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August 27, 2015

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012

Agenda No. 4
01/27/15

**Re: Project No. R2012-02290 (All Districts)
Ordinance Amending Title 22 of the Los Angeles County Code
to Designate and Regulate Historic Landmarks and Historic
Districts**

Dear Supervisors:

Your Board previously conducted a duly-noticed public hearing on the above-referenced ordinance to designate and regulate historic landmarks and historic districts in the unincorporated areas of the County. At the conclusion of the hearing, you indicated an intent to approve two related ordinances for these purposes, which amend Title 3 and Title 22 of the Los Angeles County Code. Enclosed are the analysis and ordinance amending Title 22 for your consideration.

Very truly yours,

MARY C. WICKHAM
Interim County Counsel

By *Joseph M. Nicchitta*
JOSEPH M. NICCHITTA
Deputy County Counsel
Property Division

APPROVED AND RELEASED:

[Signature]
RICHARD DOWEISS
Chief Deputy

JMN:ph
Enclosures


c: Sachi A. Hamai, Interim Chief Executive Officer
Patrick Ogawa, Acting Executive Officer, Board of Supervisors

ANALYSIS

An ordinance amending Title 22 – Planning and Zoning of the Los Angeles County Code to adopt regulations to preserve, protect, and enhance buildings, structures, and other resources and areas of historic interest and importance within the unincorporated territory of the County of Los Angeles, as authorized by section 25373 of the California Government Code, for the educational, cultural, economic, and general welfare of the public.

MARY C. WICKHAM
Interim County Counsel

By


JOSEPH M. NICCHITTA
Deputy County Counsel
Property Division

JMN:ph

Requested: 02-12-15

Revised: 08-21-15

ORDINANCE NO. _____

An ordinance amending Title 22 – Planning and Zoning of the Los Angeles County Code to adopt regulations to preserve, protect, and enhance buildings, structures, and other resources and areas of historic interest and importance within the unincorporated territory of the County of Los Angeles, as authorized by section 25373 of the California Government Code, for the educational, cultural, economic, and general welfare of the public.

The Board of Supervisors of the County of Los Angeles ordains as follows:

SECTION 1. Section 22.44.010 is hereby amended to read as follows:

22.44.010 Supplemental dDistricts dDesignated.

As used in this Title 22, "supplemental districts" means:

...

F. Transit oriented districts; and

G. Historic districts.

SECTION 2. Part 11 of Chapter 22.44 is hereby added to read as follows:

Part 11 Historic Districts.

22.44.3000 Purpose.

22.44.3010 Establishment of an Historic District.

22.44.3020 Development Restrictions.

22.44.3030 Zoning Map Designation.

22.44.3040 List of Historic Districts.

22.44.3000 Purpose.

Historic districts are established as supplemental districts to:

- A. Implement special development standards to promote, protect, enhance, perpetuate, and preserve property of historic importance within the unincorporated areas of the County for the educational, cultural, economic, and general welfare of the public;
- B. Implement the General Plan by ensuring development consistent with the General Plan's policies concerning urban design, neighborhood enhancement, housing, land use, and historic and cultural resources;
- C. Deter the demolition, destruction, alteration, misuse, or neglect of historically significant buildings and structures which constitute an important link to the County's past;
- D. Stimulate the economic health and residential quality of unincorporated County communities and stabilize and enhance the value of property in those communities; and
- E. Encourage development tailored to the character and significance of each historic district.

22.44.3010 Establishment of an Historic District.

An historic district shall be established or amended by ordinance adopted in accordance with the procedures set forth in Part 28 of Chapter 22.52 of this Title 22.

22.44.3020 Development Restrictions.

A. Property within the boundaries of an historic district may be used for any purpose permitted in the basic zone to which the district is added, subject to all applicable provisions of this Title 22, including but not limited to Part 28 of Chapter 22.52, and any development standards, limitations, conditions, or other regulations applicable to the historic district as may be set forth in the ordinance establishing or amending the historic district.

B. Notwithstanding Section 22.44.100, where an ordinance establishing or amending an historic district imposes development standards, limitations, conditions, or regulations which are inconsistent with those otherwise imposed by this Title 22, the development standards, limitations, conditions, and regulations set forth in the ordinance establishing or amending the historic district shall supersede any inconsistent provisions in this Title 22.

22.44.3030 Zoning Map Designation.

An historic district shall be depicted on the Zoning Map by adding the suffix "HD" to the base zone designation.

22.44.3040 List of Historic Districts.

The following historic districts are added by reference, together with all maps and provisions pertaining thereto:

District Number	District Name	Ordinance of Adoption	Date of Adoption
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SECTION 3. Part 28 of Chapter 22.52 is hereby added to read as follows:

Part 28 Historic Preservation Ordinance.

22.52.3000 Title for Citation.

22.52.3010 Purpose.

22.52.3020 Definitions.

22.52.3030 Applicability.

**22.52.3040 County of Los Angeles Register of Landmarks and
Historic Districts.**

22.52.3050 Powers and Duties.

**22.52.3060 Criteria for Designation of Landmarks and Historic
Districts.**

22.52.3070 Process to Nominate a Landmark or an Historic District.

22.52.3080 Process for Designation of a Landmark.

22.52.3090 Process for Designation of an Historic District.

**22.52.3100 Procedure for Amendment or Rescission of a
Designation.**

22.52.3110 Notice of Modification to, or Rescission of a

Designation.

22.52.3120 Designation of County-Owned Property as a Landmark.

22.52.3130 Certificate of Appropriateness—When Required.

**22.52.3140 Certificate of Appropriateness—Application and
Hearing.**

22.52.3150 Certificate of Appropriateness—Standards.

22.52.3160 Certificate of Appropriateness—Subsequent

Modifications.

