

## **Chapter 4 HISTORIC RESOURCES PRESERVATION**

### **Article 1. General Provisions**

#### **10-4.101 Short title.**

This chapter shall be known as the “preservation ordinance.”

(§ 2, Ord. 2554 c.s., eff. August 31, 1989)

#### **10-4.102 Purpose and intent.**

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 historic resources such as building, structures, sites, places and districts within the City that reflect special elements of the City’s architectural, artistic, cultural, historical, political, and social heritage for the following reasons:

- (a) To safeguard the City’s heritage by encouraging the protection of landmarks representing significant elements of its history;
- (b) To foster civic and neighborhood pride and a sense of identity based on an appreciation of the City’s past and the recognition and use of historic resources;
- (c) To enhance the visual character of the City by preserving diverse architectural styles reflecting phases of the City’s history and by encouraging complementary contemporary design and construction;
- (d) To strengthen the economy of the City by protecting and enhancing the City’s attractions to residents, tourists, and visitors;
- (e) To stabilize and improve property values within the City by recognizing historic landmarks and by protecting areas of historic buildings from encroachment by incompatible designs;
- (f) To promote the enjoyment and use of historic resources appropriate for the education and recreation of the people of the City;
- (g) To integrate the preservation of historic resources and the extraction of relevant data from such resources into public and private land management and development processes;
- (h) To conserve valuable material and energy resources by ongoing use and maintenance of the existing built environment; and
- (i) To take whatever steps are reasonable and necessary to safeguard the property rights of owners whose property is declared to be a landmark or is located in an historic district.

(§ 2, Ord. 2554 c.s., eff. August 31, 1989)

#### **10-4.103 Area of application.**

This chapter shall apply to all historic resources, publicly and privately owned, within the corporate limits of the City of Redondo Beach.

(§ 2, Ord. 2554 c.s., eff. August 31, 1989)

#### **10-4.104 Definitions.**

For the purpose of this chapter, unless otherwise apparent from the context, certain words and phrases are defined as follows:

**“Alteration”** means any exterior change or modification of any landmark or of any improvement located on a property within an historic district including, but not limited to, exterior changes to or modifications of an improvement, or a structure or any of its architectural details or visual characteristics, including paint color and surface texture, grading, surface paving, and new structures.

Alteration, minor. **“Minor alteration”** means an alteration that has been determined to have limited potential to affect the defining character and architectural style of the subject structure or resource. In no case shall minor alterations include actions involving new construction or full or partial demolition of a resource, or actions requiring approval on the basis of a finding of economic hardship.

**“Certificate of appropriateness”** means a certificate approving such plans, specifications, design, or statements of work, for any proposed alteration, restoration, demolition, removal, or relocation, in whole or in part, of or to improvements relative to landmarks or any property within a historic district.

**“Commission”** means the Preservation Commission established by Chapter 9, Title 2 of this Code.

**“Contributing building”** means a building within an historic district that has a special character, special historic or aesthetic interest or value, and is incorporated into the district for that reason.

**“Demolition”** means any acts that destroy in whole or in part, a building, structure, or improvement.

**“Exterior architectural feature”** means the architectural style, design, general arrangement, components, natural features and all the outer surfaces of an improvement, including, but not limited to, the kind and texture of the building material, the type and style of all windows, doors, lights, signs, walls, fences, and other fixtures appurtenant to such improvement.

**“Historic district”** may be a geographic district or a thematic district. A **“geographic district”** means any geographic area, such as one or more blocks or block faces containing a multiple number of historically significant resources within the area. A **“thematic district”** means a compilation of historic resources that are not geographically linked, but rather are linked by similar characteristics that can be clearly articulated. In either kind of district the resources collectively have a special character or special historic, cultural, architectural, archeological, community or aesthetic value, or represent one or more architectural periods or styles typical to the history of the City. The resources may or may not have individual merit, but rather are significant because of qualification in a district.

**“Historic resource”** means any improvement, building, structure, landscape, sign, feature, site, place or area of scientific, aesthetic, educational, cultural, architectural, or historic significance to the citizens of the City.

**“Improvement”** means any building, structure, place, wall, fence, gate, sign, landscaping, or other object constituting a physical alteration of real property, or any part of such alteration.

