolish, relocate or substantially alter a building on a property that is rated with an OHP status code of 1 through 5 or 6L or structure shall be subject to either section 24.45.012 or 25.45.014 of this chapter. Applications to demolish a structure that is rated with an OHP status code of 1 through 5 shall be subject to section 24.45.020.

(E) Appeal. Rating determinations made by the heritage committee pursuant to Section 25.45.008(D) may be appealed to the city council subject to the provisions set forth in Section 25.05.070.

25.45.010 Property preservation incentives.

Structures listed on the city's historic register or those structures identified as having an OHP status code 1 through 5, or 6L pursuant to section 25.45.008, are eligible to apply for the following preservation benefits. The consideration of benefits shall occur at a public hearing and the granting of any benefit shall be conditioned upon the recordation of a written agreement between the city and property owner that ensures preservation of the building's historic character and identifies any historic incentives granted for the property. Unless further noted, the design review board shall conduct a noticed public hearing on design review applications, except that the planning commission shall assume the same authority for design review for all projects located in the downtown specific plan area and for projects that the planning commission is the primary discretionary review authority, such as approval of a conditional use permit. The notice of public hearing shall include notice that the applicant is requesting approval of preservation incentives and identify the requested benefits. A request for incentives in conjunction with an application to modify an historic resource (OHP status code 1 through 5) must receive a recommendation from the Heritage Committee.

(A) Parking. The following benefits are subject to design review board approval, except when a conditional use permit is required, in which case the city council shall be the final approval authority, upon recommendation by the planning commission. The planning commission shall consider recommendations of the heritage committee for modifications to an historic resource (OHP status code 1 through 5).

(1) Single-family dwellings that are nonconforming due to substandard parking shall not be required to provide parking in accordance with Chapter 25.52 of this title when additions are proposed, provided that such additions do not exceed more than fifty percent of the existing square footage of the structure and that at least one parking space has been provided on-site. When a second residential unit is being added to a historic structure under the provisions of Chapter 25.17 (Second Residential Units), parking shall be in accordance with the requirements of that chapter unless modified by the city council for purposes of achieving the goals of the historic preservation ordinance.

(2) Multiple-family dwellings that are nonconforming due to substandard parking shall not be required to provide parking in accordance with Chapter 25.52 when additions are proposed, provided that such additions do not exceed more than fifty percent of the original square footage of the structure and that at least half of the parking spaces required in Chapter 25.52 have been provided.

(3) Historic resources (OHP code 1 through 5) located in commercial zones may be granted a conditional use permit to allow a reduction in parking requirements up to a maximum of seventy-five percent or 15 parking spaces, whichever is more restrictive based on the degree to which the historic character of the building is preserved and/or enhanced. The historic character of the building shall include exterior and visible interior elements if,

and only if, integral to the historic building design. A parking demand study, may be required to evaluate the existing or proposed use, potential neighborhood impacts and available off-site and on-street parking when considering any parking reductions.

(4) Properties identified with an OPH status code of 6L may be granted a conditional use permit to allow a reduction in parking requirements up to a maximum of fifty percent or 15 parking spaces, whichever is more restrictive, based on the degree to which the historic character of the building is preserved and/or enhanced. The historic character of the building shall include all exterior and visible interior elements if, and only if, integral to the historic building design. A parking demand study, may be required to evaluate the existing or proposed use, potential neighborhood impacts and available off-site and on-street parking when considering any parking reductions.

(B) Building Permit and Planning Application Fees. All building permit and planning application fees for structures will be refunded for those projects if, prior to the finalization of the building permit, the heritage committee finds the changes are consistent with approved plans and preserve the historic character of the subject building. Variance fees are not subject to refund unless the variance is required to restore an original historic feature of the building. A request for this incentive does not need to be included in a public notice.

(C) Building Code Deviations. The city may allow deviations from Title 14 of this code requirement when findings can be made by the director of community development that the historic building is in conformance with the state of California Historical Building Code. A request for this incentive does not need to be included in a public notice. Properties identified with a status code of 6L are not eligible for this incentive.

(D) Additions to Commercial Structures. Commercial structures may add up to fifteen percent of the existing floor area, not to exceed five hundred square feet, without providing additional parking and without bringing any existing nonconformities into compliance with current zoning regulations.

(E) Setback Flexibility. Additions to structures shall be allowed to maintain setbacks up to the line of existing encroachments; provided, that all setbacks as required by the Uniform Building Code are maintained for new construction.