22.52.3170 Certificate of Economic Hardship.

22.52.3180 Effective Date of Decision; Appeals and Calls for

Review; Resubmission, Reconsideration.

22.52.3190 Public Hearing Procedures.

22.52.3200 Joint and Common Ownership—Notice and Consent.

22.52.3210 Unsafe or Dangerous Conditions.

22.52.3220 Compliance With Maintenance Requirements.

22.52.3230 Enforcement and Penalties.

22.52.3240 Street Improvements in Historic Districts.

22.52.3250 Waiver of Parking Requirements.

22.52.3260 Determining Record Owner; Notice to Owners Not

Of-Record.

22.52.3270 Time Extensions to Comply with CEQA.

22.52.3000 Title for Citation.

This Part 28 of Chapter 22.52 is known and may be cited as the Historic Preservation Ordinance.

22.52.3010 Purpose.

The purpose of the Historic Preservation Ordinance is to:

- A. Enhance and preserve the County's distinctive historic, architectural, and landscape characteristics that are part of the County's cultural, social, economic, political, and architectural history.
- B. Foster community pride in the beauty and noble accomplishments of the past as represented by the County's historic resources.
- C. Stabilize and improve property values in and around the County's historic resources, and enhance the aesthetic and visual character and environmental amenities of these historic resources.
- D. Recognize the County's historic resources as economic assets and encourage and promote the adaptive reuse of these historic resources.
- E. Further establish the County as a destination for tourists and as a desirable location for businesses.
- F. Specify significance criteria and procedures for the designation of landmarks and historic districts, and provide for the ongoing preservation and maintenance of these landmarks and historic districts.

22.52.3020 Definitions.

For the purposes of this part, and in addition to the definitions set forth in Chapter 22.08, the following words and phrases are defined as follows:

A. Alter and Alteration. Any physical modification or change, or the act of bringing about such physical modification or change, to the exterior of a structure, site, object, tree, landscape, or natural land feature, or to the interior space of a structure, including but not limited to the construction of a new structure or an addition to an existing structure, but excluding maintenance and repairs.

B. Certified Local Government Program. The Certified Local Government Program established by the National Historic Preservation Act, as amended in 1980, and administered in partnership by local governments, the California Office of Historic Preservation, and the National Park Service.

C. Character-Defining Feature. The materials, forms, location, spatial configurations, uses, and cultural associations or meanings that contribute to the historic character of an historic resource, which must be retained in order to preserve that character.

D. Contributing Property. A property within an historic district that has been specified in the designation of the historic district as having characteristics and features that relate to the historic context and historic significance of the historic district.

E. Demolish or Demolition. The complete destruction or removal of a structure, object, tree, landscape, or natural feature; the removal of more than

50 percent of the perimeter walls of a structure; the removal of any portion of a street-facing façade; or demolition by neglect.

F. Demolition by Neglect. The intentional or neglectful failure by an owner, lessee, or other person with possession, care, or control of a landmark or property in an historic district to provide maintenance and repair to the landmark or property which results in one or both of the following:

1. The severe deterioration of exterior features of the landmark or property which renders the landmark or property unsafe as defined in Section 102.1 of Title 26 of the County Code.

2. The severe deterioration of the exterior or interior features of the landmark or property, including but not limited to walls, roofs, chimneys, doors, windows, porches, structural or ornamental architectural elements, or foundations, that is likely to result in permanent damage or loss of any character-defining elements or historic features of the landmark or historic district.

G. Department. The Department of Regional Planning of the County of Los Angeles.

H. Exceptional Importance. Exceptional importance as determined under the applicable evaluation criteria and context set forth in "Criteria Consideration G: Properties That Have Achieved Significance within the Last Fifty Years" in the "National Register Bulletin: How to Apply the National Register Criteria for Evaluation" (originally published in 1979, as amended).

I. Historic District. A contiguous or noncontiguous geographic area containing one or more contributing properties which has been designated as an historic district by the Board of Supervisors pursuant to this part.

J. Historic Resource. A district, structure, site, place, object, tree, landscape, or natural land feature significant in American archeology, architecture, culture, engineering, or history, that is either designated or eligible for designation as an historic landmark, natural landmark, historic district, or comparable designation under County, State, or federal law or regulation.

K. Landmark. Any property, including any structure, site, place, object, tree, landscape, or natural feature, that is designated as a landmark by the Board of Supervisors pursuant to this part.

L. Landmarks Commission. The Los Angeles County Historical Landmarks and Records Commission.

M. National Register of Historic Places (also National Register). The official list of the nation's historic places worthy of preservation, which is maintained by the United States Secretary of the Interior under the authority of the Historic Sites Act of 1935 and the National Historic Preservation Act of 1966, as amended.

N. Maintenance and Repair. Any work to correct or prevent the deterioration, decay of, or damage to a building, structure, or lot, or any part thereof, including replacement in-kind, and which does not involve a change in the existing design, materials, or exterior paint color.

O. Object. A tangible thing fixed to real property or any structure thereon, including but not limited to a sign, awning, marquee, canopy, mural, statue, fountain, fixed bench, wall, fence, or gate, but excluding a tree, landscape, natural feature, or tangible thing fixed to the interior of a structure.

P. Owner. Any person, organization, corporation, association, or other entity owning any portion or all of the fee simple interest in a structure, condominium unit, or other real property.

Q. Preserve or Preservation. The act or process of applying measures necessary to sustain the existing form, integrity, and materials of an historic resource.