**“Landmark”** means any improvement that has historical, cultural, aesthetic or architectural character or value, or which represents one or more architectural periods or styles typical to the history of the City and that has been designated as a landmark pursuant to this chapter.

**“Minor Alterations Subcommittee”** means a subcommittee of the Preservation Commission whose function is to review certificates of appropriateness involving minor alterations and to advise the Commission on matters of an architectural and design nature. The Minor Alterations Subcommittee shall consist of the following three (3) members appointed by the chairperson of the Commission: the staff

liaison to the Commission, and two (2) members of the Commission, one of which shall be a professional from the field of architecture, if such a professional sits on the Commission.

**“Noncontributing building”** means a building within an historic district that does not possess the qualifications or characteristics of a contribution building due to such factors as age or alteration, but which has been included within the district because of its impact on the geographic integrity and overall character of the district.

**“Ordinary maintenance”** means any cleaning, painting, or similar work that does not result in the alteration of an improvement.

**“Person”** means any individual, association, partnership, firm, corporation, public agency, or political subdivision.

**“Potential historic resource”** means any improvement, building, structure, landscape, sign, feature, site, place or area that is: (1) listed in the City’s Historic Resources Inventory with a National Register rating of 1-5 or a local survey rating of A or B; and/or (2) listed in the National Register of Historic Places or California Register; and/or (3) that has been evaluated pursuant to the California Environmental Quality Act and determined by the Community Development Director to meet the criteria listed in (1) and/or (2) above.

**“Relocation”** means the displacement of any improvement within the same site.

**“Removal”** means the displacement of any improvement from the site.

**“Restoration”** means the act or process of accurately recovering the form and details of a property and its setting as it appeared at a particular period of time by means of the removal of later work or by the replacement of missing earlier work.

(§ 2, Ord. 2554 c.s., eff. August 31, 1989, as amended by § 1(60), Ord. 2844 c.s., eff. November 4, 1999, §§ 2, 3, Ord. 2933 c.s., eff. June 3, 2004, and § 1, Ord. 3107 c.s., eff. February 8, 2013)

## **Article 2. Landmark and Historic District Designation Criteria**

### **10-4.201 Designation criteria.**

For the purposes of this chapter, an historic resource may be designated a landmark, and an area may be designated an historic district pursuant to Article 3 of this chapter, if it meets one or more of the following criteria:

- (a) It exemplifies or reflects special elements of the City’s cultural, social, economic, political, aesthetic, engineering, or architectural history; or
- (b) It is identified with persons or events significant in local, state or national history; or
- (c) It embodies distinctive characteristics of a style, type, period, or method of construction, or is a valuable example of the use of indigenous materials or craftsmanship; or
- (d) It is representative of the notable work of a builder, designer, or architect; or
- (e) Its unique location or singular physical characteristic(s) represents an established and familiar visual feature or landmark of a neighborhood, community, or the City.

(§ 2, Ord. 2554 c.s., eff. August 31, 1989)

## **Article 3. Designation of Landmarks and Historic Districts**

### **10-4.301 Nomination requirements, landmark.**

Nominations of an historic resources as a landmark shall be made only by application of the property owner or property owners representing a majority or controlling interest in the property on which the resource is located, and the owner or owners representing a majority or controlling interest in the improvement if such improvement has been legally severed.

(§ 2, Ord. 2554 c.s., eff. August 31, 1989)

### **10-4.302 Minimum eligibility requirements, landmark.**

In order to be eligible for consideration as a landmark, an historic resource must be at least fifty (50) years old; with the exception that an historic resource of at least thirty (30) years of age may be eligible if the Preservation Commission determines that the resource is very exceptional, or that it is threatened by demolition, removal, relocation, or inappropriate alteration.

(§ 2, Ord. 2554 c.s., eff. August 31, 1989)

### **10-4.303 Nomination requirements, historic district.**

The initiation of a proposed historic district may arise from a property owner or group of property owners in a potential historic district, or by the City based on information of a historic survey. When such an initiation is proposed, the City will assist in preparing the defining characteristics of a geographical district or a thematic district, whichever the case may be. Only those properties for which the property owners submit a nomination to be included in a proposed or existing district will be considered to be within the district. The district boundary will not include any property without the written consent of the property owner of said property.