(F) Rear Yard Setback Relief. New structures, or additions to existing historic structures, may be constructed within five feet of a rear property line. New improvements may not encroach into a blufftop setback.

(G) Density Bonuses. Structures located in the R-2 residential medium density zone, the R-3 residential high density zone, local business professional zone with an OHP status code of 1 through 5 or 6L, may add residential units at a density of one unit per one thousand square feet of lot area, provided the historic structure is preserved. Residential density credit for historically significant buildings shall be based on the lot size on which the structure is located, and shall not include adjoining parcels or lots under the same ownership; these residential density credits shall not apply if the historically significant building is demolished. See Section the downtown specific plan for applicable provisions in that area.

(H) Single-Family Density Bonuses. Properties located in the R-1, residential low density zone may be eligible for residential density bonuses for a second residential unit. See Section 25.17 for applicable provisions.

(I) Open Space Requirements. Properties which do not currently provide the required open space area may be enlarged or expanded without providing the required open space if it is determined that the proposed alterations will not diminish or detract from the historic significance

of the original structure.

(J) Official Recognition. Properties on the historic register shall be eligible for special designation plaques. A request for this incentive does not need to be included in a public notice.

(K) Priority Processing. Properties shall receive priority building and planning/zoning division plan check processing. A request for this incentive does not need to be included in a public notice.

(L) Financial Incentives. Owners of properties with an on the historic register (with an OHP rating of 1 through 5) are eligible to apply for a Mill's Act contract. Owners of any historic property listed on the historic register are eligible to apply for other local, state and national financial benefits, if any.

(M) Bed and Breakfast incentives. Refer to Section 25.22.050.

(N) Relief from Nonconforming Structure Requirements.

(1) Structures may be allowed to add more than fifty percent of the existing structure without bringing existing nonconformities into compliance if it is determined that such an addition will not diminish or detract from the historic significance of the original structure, and if such addition is found to be compatible in scale and character with the surrounding neighborhood.

(2) Properties located in multifamily zones (R-2 and R-3), where only one unit currently exists, may apply for additional units without bringing existing nonconformities into conformance, if it is determined that the additional unit will not diminish or detract from the historic significance of the original structure, and if such additional unit is found to be compatible in scale and character with the surrounding neighborhood. Requests for this benefit shall be subject to approval by the design review board with recommendation of approval provided by the heritage committee.

25.45.012 Procedures for the substantial alteration of a historic resource.

(A) Purpose and Intent. This section shall apply to properties listed on the historic register, that have been identified as an historic resource (OHP status code 1 through 5) under section 25.45.008.

(B) Review. Prior to the issuance of a building permit to substantially alter any historic resource, the design review board shall review the proposed changes in accordance with Chapter 25.05 of this title and determine whether the proposal is consistent with the city's design guidelines. Interior changes shall not be reviewed unless the changes involve interior elements that are integral to the historical building design or if the interior area is part of a public space. Prior to design review board review of the proposed alterations, the heritage committee shall provide a recommendation on the proposed change(s). Repair or replacement of existing materials with in-kind or historically appropriate materials, in the same location, does not require design review approval. Minor alterations may be subject to Section 25.05.040 (B)(3).

(C) Historic Assessment. If a historic assessment has not been prepared for the property, the heritage committee or the design review board may request that a historic assessment paid for by the city be prepared prior to the review of the project to evaluate the project impacts to the property.

(D) Environmental Determination. During its review, the design review board will adopt the appropriate environmental determination pursuant to the California Environmental Quality Act. A historic assessment may be required to evaluate a projects potential environmental impact. Projects that comply with the Secretary of the Interior's Standards may be eligible for a categorical exemption. In addition, projects that are consistent with the design guidelines may be found to not significantly impact the historic resource.

(E) Pre-construction Meeting. Prior to the issuance of a building permit, a preconstruction meeting shall occur and shall consist of the property owner, contractor, inspector assigned to inspect the structure, a city staff member, the project architect/designer and historic monitor (if required). This meeting will be used to convey the obligations and responsibilities of the property owner and his or her contractors and architects in protecting and avoiding destruction of the identified historic fabric that is to be retained.

25.45.014 Procedures for the substantial alteration of a contributive (6L) property

(A) Purpose and Intent. This section shall apply to properties that have been identified with an OPH status code of 6L pursuant to section 25.45.008.

(B) Review. Prior to the issuance of a building permit to substantially alter a property with an OPH status code of 6L, the design review board shall review the proposed changes in accordance with Chapter 25.05 of this title and determine whether the proposal is consistent with the city's design guidelines. Windows and doors may be replaced in the existing opening with similar or new materials without design review.