R. Reconstruct or Reconstruction. The act or process of depicting, by means of new construction, the form, features, and detailing of a non-surviving structure, site, place, object, or landscape for the purpose of replicating its appearance at a specific period of time and in its historic location.

S. Record Owner. The owner of property whose title appears in the public records of the County.

T. Rehabilitate or Rehabilitation. The act or process of making a compatible use for a property through repair, alterations, and the construction of additions, while preserving those portions or features of the property that convey its historical, cultural, or architectural values. For the purposes of this definition, "compatible use" means the property's original historic use or a use that requires minimal change to the property's distinctive materials, features, spaces, and spatial relationships.

U. Relocate or Relocation. The act or process of moving an historic resource from one site to another site, or to a different location on the same site.

V. Restore or Restoration. The act or process of accurately depicting the form, features, and character of a property as it appeared at a particular period of time by means of removing features of the property from other periods in its history and reconstructing its missing features from the restoration period.

W. The Secretary of the Interior's Standards for Rehabilitation (also Secretary's Standards). The United States Secretary of the Interior's Standards for Rehabilitating Historic Buildings, issued by the United States Department of the Interior, National Park Service (Part 68 of Chapter I of Title 36 of the Code of Federal Regulations) and the publications of the National Park Service, Preservation Assistance Division, Guidelines for Rehabilitating Historic Buildings (1992, N.P.S.), and The Secretary of the Interior's Standards for the Treatment of Historic Resources with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings (1995, N.P.S.), any amendments or addenda to the foregoing, and any subsequent publication on the Secretary's Standards by the National Park Service.

X. Work. The term work as used in the part shall be broadly construed to include the widest range of construction activities, including but not limited to alteration, demolition, reconstruction, rehabilitation, relocation, and restoration, and activities which modify real property or structures or objects thereon, including but not limited to painting; alterations to, or the addition of roofs, windows, siding, doors, chimneys, porches, parapets, columns, molding, trim, mailboxes, and railings; removal or

replacement of signage; the changes to sign copy; and the construction of new structures or objects. Work shall not be construed to include maintenance and repair.

22.52.3030 Applicability.

A. The provisions of this part apply to all privately owned property within the unincorporated territory of the County, and all publicly owned landmarks, except as provided in subsection B of this Section.

B. The provisions of this part do not apply to:

1. Work involving a landmark or property within an historic district where a valid permit for the performance of such work was issued prior to the effective date of the nomination of the landmark or historic district, and the permit remains valid and in full force and effect at the time the work allowed by the permit is undertaken; or

2. Noncommercial property owned by any association or corporation that is religiously affiliated and not organized for profit, whether the corporation is organized as a religious corporation or as a public benefit corporation, provided that both of the following occur:

a. The association or corporation objects to the application of the provisions of this part to its property; and

b. The association or corporation determines during a public hearing held pursuant to this part that it will suffer substantial hardship, which is likely to deprive the association or corporation of economic return on its property, the reasonable use of its property, or the appropriate use of its property in the furtherance

of its religious mission, if the application of the provisions of this part to the property is approved.

22.52.3040 **County of Los Angeles Register of Landmarks and Historic Districts.**

A County Register of Landmarks and Historic Districts is hereby created to record and maintain an inventory of landmarks and historic districts. The Landmarks Commission shall, upon designation by the Board of Supervisors, update and keep a record of landmarks and historic districts on this register.

22.52.3050 **Powers and Duties.**

A. In addition to any other powers set forth in this part, and subject to the provisions of this part, the Landmarks Commission shall have the authority to:

1. Act as the County's local historic preservation review commission for the purposes of the Certified Local Government Program, recommend properties for inclusion in the National Register of Historic Places, and review and comment where authorized under the National Historic Preservation Act;

2. If directed to do so by the Board of Supervisors, the Regional Planning Commission, or the Director, review and provide written reports to the Board of Supervisors, Regional Planning Commission, or Director on proposed actions by the County, including but not limited to the adoption or amendment of the County General Plan, community plans, specific plans, or ordinances which may have an impact on, or affect historic preservation or historic resources;

3. If directed to do so by the Board of Supervisors or the Director, investigate and study methods other than those provided for in this part for encouraging and achieving historic preservation, and make appropriate recommendations to the Board of Supervisors or the Director, or to other public agencies or private entities specified by the Board of Supervisors or the Director, for the adoption or incorporation of such methods;

4. If directed to do so by the Board of Supervisors or the Director, disseminate information to the public concerning historic resources within the unincorporated territory of the County and appropriate ways to protect, enhance, perpetuate, and use landmarks and property in historic districts;

5. In connection with proposed landmark and historic district designations, recommend to the Regional Planning Commission or Board of Supervisors the adoption, certification, or ratification of environmental documents in accordance with the California Environmental Quality Act (CEQA) or the National Environmental Policy Act (NEPA); and

6. Adopt operational or instructional guidelines necessary to administer and enforce this part.

B. In addition to any other powers set forth in this part, and subject to the provisions of this part, the Regional Planning Commission shall have the authority to recommend to the Board of Supervisors the adoption, certification, or ratification of environmental documents, in accordance with CEQA or NEPA.