(§ 2, Ord. 2554 c.s., eff. August 31, 1989, as amended by § 1, Ord. 2638 c.s., eff. September 5, 1991, and § 4, Ord. 2933 c.s., eff. June 3, 2004)

### **10-4.304 Minimum eligibility requirements, historic district.**

In order to be eligible for consideration as an historic district, at least seventy-five (75%) percent of the buildings in the proposed district (excluding accessory buildings) must be at least fifty (50) years old or otherwise meet the requirement of Section 10-4.302. In addition, no more than twenty-five (25%) percent of the buildings in the proposed district (excluding accessory buildings) may be noncontributing. Noncontributing buildings may be included as part of an historic district only to the extent that the Preservation Commission determines them to be essential to the geographic integrity of the district. The Preservation Commission shall make determinations identifying any noncontributing buildings within an historic district as part of the review process.

(§ 2, Ord. 2554 c.s., eff. August 31, 1989)

### **10-4.305 Delay of work pending hearing.**

Once a completed application has been accepted for the designation of a landmark or an historic district, no building, alteration, demolition, removal, or relocation permits for any historic resource,

improvement, building, or structure relative to a proposed landmark or within a proposed historic district shall be issued until a final determination is made regarding the proposed designation, except as provided under Article 6 of this chapter.

(§ 2, Ord. 2554 c.s., eff. August 31, 1989)

#### **10-4.306 Notice.**

Notice of the date, place, time and purpose of hearings shall be given by first class mail to the owner(s) of all nominated resource(s) at least ten (10) days prior to the date of the public hearing, using the names and addresses of such owners as shown on the latest equalized assessment rolls and shall be advertised in a newspaper of general circulation at least ten (10) days prior to the hearing. Failure to send any notice by mail to any property owner where the address of such owner is not a matter of public record shall not invalidate any proceedings in connection with the proposed designation. The Preservation Commission may also give such other notice as they deem desirable and practicable.

(§ 2, Ord. 2554 c.s., eff. August 31, 1989)

#### **10-4.307 Owner's withdrawal of consent.**

A property owner who has signed an application for inclusion of his or her property in a proposed historic district may withdraw such consent by filing a written notice of withdrawal with the City Clerk at any time prior to the close of the public hearing thereon before the Preservation Commission or before the City Council on appeal, if any.

(§ 2, Ord. 2554 c.s., eff. August 31, 1989, as amended by § 1, Ord. 2638 c.s., eff. September 5, 1991)

#### **10-4.308 Commission study and determination.**

Upon acceptance of a completed application for the designation of a landmark or historic district, a public hearing shall be scheduled before the Preservation Commission to study the proposed designation and to determine its eligibility and qualifications. Following the public hearing, the Commission shall decide to approve, in whole or in part, or disapprove the designation. All decisions to approve or disapprove designations shall be made by resolution, and shall set forth the findings and reasons relied upon in making the determination.

(§ 2, Ord. 2554 c.s., eff. August 31, 1989, as amended by § 5, Ord. 2933 c.s., eff. June 3, 2004)

#### **10-4.309 Notice of designation, City departments.**

Notice of the designation of a landmark or an historic district shall be transmitted to all appropriate City departments and any other interested governmental and civic agencies. Each City department shall incorporate the notice of designation into its records, so that future decisions or permissions regarding or affecting a landmark or historic district shall be made with the knowledge of the designation. For projects to be carried out by the City, or subject to discretionary approval by the City, that have a direct adverse effect on a landmark or properties within an historic district as determined by the responsible department, notice shall be given to the Preservation Commission. The Preservation Commission may review such projects and provide comments and recommendations to the reviewing or decision-making body.

(§ 2, Ord. 2554 c.s., eff. August 31, 1989)

#### **10-4.310 Removal of designation.**

(a) In the event of substantial destruction of a landmark or historic district, the owner or owners of a landmark or owners representing a majority or controlling interest in a minimum of fifty-one (51%) percent of the parcels in an historic district may apply for removal of designation. The Preservation Commission or City Council may also initiate removal in such circumstances. The removal of a designation for this reason shall be processed and decided in the same manner as designations as set forth in this article, with the additional requirement that the determination of substantial destruction shall be set forth in the findings of the Commission.