(C) Design Guidelines. Substantial physical improvements and building modifications shall be designed and located in a manner that best preserves the city's village atmosphere and the existing streetscape. Design review is required to determine if a project complies with the city's design guidelines to ensure that the proposed modifications:

- (1) Maintain the current relationship to the neighborhood;
- (2) Are consistent with the pattern of open space existing in the neighborhood;
- (3) Are designed in such a way that visible mass conforms to the scale of the neighborhood and that the building heights are appropriate to the neighborhood;
- (4) Consider the existing setback pattern in the neighborhood;
- (5) Locate garages and driveways in a manner compatible with the established neighborhood pattern and that new garages are designed to preserve the existing scale of the neighborhood.
- (6) Incorporate compatible exterior materials, finishes and treatments.

25.45.016 Historic Register Designation.

(A) Purpose and Intent. The purpose of the Laguna Beach historic register is to provide a means to preserve, protect and enhance the most significant historic resources within the community, including buildings, structures, sites, objects, and cultural or historic landscape features. All subsequent identified eligible resources shall be added to the register pursuant to the procedures established in this chapter. Properties listed on the register may be identified on-site with an exterior marker or plaque displaying pertinent information about the property. The current list of homes on the register will be kept on file with the city clerk.

(B) Designation Procedures.

- (1) The property owner shall complete the application for the proposed designation on a form provided by the department, include all information required and file the application with the department.
- (2) The heritage committee will review the application for designation. In its consideration of placement on the register, the heritage committee may request additional information and plans for any future planned changes to the structure. There shall be no filing fee for placement on the register.

- (3) Recordation of a written agreement between the city and the property owner, acknowledging the owner's obligations and responsibilities to ensure preservation of the historic character of the structure shall be filed after the property is designated. This agreement is recorded with the County and will apply to any subsequent owners.
- (C) Criteria for Historic Register Listing. Properties identified as having an OHP status code of 1 through 5 are eligible for listing on the register as the structures have been found to have individual historical, cultural, or architectural significance. Such properties must meet one of the characteristics listed in the definition of "historic resource" in section 25.45.004 of this chapter.
- (D) Findings of the Heritage Committee. Upon review of the application and any supporting material, the heritage committee shall adopt findings that the registered property does or does not meet the definition of a historic resource, contained in this chapter. The findings of the heritage committee shall contain the following information:
- (1) Explanation of the significance or lack of significance of the property under consideration;
 - (2) Explanation of the integrity or lack of integrity of the property under consideration;
 - (3) Identification or the lack thereof of the important character-defining exterior architectural, site or landscaping features of the property under consideration;
- (E) Removal from the Historic Register. Removal from the register can be initiated by the property owner or by the city. The application shall provide evidence that the property no longer retains its historic integrity and/or that the property does not meet any of the criteria listed in Section 25.45.016(C). A historic assessment may be requested as part of the application and will be paid for by the applicant. The decision to remove a structure from the register shall be considered at a public hearing by the city council with recommendation from the heritage committee.
- (F) Repayment or Restoration of Benefits/Incentives. The city council and shall take into consideration repayment or restoration of any utilized benefits/incentives as set forth in Section 25.45.010 of this chapter when (a) the property owner or the city initiates a request to remove the structure from the historic register; or (b) anytime unauthorized modifications to the historic structure are made including demolition and partial demolition of an historic structure. Additional penalties for unauthorized demolition are also specified in Section 25.45.028 of this chapter. Filing fees for removal of a structure from the register shall be determined by resolution by the city council.

25.45.018 Historic property disclosure.

- (A) Agent Disclosure. If property has been included in the register by the city of Laguna Beach, or has been identified as property historic resource (OHP status code 1 through 5) under 25.45.008, the owner of the property or his representative shall, in any real property transaction, provide the buyer of the property with notice informing the buyer of the property's listing on the register. Distribution of a current Real Property Report to the buyer shall satisfy the requirements of this section.
- (B) Penalty. Any person who violates the provisions of subsection (A) of this section shall be subject to the penalties and remedies specified in chapter 14.76.090 of the municipal code.

25.45.020 Procedures for demolition of a historic resource.

The following procedures shall be applied to all structures identified as historic resource (OHP code 1 through 5) under Section 24.45.008 of this chapter or those listed on the historic register.