C. In addition to any other powers set forth in this part, and subject to the provisions of this part, the Director shall have the authority to:

1. Conduct studies and prepare documents, or cause such studies and documents to be conducted and prepared, in connection with the nomination of a landmark or historic district, as necessary to comply with CEQA, NEPA, or other applicable laws;

2. Carry out, assist, and collaborate in studies and programs designed to identify and evaluate structures, sites, objects, trees, landscapes, and natural land features within the unincorporated areas of the County which may qualify as historic resources;

3. Disseminate information to the public concerning historic resources within the unincorporated territory of the County, and encourage and advise owners in the protection, enhancement, perpetuation, and use of landmarks and property within historic districts;

4. Apply to enroll the County in the Certified Local Government Program, and evaluate and apply for grants or funding sources for the purposes of historic preservation;

5. Propose operational or instructional guidelines necessary to administer and enforce this part, for adoption by the Landmarks Commission; and

6. Except as otherwise provided in this part, make any and all decisions, findings, and determinations necessary to carry out the provisions of this part.

Districts.

A. A structure, site, object, tree, landscape, or natural land feature may be designated as a landmark if it is 50 years of age or older and satisfies one or more of the following criteria:

1. It is associated with events that have made a significant contribution to the broad patterns of the history of the nation, State, County, or community in which it is located;
2. It is associated with the lives of persons who are significant in the history of the nation, State, County, or community in which it is located;
3. It embodies the distinctive characteristics of a type, architectural style, period, or method of construction, or represents the work of an architect, designer, engineer, or builder whose work is of significance to the nation, State, County, or community in which it is located; or possesses artistic values of significance to the nation, State, County, or community in which it is located;
4. It has yielded, or may be likely to yield, significant and important information regarding the prehistory or history of the nation, State, County, or community in which it is located;
5. It is listed, or has been formally determined eligible by the United States National Park Service for listing, in the National Register of Historic Places, or is listed, or has been formally determined eligible by the State Historical Resources Commission for listing, on the California Register of Historical Resources;

6. If it is a tree, it is one of the largest or oldest trees of the species located in the County; or

7. If it is a tree, landscape, or other natural land feature, it has historical significance due to an association with an historic event, person, site, street, or structure, or because it is a defining or significant outstanding feature of a neighborhood.

B. Property less than 50 years of age may be designated as a landmark if it meets one or more of the criteria set forth in subsection A of this Section, and exhibits exceptional importance.

C. The interior space of a property, or other space held open to the general public, including but not limited to a lobby, may be designated as a landmark or included in the landmark designation of a property if the space qualifies for designation as a landmark under subsections A or B of this Section.

D. Historic districts. A geographic area, including a noncontiguous grouping of related properties, may be designated as an historic district if all of the following requirements are met:

1. More than 50 percent of owners in the proposed district consent to the designation;

2. The proposed district satisfies one or more of the criteria set forth in subsections A.1 through A.5, inclusive, of this Section; and

3. The proposed district exhibits either a concentration of historic, scenic, or sites containing common character-defining features, which contribute to

each other and are unified aesthetically by plan, physical development, or architectural quality; or significant geographical patterns, associated with different eras of settlement and growth, particular transportation modes, or distinctive examples of parks or community planning.

22.52.3070 Process to Nominate a Landmark or Historic District.

A. Nomination by Board of Supervisors or Landmarks Commission. The Board of Supervisors or Landmarks Commission may by resolution nominate a landmark or historic district. Such resolution shall be in writing and shall include findings of fact in support of the nomination, including reasons why the proposed landmark or historic district is eligible for, and deserving of, designation under the criteria set forth in Section 22.52.3060. The nomination shall be effective as of the date the resolution is adopted.

B. Nomination by Application.

1. Nomination of a landmark by application. Any person, organization, or other entity may file an application with the Director to nominate a landmark. The application must be accompanied by the applicable fee, which shall be non-refundable.

The application shall contain the following information:

- a. Name and address of the applicant;
- b. Evidence of the applicant's ownership interest in the subject property, if any;
- c. The location and legal description of the subject property;

d. Evidence that the subject property is eligible and deserving of designation as a landmark under the criteria set forth in Section 22.52.3060; and

e. Such other information as the Director may require.

2. Nomination of an historic district by application. Any person or organization may file an application with the Director to nominate an historic district. The application must be accompanied by the applicable fee, which shall be non-refundable. The application shall contain the information required by subsection B.1 of this Section and shall also contain the following information:

a. A map of the proposed historic district depicting the district's boundaries and each contributing and non-contributing property within the district, by street address;

b. Evidence that the proposed historic district is eligible and deserving of designation as an historic district under the criteria set forth in Section 22.52.3060; and

c. A certification in writing by more than 50 percent of the owners of real property within the proposed historic district that such owners consent to the designation of the historic district.

3. Effective date of a nomination by application. A nomination by application shall be effective upon a written determination by the Director that the application is complete.

C. Development Restrictions upon Nomination.

1. Except as provided in subsections C.2 and D of this Section, no person shall perform or cause to be performed any work on a property subject to a landmark nomination, or on a property located within the proposed boundaries of an historic district nomination which has become effective, and no application for a permit or other approval which would authorize such work shall be approved by any County department or commission.

2. The restrictions set forth in subsection C.1 of this Section do not apply to an application for a permit or other approval, which application was deemed complete by the appropriate County department or commission prior to the effective date of the landmark or historic district nomination, or to work which may be performed on a landmark or property within an historic district without a certificate of appropriateness pursuant to subsection B of Section 22.52.3130.

D. Certificate of Appropriateness or Certificate of Economic Hardship during Nomination. A person desiring to conduct work on a property subject to a landmark nomination which has become effective, or on a property located within the proposed boundaries of an historic district nomination which has become effective, may file an application for a certificate of appropriateness or certificate of economic hardship. The application shall be processed in accordance with Sections 22.52.3130 through 22.52.3170 as though the nomination has been approved. Work authorized by a certificate of appropriateness or certificate of economic hardship approved pursuant to this part is not subject to the restrictions set forth in subsection C.1 of this Section.