(b) The complete demolition or removal of a landmark shall result in the removal of the landmark designation.

(c) Once a landmark or historic district designation has been removed, affected properties shall no longer be subject to any provision or regulation of this chapter.

(§ 2, Ord. 2554 c.s., eff. August 31, 1989)

#### **10-4.311 Removal of a property from the potential historic resource list.**

The property owner of a property identified by the City as a potential historic resource may request that the property be removed from the list if he or she provides specific written and verifiable documentation refuting that the property meets the criteria for designation as a landmark as described herein. An example would be that documentation is discovered that an unknown architect designed a property that was thought to have been designed by a famous architect, or the structure has been altered to an extent that the historic integrity has been lost. The Commission shall review the request for removal following the same procedures identified in Sections 10-4.306, 10-4.308 and 10-4.309 herein.

(§ 6, Ord. 2933 c.s., eff. June 3, 2004)

#### **10-4.312 Use of California Historical Building Code.**

All repairs, alterations, restorations, or changes in use of existing buildings and structures designated as landmarks or included as part of an historic district, or otherwise considered a historic resource under state law, may conform to the standards of the California Historical Building Code as an alternative to complying with building standards as set forth in Title 9 of this Code, notwithstanding the fact that such buildings may be nonconforming.

(§ 2, Ord. 2554 c.s., eff. August 31, 1989, as amended by §§ 6, 7, Ord. 2933 c.s., eff. June 3, 2004)

#### **10-4.313 Historic property variances.**

Historic variances may be applied to local landmarks and contributors in historic districts. The landmark constitutes a property condition for the purposes of determining whether the property owner is denied privileges enjoyed by other property owners in the vicinity and within the same zoning district. Procedures and requirements of Section 10-2.2516 of the Zoning Ordinance and 10-5.2516 of the Coastal Plan Implementing Ordinance must be followed for the variance process.

(§ 8, Ord. 2933 c.s., eff. June 3, 2004)

#### **10-4.314 Adaptive reuse.**

A Historic Overlay Zone (H) may be created pursuant to Section 10-2.1400-1420 of the Zoning Ordinance and Section 5.1400-1420 of the Coastal Plan Implementing Ordinance. An H zone may contain development standards, uses (including adaptive re-uses), and other provisions that are unique to the zone.

(§ 8, Ord. 2933 c.s., eff. June 3, 2004)

### **Article 4. Certificate of Appropriateness Required**

#### **10-4.401 Actions requiring certificate of appropriateness.**

(a) For landmarks or properties within an historic district, no person shall alter, restore, demolish, remove, or relocate any exterior improvement or architectural feature that is either a contributing characteristic of the resource or visible from any public right-of-way; or alter, restore, place, erect, remove, or relocate any permanent sign visible from a public right-of-way; or alter, restore, place, erect, remove, or relocate any interior characteristic that was identified as contributing during the designation without being granted a certificate of appropriateness, except as provided under Article 7 of this chapter. Approval of such work shall be required even if no other permits or entitlements are required by the City.

(b) For potential historic resources, no person shall demolish, remove, or relocate any exterior improvement or architectural feature that is either a contributing characteristic of the resource or visible from any public right-of-way without being granted a certificate of appropriateness, except as provided under Article 7 of this chapter. Approval of such work shall be required even if no other permits or entitlements are required by the City.

(c) **Minor alterations.** The Commission may, by resolution, adopt a list of those types of alterations that are subject to approval of a certificate of appropriateness that are deemed to be “minor” in nature. The Commission may modify the list of minor alterations from time to time by resolution as circumstances warrant. Applications for certificates of appropriateness involving only minor alterations shall be reviewed pursuant to procedures in Section 10-4.402(e).

(§ 2, Ord. 2554 c.s., eff. August 31, 1989, as amended by § 3, Ord. 2740 c.s., eff. March 23, 1995, and § 9, Ord. 2933 c.s., eff. June 3, 2004)

#### **10-4.402 Review procedures for certificates of appropriateness.**

The following procedures shall be followed in processing applications for certificates of appropriateness.

(a) **Application.** An application shall be filed by the applicant with the Preservation Commission.

(b) **Application materials.** Such application shall be accompanied by such materials as are required by the Commission and the Community Development Department that are reasonably necessary for the proper review of the proposed project.