(A) Application. An application for demolition of a historic resource shall be filed with the department of community development. Demolition permits require that the applicant obtain a Coastal Development Permit and are subject to compliance with the provisions of the California Environmental Quality Act. (“CEQA”)

(B) Heritage Committee Review. Upon receipt of a complete application to demolish a historic resource, the department of community development shall, within thirty days, schedule the application to be reviewed by the heritage committee.

(C) Design Review Board Action. After the appropriate environmental documentation has been prepared pursuant to CEQA, the design review board shall address the project impacts, and identify project alternatives which may mitigate the defined project impacts. The design review board shall consider project mitigation measures. After conducting the public hearing, the design review board shall either approve or deny the permit.

(D) Public Notice. Public notice for the design review board hearing shall be subject to the provisions of Section 25.05.065, and Chapter 25.07.

(E) Demolition Approval. If the design review board approves a permit for demolition, the permit is subject to a waiting period of ninety calendar days to consider relocation and/or documentation unless building relocation is included as part of the project mitigation measures as adopted by the design review board.

(1) During the waiting period, the applicant shall advertise the proposed demolition in a paper of general circulation in the city once a month for the first two months following the design review board’s hearing. Such advertisement shall be one-quarter page in size and shall include a photograph of the structure, the address at which the structure proposed for demolition is located, information as to how arrangements can be made for relocation and the date after which a demolition permit may be issued. Evidence of this publication must be submitted to the department of community development prior to issuance of a demolition permit.

(2) Any application for relocation of the structure shall be filed within the specified waiting period as determined by the design review board.

(3) The design review board may extend the waiting period up to one hundred eighty days if it determines that relocation is imminent.

(4) During the continuance period, the heritage committee may investigate relocation of the building or modification of the building for future uses in a way which preserves the architectural and historical integrity of the building.

(5) During the continuance period, the applicant may pursue plan approval.

(F) Findings. Prior to the issuance of a demolition permit, the design review board shall make one of the following findings:

(1) The action proposed is consistent with the purposes of the ordinance and the historic resources element of the general plan; or

(2) There are no reasonable alternatives to demolition.

25.45.022 Unsafe or dangerous conditions.

None of the provisions of this chapter shall be construed to prevent any demolition necessary to correct the unsafe or dangerous conditions of any structure, feature, or part thereof, when such condition has been declared unsafe or dangerous by the building official or the fire chief and where the proposed measures have been declared necessary and permitted by such official to correct such conditions. A city permit is required prior to demolition. However, only

such work as is necessary to correct the unsafe or dangerous condition may be performed. In the event any structure or other feature shall be damaged by fire or other calamity, the building official may specify, prior to the commission's review, the amount of repair necessary to correct any unsafe conditions.

25.45.024 Property owned by public agencies.

Public agencies that own property in the city shall be notified of the provisions of this chapter and encouraged to seek the advice of the heritage committee before the construction, alteration, demolition, or relocation of any potential historic resource.

25.45.026 Property maintenance required.

(A) The city's intention is to preserve from deliberate or inadvertent neglect the exterior portions of any historic resource and all interior portions thereof whose maintenance is necessary to prevent deterioration of any exterior portion. No owner, lessee, or occupant of any historic resource shall fail to undertake such repairs or maintenance as are necessary to prevent significant deterioration of the exterior of the property beyond the condition of the property on the effective date the property is identified as a historic resource.

(B) No owner, lessee, or occupant of any listed property in the register shall fail to comply with all applicable provisions of this code and other ordinances of the city regulating property maintenance, including, without limitation, weed control, garbage, and housing.

(C) Before the city attorney files a complaint in municipal court for failure to maintain the property on the listed site, the director shall notify the property owner, lessee, or occupant of the need to repair, maintain, or restore the property, and shall give the owner a minimum of thirty days to perform such work.

25.45.028 Illegal demolition-Penalty for violations.

(A) Penalties. The following penalties shall be determined by the city council after a public hearing, with a recommendation from the heritage committee.

(1) Undertaking the removal, demolition or a major remodel of any structure listed on the historic register, historic resource or an unrated structure more than 70 years, without a permit to do so, shall result in up to a five-year stay in the issuance of a building permit for any new construction at the site previously occupied by the structure.

(2) In addition to the repayment or restoration provisions of Section 25.45.010 of this chapter, any person who demolishes or partakes in a major remodel to a historic resource, without an approved building permit to do so, may be subject to an administrative penalty of up to one hundred thousand dollars for each violation.

(3) The determination of the application of these provisions and the amount of the penalty fee shall be determined at a public hearing by the city council upon recommendation from the heritage committee. The determination shall be based on the extent of the illegal construction and the benefits received, including setback and parking incentives.