22.52.3080 Process for Designation of a Landmark.

A. Review by the Director.

1. Notice to record owner of the nomination. Within 30 days of the effective date of a landmark nomination, the Director shall, by first-class mail, provide the following information to the record owner(s) of any property subject to the nomination:

- a. Notice that the property was nominated for designation as a landmark;
- b. That the landmark designation may restrict the owner's ability to alter, demolish, reconstruct, rehabilitate, relocate, renovate, or restore the property, and may otherwise limit the owner's use of the property;
- c. That the owner has a right to object to and be heard regarding the landmark designation; and
- d. The name, title, and contact information of a person within the Department who shall provide the owner information regarding the landmark designation process.

The Director shall also request that the owner(s) certify in writing within 30 days of the mailing of the notice of nomination whether the owner(s) consents or does not consent to the landmark designation. An owner who fails to respond within 30 days will be deemed not to consent to the designation. The notice required by subsection A.1 of this Section need not be given to any owner who is also the applicant

filing the nomination application. An owner who is also the applicant shall be deemed to consent to the landmark designation.

2. Report and recommendation. Within 90 days of the date the Director mails the information required by subsection A.1 of this Section, but not sooner than the time allowed for an owner to certify whether or not the owner consents to the landmark designation, the Director shall file a report with the Landmarks Commission containing:

- a. A detailed description of the proposed landmark, including any character-defining features of the proposed landmark;
- b. The precise location and boundaries of the proposed landmark site;
- c. A recommendation as to whether the proposed landmark designation should be approved, approved with modifications, or disapproved;
- d. The factual basis supporting the recommendation, including a discussion of any applicable criteria set forth in Section 22.52.3060; and
- e. A statement indicating whether the owner or owners of the property subject to the nomination consents to the designation.

The Director shall file a copy of the report with the Executive Officer-Clerk of the Board of Supervisors.

3. Summary denial by the Director. The Director may summarily deny an application to nominate a landmark where the Director finds based on the contents of the application and the criteria set forth in Section 22.52.3060 that the nomination is

wholly lacking in merit, and where there is evidence that the application was filed to delay or frustrate development activity planned for the property subject to the nomination. The Director may summarily deny an application no later than 90 days after receiving an application to nominate a landmark, but not before all record owners have indicated their consent or non-consent to the nomination, or are deemed not to consent to the nomination pursuant to subsection A.1 of this Section. For the purposes of this Section, a nomination is "wholly lacking in merit" if no reasonable professional experienced in historic preservation within the County would find the nomination has merit. Within 10 days of summary denial, the Director shall, by first-class mail, notify the applicant and the record owner of any property subject to the nomination of the denial and the specific reasons therefor.

B. Review by Landmarks Commission.

1. The Landmarks Commission shall hold a public hearing on a landmark nomination not later than 90 days after the Director files a report with the Landmarks Commission pursuant to subsection A.2 of this Section.

2. Within 30 days of the close of the public hearing, but in no event later than 120 days from the date of the filing of the Director's report pursuant to subsection A.2 of this Section, the Landmarks Commission shall do one of the following:

a. Adopt a resolution recommending the Board of Supervisors approve the landmark designation, in whole or in part and with or without modifications. The resolution shall be in writing and shall:

- i. Contain a detailed description of the proposed landmark, including any character-defining features of the proposed landmark;
- ii. Delineate the location and boundaries of the proposed landmark;
- iii. State findings of fact supporting the recommendation, including a discussion of the applicable criteria for the designation of landmarks set forth in Section 22.52.3060 as applied to the proposed landmark; and
- iv. Indicate whether the owner or owners of all property subject to the designation consent to the designation.

The Landmarks Commission shall promptly file a copy of the resolution with the Executive Officer-Clerk of the Board of Supervisors; or

- b. Adopt a resolution disapproving the landmark designation and deny the nomination application. The Landmarks Commission shall disapprove a landmark designation and deny a nomination application if it determines that the criteria applicable to the designation have not been met. The Landmarks Commission shall adopt written findings of fact supporting its action disapproving a landmark designation.

3. The Landmarks Commission shall provide notice of its action pursuant to Section 22.60.190, and shall also provide notice to the record owner(s) of all property subject to the proposed landmark designation.

4. In the event the Landmarks Commission fails to act within the time set forth in subsections B.1 or B.2 of this Section, the landmark designation shall be

deemed disapproved and the nomination application denied. In such case, the Department shall provide the notice required by subsection B.3 of this Section.

C. Designation by the Board of Supervisors.

1. Following the filing by the Landmarks Commission of a resolution adopted pursuant to subsection B.2 of this Section, and after holding a public hearing if required by subsection C.2 of this Section, the Board of Supervisors shall do one of the following:

a. Adopt a resolution approving the landmark designation, in whole or in part and with or without modifications. The resolution shall be in writing and shall:

i. Contain a detailed description of the proposed landmark, including any character-defining features of the proposed landmark;

ii. Delineate the location and boundaries of the landmark; and

iii. State findings of fact supporting the landmark designation, including a discussion of the applicable criteria for the designation of landmarks set forth in Section 22.52.3060.

The resolution may also establish guidelines and standards for future proposed changes to the landmark, and may specify the nature of any work which may be performed on the landmark without the prior issuance of a certificate of appropriateness; or

b. Adopt a resolution disapproving the landmark designation and deny the nomination application, if the Board of Supervisors determines that the criteria applicable to the designation have not been met. The Board of Supervisors shall adopt written findings of fact supporting its action denying a designation.