(c) **Noticing.**

(1) **Minor alterations.** No public noticing shall be required for applications for certificates of appropriateness involving only minor alterations.

(2) **All applications other than minor alterations.** For applications involving other than minor alterations, public notice shall be provided as determined by resolution of the Preservation Commission. Such resolution shall include at a minimum that where the property is part of an historic district there shall be mailed notice not less than ten (10) days prior to the date of such hearing to persons owning all other properties within the historic district.

(d) **Economic hardship.** In cases where the applicant intends to seek approval on the basis of economic hardship, the following material shall be submitted as part of the application:

- (1) For all property:
  - a. Form of ownership or operation of the property, whether sole proprietorship, for-profit or not-for-profit corporation, limited partnership, joint venture, or other method;
  - b. The amount paid for the property, the date of purchase and the party from whom purchased, including a description of the relationship, if any, between the owner and the person from whom the property was purchased;
  - c. Remaining balance on any mortgage or other financing secured by the property;
  - d. Estimated market value of the property both in its current condition, and after completion of the proposed demolition, relocation, or removal, to be presented through an appraisal by a qualified professional expert;
  - e. A report from a licensed engineer or architect with experience in rehabilitation as to the structural soundness of the structure and its suitability for rehabilitation;
  - f. An estimate from an architect, developer, real estate consultant, appraiser, or other real estate professional experienced in rehabilitation as to the economic feasibility or reuse of the existing structure on the property;
  - g. The assessed value of the land and improvements thereon according to the two most recent assessments;
  - h. Real estate taxes for the previous two (2) years;
  - i. Annual debt service, if any, for the previous (2) two years;
  - j. All appraisals obtained within the previous two (2) years by the owner or applicant in connection with his purchase, financing or ownership of the property;
  - k. All listing of the property for sale or rent, price asked and offers received, if any; and
    - i. Any consideration by the owner as to profitable adaptive uses for the property.
    - ii. For income-producing property:
      - A. Annual gross income from the property for the previous two (2) years;
      - B. Itemized operating and maintenance expenses from the previous two (2) years;
      - C. Annual cash flow, if any, for the previous two (2) years.



(e) **Review of applications involving minor alterations.** Applications for certificates of appropriateness involving only minor alterations shall be reviewed by the Minor Alterations Subcommittee of the Commission, subject to the following provisions:

(1) The Minor Alterations Subcommittee shall complete its review and mail notice to the applicant of its decision to approve or conditionally approve the application or to forward the application to the Preservation Commission for a decision. The notice of decision shall state the findings and reasons relied upon in reaching the decision.

(2) Decisions of the Minor Alterations Subcommittee to approve or conditionally approve an application must be by an affirmative vote of all members of the Subcommittee present. If there are any dissenting votes the application shall automatically be forwarded to the Preservation Commission for a decision unless the application is withdrawn by written request of the applicant.

(3) Where the decision of the Subcommittee is to conditionally approve the application, the decision of the Subcommittee shall be final and conclusive unless, within ten (10) days of the date of notice of the decision, the applicant files with the Planning Division a written appeal setting forth all the points of disagreement with the Subcommittee.

(4) Where the application has been forwarded or appealed to the Preservation Commission, the application shall be heard by the Commission at its next available regular, special, or additional meeting. Decisions of the Commission shall be in writing and shall state the findings and reasons relied upon in reaching the decision.

(f) **Review of other applications.** Applications for certificates of appropriateness other than for minor alterations shall be reviewed by the Preservation Commission, subject to the following provisions:

(1) Decisions of the Commission shall be in writing and shall state the findings and reasons relied upon in reaching the decision.

(2) For applications for all work, the Commission shall decide to approve, approve with conditions, or deny a certificate of appropriateness.

(3) For applications seeking approval on the basis of a finding of economic hardship, the Commission shall first review the application on the basis of criteria contained in Sections 10-4.403(a) through (d) and/or 10-4.404(d)1. If the applicable conditions are determined to not exist, then the application shall be reviewed on the basis of the criteria contained in Sections 10-4.403(e) and/or 10-4.404(d)2).