2. If the resolution filed by the Landmarks Commission with the Board of Supervisors pursuant to subsection B.2 of this Section indicates the owner of any property subject to the landmark designation does not consent to the designation, the Board of Supervisors shall hold a public hearing to consider the proposed landmark designation.

3. The Board of Supervisors shall provide notice of its action pursuant to Section 22.60.190, and shall also provide notice by first-class mail or electronic mail, where applicable, to the owner(s) of all property subject to the landmark designation.

D. Effective Date of Designation. A landmark designation shall be effective as of the date a resolution approving the designation is adopted by the Board of Supervisors.

E. Upon the effective date of a landmark designation, the Landmarks Commission shall promptly enter the property into the County Register as a "Los Angeles County Landmark," and shall specify the effective date of the landmark designation.

F. Recordation. The Director shall cause a document titled "Notice of Landmark Designation" to be promptly recorded with the County Registrar-Recorder

/County Clerk upon the effective date of a landmark designation. The Notice of Landmark Designation shall include:

1. A legal description of the property designated as a landmark;
2. The effective date of the landmark designation;
3. A statement that the alteration, demolition, reconstruction, rehabilitation, relocation, renovation, or restoration of the landmark may be restricted or prohibited by the provisions of this part; and
4. A certified copy of the resolution adopted by the Board of Supervisors designating the landmark.

22.52.3090 Process for Designation of an Historic District.

A. Review by the Director.

1. Notice to record owners of the nomination. Within 30 days of the effective date of an historic district nomination, the Director shall, by first-class mail, provide the following information to the record owner(s) of any real property within the boundaries of the proposed historic district:

- a. Notice that the property is within the boundaries of a proposed historic district;
- b. That the designation of the historic district may restrict the owner's ability to alter, demolish, reconstruct, rehabilitate, relocate, renovate, or restore property located within the historic district;
- c. That the owner has a right to object to and be heard regarding the historic district designation; and

d. The name, title, and contact information of a person within the Department who shall provide the owner information regarding the historic district designation process.

The Director shall also request that the owner(s) certify in writing within 30 days of the mailing of the notice of nomination whether the owner(s) consents or does not consent to the historic district designation. An owner who fails to respond within 30 days will be deemed not to consent to the designation. The Director may grant one extension, not to exceed 90 days, for owners to certify in writing whether they consent or do not consent, applicable to all properties within the proposed historic district, where the Director determines that the additional time is necessary based on the size or specific features of the proposed historic district.

2. Report and recommendation. Within 180 days of the date the Director mails the information required by subsection A.1 of this Section, but not sooner than the time allowed for an owner to certify whether or not the owner consents to the designation, including any extension granted by the Director, the Director shall file a report with the Landmarks Commission containing:

a. A detailed description of the proposed historic district, including each contributing property therein, and the character-defining features of the proposed historic district;

b. The precise location and boundaries of the proposed historic district;

- c. A recommendation as to whether the proposed historic district should be approved, approved with modifications, or disapproved;
- d. The factual basis supporting the recommendation, including a discussion of any applicable criteria set forth in Section 22.52.3060; and
- e. A statement indicating the percentage of owners which have consented to the designation.

The Director shall file a copy of the report with the Executive Officer-Clerk of the Board of Supervisors.

3. Summary denial by the Director. The Director may summarily deny an application to nominate an historic district where the Director finds based on the contents of the application and the criteria set forth in Section 22.52.3060 that the nomination is wholly lacking in merit, and where there is evidence that the application was filed to delay or frustrate development activity planned for the property subject to the nomination. The Director may summarily deny an application no later than 180 days after receiving an application to nominate an historic district, but not before all record owners have indicated their consent or non-consent to the nomination, or are deemed not to consent to the nomination pursuant to subsection A.1 of this Section. For the purposes of this Section, a nomination is "wholly lacking in merit" if no reasonable professional experienced in historic preservation within the County would find the nomination has merit. Within 10 days of summary denial, the Director shall, by first-class mail, notify the applicant and the record owners of any real property within the

boundaries of the proposed historic district of the denial and the specific reasons therefor.

B. Review by Landmarks Commission.

1. The Landmarks Commission shall hold a public hearing on an historic district nomination not later than 90 days after the Director files a report with the Landmarks Commission pursuant to subsection A.2 of this Section.

2. Within 30 days of the close of the public hearing, but in no event later than 120 days from the date of the filing of the Director's report pursuant to subsection A.2 of this Section, the Landmarks Commission shall do one of the following:

a. Adopt a resolution recommending the Board of Supervisors approve the historic district designation, in whole or in part and with or without modifications. A resolution adopted pursuant to this Section shall be in writing and shall:

i. Contain a detailed description of the proposed historic district, including each contributing property therein, and the character-defining features of the proposed historic district;

ii. Delineate the location and boundaries of the proposed historic district;

iii. State findings of fact supporting the recommendation, including a discussion of the applicable criteria for the designation of historic districts set forth in Section 22.52.3060; and

iv. Indicate the percentage of owners which have consented to the historic district designation.

The Landmarks Commission shall promptly file a copy of the resolution with the Regional Planning Commission and the Executive Officer-Clerk of the Board of Supervisors; or

b. Adopt a resolution disapproving the historic district designation and deny the nomination application. The Landmarks Commission shall disapprove an historic district designation if it determines that the criteria applicable to the designation have not been met. The Landmarks Commission shall adopt written findings of fact supporting its action disapproving an historic district designation.

3. The Landmarks Commission shall provide notice of its action pursuant to Section 22.60.190, and shall also provide notice by first-class mail or electronic mail, where applicable, to the record owners of all real property located within the proposed historic district.