(§ 2, Ord. 2554 c.s., eff. August 31, 1989, as amended by § 4, Ord. 2740 c.s., eff. March 23, 1995, § 11, Ord. 2933 c.s., eff. June 3, 2004, and § 1, Ord. 3108 c.s., eff. February 8, 2013)

#### **10-4.403 Criteria for approval of certificates of appropriateness for other than demolition or removal.**

The Minor Alterations Subcommittee, Commission, or the City Council upon appeal, shall issue a certificate of appropriateness only when it determines the following conditions to exist as applicable in each case:

(a) In the case of a landmark, the proposed work (other than demolition or removal):

(1) Conforms to the prescriptive standards adopted by the Commission; and

(2) Will not detrimentally alter, destroy or adversely affect any exterior improvement or exterior architectural feature; and

(3) Will retain the essential elements that make the resource significant.

(b) In the case of all properties located within an historic district, the proposed work (other than demolition or removal):

(1) Conforms to the prescriptive standards adopted by the Commission; and

(2) Will not adversely affect the character of the district.

(c) In the case of properties supporting contributing buildings within an historic district, the proposed work (other than demolition or removal):

(1) Will not detrimentally alter, destroy, or adversely affect any exterior improvement or exterior architectural feature; and

(2) Will retain the essential elements that make the resource significant.

(d) In the case of construction of a new building, structure, or improvement on a site where a landmark is located or on a property within an historic district:

(1) The exterior of such improvements will not adversely affect and will be compatible with the external appearance of the existing designated improvements, buildings and structures on such site or within such district.

(e) In the case where the applicant has requested consideration for approval on the basis of economic hardship:

(1) It is not feasible to remove the resource to another site or otherwise preserve it; and

(2) The denial of the proposed work will work an immediate and substantial hardship on the applicant because of condition peculiar to the particular improvement; and

(3) The property cannot be put to a reasonable use or the owner cannot obtain a reasonable economic return therefrom without approval of the proposed work.

(§ 2, Ord. 2554 c.s., eff. August 31, 1989, as amended by § 5, Ord. 2740 c.s., eff. March 23, 1995, and §§ 12, 13, Ord. 2933 c.s., eff. June 3, 2004)

#### **10-4.404 Certificate of appropriateness for removal or demolition.**

(a) **Discretionary review of demolition permits.** The demolition of a historic landmark, buildings in a historic district, or potential historic resource as described by this chapter is considered to be a discretionary permit and subject to the California Environmental Quality Act (CEQA) and Permit Streamlining Act. Therefore, a demolition permit shall not be issued pursuant to Title 9, Chapter 17, until the requirements of Article 4 herein have been met.

(b) **Demolition review and conditions.**

(1) The demolition of a landmark, structure located within an historic district, or potential historic resource shall be referred to the Preservation Commission for review and conditions.

(2) Where appropriate, the Commission may require that a memorial of the resources be incorporated into the proposed redevelopment of the site. Some examples are a photographic display, a book or pamphlet, an exhibit, re-use of original fixtures, and other methods deemed appropriate by the Commission.

(c) **Concurrent processing of demolition permits and replacement plans.**

(1) No permit to wholly or partially demolish, remove or relocate a historic landmark, building in a historic district, or potential historic resource shall be considered unless accompanied by complete applications for approvals necessary for the proposed new construction on the site.

(2) A demolition permit may not be issued until the building permit for the replacement structure is issued.

(3) Staff may refer the request for the replacement structure to the Preservation Commission for advisory direction.

(4) Exceptions may be granted to this section when compelled by public safety due to eminent hazard as determined by the Chief Building Official.

(d) **Criteria for approval of certificates of appropriateness.** The Commission, or the City Council upon appeal, shall issue a certificate of appropriateness only when it determines the following conditions to exist as applicable in each case:

(1) In the case of the whole or partial demolition or removal of a landmark or structure located within an historic district:

a. The structure and/or site is a hazard to public health or safety and repairs or stabilization are not physically possible; or

b. The site is required for a public use which will be of more benefit to the public than the historic resource, and there is no feasible alternative location for the public use; or

c. Removal of the resource to another site is not feasible or practical; or

d. For a building in an historic district, the proposed replacement structure will not detract from or adversely affect the character of the historic district; or

e. For a partial demolition or removal, such action will not result in the loss of the essential elements that make the resource significant.

(2) In the case where the applicant has requested consideration for approval of whole or partial demolition or removal on the basis of economic hardship:

a. It is not feasible to remove the resource to another site or otherwise preserve it; and

b. The denial of the proposed work will work an immediate and substantial hardship on the applicant because of condition peculiar to the particular improvement; and

c. The property cannot be put to a reasonable use or the owner cannot obtain a reasonable economic return therefrom without approval of the proposed work.

(§ 14, Ord. 2933 c.s., eff. June 3, 2004, as amended by § 1, Ord. 3102 c.s., eff. February 8, 2013)

**10-4.405 Expiration of certificate of appropriateness.**

A certificate of appropriateness shall lapse and become void thirty-six (36) months (or shorter period if specified as a condition of approval) from the date of final approval, unless a building permit (if required) has been issued and the work authorized by the Certificate has commenced prior to such expiration date and is diligently pursued to completion. Upon request of the property owner, a Certificate of Appropriateness may be extended by the Preservation Commission for an additional period of up to

twelve (12) months. The Preservation Commission may approve, approve with conditions, or deny any request for extension.

(§ 2, Ord. 2554 c.s., eff. August 31, 1989, as amended by §§ 14, 15, Ord. 2933 c.s., eff. June 3, 2004)

#### **10-4.406 Revocation of certificate of appropriateness.**

A Certificate of Appropriateness may be revoked or modified for reasons of: (1) noncompliance with any terms or conditions of the Certificate; (2) noncompliance with any provisions of this chapter; or (3) a finding of fraud or misrepresentation used in the process of obtaining the Certificate. Revocation proceedings may be initiated by motion of the Preservation Commission or City Council. Once revocation proceedings have been initiated, all work being done in reliance upon such Certificate or associated permits shall be immediately suspended until a final determination is made regarding the revocation. The decision to revoke a Certificate of Appropriateness shall be made by the Preservation Commission following a public hearing, with written notice provided to the property owner at least ten (10) days prior thereto.

(§ 2, Ord. 2554 c.s., eff. August 31, 1989, as amended by § 14, Ord. 2933 c.s., eff. June 3, 2004)

### **Article 5. Advisory Review—Potential Historic Resources**

#### **10-4.501 Commission review of alterations.**

Any alteration to be conducted at the site of a potential historic resource or district may be referred by staff to the Preservation Commission prior to commencing any such work when staff determines that such review will assist the property owner in maintaining the significance and/or architectural integrity of the resource and to address issues of appropriateness and designation. Certain alterations, listed below, are excluded:

- (a) Repairing or replacing deteriorated materials with applications or use of exterior materials of the same kind, type, and texture already in use on the resource and/or consistent with the style or period for re-roofing, windows, siding material, chimneys and fireplaces;
- (b) Accessory structures;
- (c) Fencing; and/or
- (d) Additions or deletions of awnings, shutters, canopies and similar incidental appurtenances.

(§ 16, Ord. 2933 c.s., eff. June 3, 2004)

#### **10-4.502 Recommendations.**

In the course of its review, the Commission shall assist and guide the property owner(s) of potential historic resources and districts with regard to proposed alterations on an advisory basis with the intention of finding solutions and directing the owner toward designation and/or appropriate changes that safeguard the resource. To facilitate the process, staff or the Commission may refer the matter to the Minor Alterations Subcommittee.

(§ 16, Ord. 2933 c.s., eff. June 3, 2004)

## **Article 6. Appeals**

### **10-4.601 Appeals.**

Any decision by the Preservation Commission to approve or disapprove a designation of a landmark or historic district, or to approve or disapprove a Certificate of Appropriateness, or to remove or not remove a property from the potential historic resource list pursuant to Section 10-4.311, shall be final and conclusive unless, by 5:00 p.m. of the tenth (10th) day following such decision (or of the next working day if the tenth (10th) day falls on a weekend or holiday):

(a) A written appeal on the form designated by the City is filed by any interested party with the City Clerk requesting a public hearing before the City Council stating the grounds for the appeal and all required fees for said appeal are paid in full; or

(b) The Mayor or a member of the City Council requests a public hearing before the City Council stating the grounds for the appeal. Provided however that the City Council member or Mayor requesting the appeal shall disqualify him or herself from hearing the appeal unless he or she can certify in writing that the appeal is being requested as a result of public interest in the decision to be reviewed and he or she has no predisposition against or in favor of the project. The City Council as a whole shall be prohibited from voting to appeal any matter in which they will sit as the reviewing body.