4. In the event the Landmarks Commission fails to act within the time set forth in subsections B.1 or B.2 of this Section, the historic district designation shall be deemed denied. In such case, the Department shall provide the notice required by subsection B.3 of this Section.

C. Review by Regional Planning Commission.

1. For each proposed historic district for which the Landmarks Commission files a resolution with the Regional Planning Commission pursuant to subsection B.2 of this Section, the Regional Planning Commission shall hold a public

hearing to consider whether the proposed historic district is consistent with the General Plan and any applicable area or specific plans, and whether the designation of the proposed historic district will be in the interest of public health, safety and general welfare, and in conformity with good zoning practice. The Regional Planning Commission shall defer to the Landmarks Commission's findings regarding whether the historic district satisfies the criteria for the designation of historic districts set forth in Section 22.52.3060.

2. The Regional Planning Commission shall hold a public hearing on a proposed historic district designation not later than 90 days after the Landmarks Commission files a resolution with the Regional Planning Commission pursuant to subsection B.2 of this Section.

3. Within 30 days of the close of the public hearing, but in no event later than 120 days of the filing of the Landmarks Commission's resolution pursuant to subsection B.2 of this Section, the Regional Planning Commission shall do one of the following:

a. Adopt a resolution recommending the Board of Supervisors approve the historic district designation, in whole or in part and with or without modifications. The resolution shall be in writing and contain findings of fact demonstrating that the proposed historic district is consistent with the General Plan and any applicable area or specific plans, and will be in the interest of public health, safety and general welfare, and in conformity with good zoning practice. The resolution shall attach and incorporate any prior resolution of the Landmarks Commission

recommending approval of the historic district designation. The Regional Planning Commission shall promptly file a copy of the resolution with the Executive Officer-Clerk of the Board of Supervisors; or

b. Adopt a resolution disapproving the historic district designation and deny the nomination application. The Regional Planning Commission shall disapprove an historic district designation if it determines that the proposed historic district is inconsistent with the General Plan or any applicable area or specific plans, is not in the interest of public health, safety, and general welfare, or is not in conformity with good zoning practice. The Regional Planning Commission shall adopt written findings of fact supporting its action disapproving a designation.

4. The Regional Planning Commission shall provide notice of its action pursuant to Section 22.60.190, and shall also provide notice by first-class mail or electronic mail, where applicable, to the record owners of all real property subject to the proposed historic district designation.

5. In the event the Regional Planning Commission fails to act within the time set forth in subsections C.2 or C.3 of this Section, the designation shall be deemed disapproved. In such case, the Department shall notify the Board of Supervisors and shall provide the notice required by subsection C.4 of this Section.

D. Designation by the Board of Supervisors.

1. Following the filing by the Regional Planning Commission of a resolution pursuant to subsection C.3 of this Section, or following notice from the

Department given pursuant to subsection C.5 of this Section, and after holding a public hearing on the proposed Historic District designation, the Board of Supervisors may:

a. Adopt an ordinance designating the historic district designation, in whole or in part and with or without modifications. The ordinance shall delineate the location and boundaries of the historic district, specify the contributing properties therein, and describe the character-defining features of the historic district. The ordinance may also establish guidelines and standards for future proposed changes to property within the historic district, and may specify the nature of any work which may be performed within the historic district without the prior issuance of a certificate of appropriateness. The Board of Supervisors shall adopt written findings of fact in support of its designation, including a discussion of the applicable criteria set forth in Section 22.52.3060; or

b. Disapprove the historic district designation, if the Board of Supervisors determines that the applicable criteria set forth in Section 22.52.3060 have not been met; or if it determines that the proposed historic district is inconsistent with the General Plan or any applicable area or specific plans, is not in the interest of public health, safety, and general welfare, or is not in conformity with good zoning practice. The Board of Supervisors shall adopt written findings of fact supporting its action disapproving a designation.

2. The Board of Supervisors shall provide notice of its action pursuant to Section 22.60.190, and shall also provide notice by first-class mail or electronic mail, where applicable, to the owners of all property subject to the historic district designation.

E. Effective Date of Designation. An historic district designation shall be effective as of the date the ordinance establishing the historic district becomes effective.

F. Upon the effective date of an historic district designation:

1. The Landmarks Commission shall promptly enter the district into the County Register as a "Los Angeles County Historic District," and shall specify the effective date of the historic district nomination; and

2. The Director shall promptly revise the County's Zoning Map to reflect the historic district.

22.52.3100 Procedure for Amendment or Rescission of a Designation.

A. The designation of a landmark or historic district may be modified or rescinded by the Board of Supervisors if it finds, after holding a public hearing, that:

1. The evidence used to establish the designation was erroneous or that the designation was procured by fraud; or

2. The landmark or historic district no longer meets the criteria for designation set forth in Section 22.52.3060 due to reasons outside the control of the owner(s) of the designated property, including but not limited to damage caused by natural disaster, flood, earthquake, or other calamity.

The Board of Supervisors shall adopt written findings of fact supporting its decision to modify or rescind a designation.

B. The Board of Supervisors may, without prior notice or public hearing, rescind a landmark designation if it finds that a landmark has been lawfully demolished,

removed, or relocated in conformance with the provisions of this part. The decision to rescind a landmark designation pursuant to this Section shall be by written resolution containing findings of fact in support of the decision.

22.52.3110 Notice of Modification to or Rescission of a Designation.

When a landmark or historic district designation has been modified or rescinded, the Department shall promptly notify the owners of the property included therein, and shall cause a copy of the appropriate resolution or ordinance, or notice thereof, to be recorded with the County Registrar-Recorder/County Clerk.