Such appeal, or City Council request for a public hearing, shall be set for a public hearing by the City Clerk in a timely fashion.

(§ 2, Ord. 2554 c.s., eff. August 31, 1989, as amended by §§ 16, 17, Ord. 2933 c.s., eff. June 3, 2004)

### **10-4.602 Notice of public hearing before the City Council for appeals.**

Notice of public hearing before the City Council to consider an appeal of the decision of the Preservation Commission shall be given in the same manner as set forth for the original application.

(§ 17, Ord. 2933 c.s., eff. June 3, 2004)

### **10-4.603 Decision of the City Council.**

The decision of the City Council on all applications shall be final and conclusive.

(§ 17, Ord. 2933 c.s., eff. June 3, 2004)

## **Article 7. Maintenance and Repair**

### **10-4.701 Ordinary maintenance and repair.**

Nothing in this chapter shall be construed to prevent the ordinary maintenance or repair of any exterior improvement or exterior architectural feature that does not involve a change in design, material or external appearance thereof, nor does this chapter prevent the alteration, restoration, demolition, removal, or relocation of any such improvement or architectural feature when the Chief Building Official certifies to the Commission that such action is required for the public safety due to an unsafe or dangerous condition and cannot be accomplished under the California Historical Building Code.

(§ 2, Ord. 2554 c.s., eff. August 31, 1989, as amended by § 16, Ord. 2933 c.s., eff. June 3, 2004, and § 1, Ord. 3102 c.s., eff. February 8, 2013)

#### **10-4.702 Duty to keep in good repair.**

The owner, occupant or other person in actual charge of a landmark or a building, structure, or improvement that is located within an historic district shall keep in good repair the exterior portions of all such buildings, structures, or improvements, and all interior portions thereof whose maintenance is necessary to prevent deterioration and decay of any exterior improvement or exterior architectural feature.

(§ 2, Ord. 2554 c.s., eff. August 31, 1989, as amended by § 16, Ord. 2933 c.s., eff. June 3, 2004)

### **Article 8. Enforcement**

#### **10-4.801 Enforcement.**

(a) It shall be the duty of the Chief Building Official or the Official's delegate to administer and enforce the provisions of this chapter.

(b) **Methods of enforcement.** In addition to the regulations of this chapter, other regulations of the Redondo Beach Municipal Code, and other provisions of law which govern the appeal or disapproval of applications for permits, licenses or Certificates of Appropriateness covered by this chapter, the Chief Building Official shall have the authority to implement the enforcement thereof by serving notice requiring the removal of any violation of this chapter upon the owner, agent, occupant or tenant of the improvement, building, structure or land.

(c) **Methods of enforcement.** In addition to the foregoing remedies, the City Attorney may institute any necessary legal proceedings to enforce the provisions of this chapter, including the ability to maintain an action for injunctive relief to restrain or enjoin or to cause the correction or removal of any violation of this chapter, or for an injunction in appropriate cases.

(§ 2, Ord. 2554 c.s., eff. August 31, 1989, as amended by § 16, Ord. 2933 c.s., eff. June 3, 2004, and § 1, Ord. 3102 c.s., eff. February 8, 2013)

#### **10-4.802 Penalties.**

(a) For any action or development covered by this chapter that is undertaken without the issuance of a Certificate of Appropriateness or that is undertaken without full compliance with the terms and conditions of an issued Certificate of Appropriateness, the Chief Building Official shall order the action stopped by written notice. It shall be a misdemeanor for any person to carry out any work on any building, structure, improvement, or property in violation of a notice stopping such work or in violation of this chapter.

(b) In addition to other penalties, in the event a historic landmark, property within a district, property listed on the National Register or California Register, or Potential Historic Resource is demolished without approvals pursuant to Articles 4, and 5 herein, no building permit shall be issued for any use of the site for five (5) years.

(§ 2, Ord. 2554 c.s., eff. August 31, 1989, as amended by §§ 16, 18, Ord. 2933 c.s., eff. June 3, 2004, and § 1, Ord. 3102 c.s., eff. February 8, 2013)