22.52.3120 Designation of County-Owned Property as a Landmark.

A. The Board of Supervisors may designate any County-owned property as a landmark, if the Board of Supervisors determines that the property satisfies the applicable criteria set forth in Section 22.52.3060.

B. The designation of a County-owned property as a landmark may be made by written resolution which shall:

1. Contain a detailed description of the property subject to the landmark designation, including the character-defining features that justify the designation and should be preserved;
2. Delineate the location and boundaries of the landmark; and
3. Discuss the criteria for the designation of landmarks set forth in Section 22.52.3060 as applied to the landmark.

The resolution may also establish guidelines and standards for future proposed changes to the landmark, and may impose any other restrictions or regulations on future work on or use of the landmark.

C. Effective Date of Designation. A landmark designation of a County-owned property shall be effective as of the date the resolution approving the designation is adopted by the Board of Supervisors.

D. Upon the effective date of the designation of the County-owned property as a landmark, the Landmarks Commission shall promptly enter the property into the County Register as a "Los Angeles County Landmark," and shall specify the effective date of the landmark designation.

E. Recordation. The Director shall cause a document titled "Notice of Landmark Designation" to be promptly recorded with the County Registrar-Recorder /County Clerk upon the effective date of the designation of a County-owned property as a landmark. The Notice of Landmark Designation shall include:

1. A legal description of the property designated as the landmark;
2. The effective date of the landmark designation; and
3. A certified copy of the resolution adopted by the Board of Supervisors designating the landmark.

F. A County-owned property designated by the Board of Supervisors as a landmark shall be subject only to the guidelines, standards, restrictions, or regulations set forth in the designating resolution, or in any subsequent resolution adopted by the Board of Supervisors regarding the landmark designation, and shall not otherwise be

subject to the provisions of this part. The Director shall assist County departments or commissions to determine whether proposed work on or use of a County-owned landmark is consistent with its landmark designation, at the request of such departments or commissions.

22.52.3130 Certificate of Appropriateness—When Required.

A. Except as set forth in subsection B of this Section, a certificate of appropriateness is required prior to conducting any of the following work:

1. Work involving or impacting the exterior of a landmark structure or property located within an historic district;
2. Work involving or impacting a character-defining feature of a landmark or historic district; and
3. Work which requires a certificate of appropriateness pursuant to the resolution or ordinance designating the landmark or historic district.

B. A certificate of appropriateness shall not be required for work which the Director determines constitutes any of the following:

1. Maintenance and repair;
2. Work which is authorized by the ordinance or resolution designating the landmark or historic district without a certificate of appropriateness;
3. A change to sign copy of a sign affixed to or part of a landmark or located within an historic district, if the change does not alter the existing design or materials of the sign; or

4. Work which is necessary to correct an unsafe condition pursuant to Section 22.52.3210.

22.52.3140 Certificate of Appropriateness—Application and Hearing.

A. Application.

1. Where a certificate of appropriateness is required pursuant to this part, the owner of any property requiring the certificate of appropriateness, or the owner's authorized agent, may file an application with the Director for a certificate of appropriateness. The application must be accompanied by the applicable fee, which shall be non-refundable. The application shall contain the following information:

- a. Name and address of the applicant;
- b. Evidence that the applicant is the sole owner of the subject property or has the written permission of all owners to make such application;
- c. The location (address or vicinity) and legal description of the subject property;
- d. A site plan drawn to a scale satisfactory to and in the number of copies prescribed by the Director, indicating the use, location, and size of all buildings and structures, yards, driveways, access areas, vehicle and bicycle parking areas, pedestrian facilities, landscaping, walls or fences, and other similar features on the subject property;

e. A detailed description of work proposed to be carried out, and any plans, drawings, diagrams, or photographs as may be required by the Director to determine compliance with the provisions of this part and with this Title 22; and

f. Such other information as the Director may require.

2. The Director shall notify the applicant within 30 days of submittal whether the application is complete or whether additional information is required.

B. Review by the Director. Upon receipt of a complete application accompanied by all required fees, the Director shall review the application, conduct or cause to be conducted any research, inspections, studies, or other activities necessary to evaluate the application, and take appropriate action pursuant to subsections C or D of this Section.

C. Administrative Certificate of Appropriateness. If an application for a certificate of appropriateness seeks to authorize reconstruction, rehabilitation, restoration, an addition of less than 500 square feet of new floor area to a landmark structure or structure located in an historic district, or any combination thereof, the Director shall administratively approve the application if the work proposed conforms to the standards set forth in Section 22.52.3150. The Director shall administratively deny the application if the work proposed does not conform to the standards set forth in Section 22.52.3150. The Director shall approve, modify and approve, or disapprove the application within 60 days of the receipt of a complete application for a certificate of appropriateness accompanied by all required fees, unless extended by the applicant. In

the event the Director fails to act within the time set forth in this subsection C, the application shall be deemed approved.

D. Review by Landmarks Commission.

1. Where an application for a certificate of appropriateness seeks to authorize work not subject to administrative approval by the Director pursuant to subsection C of this Section, the Landmarks Commission shall hold a public hearing to consider the application. The public hearing shall be held within 180 days of the receipt of a complete application for a certificate of appropriateness accompanied by all required fees, unless extended by the applicant or by the Director pursuant to Section 22.52.3270. In advance of the public hearing, the Director shall file with the Landmarks Commission a report summarizing the research, investigations, inspection, studies or other activities with respect to the application for a certificate of appropriateness. The report shall contain a recommendation to approve, approve with modifications, or deny the certificate of appropriateness.

2. The Landmarks Commission may continue any public hearing required by subsection D.1 of this Section to permit the investigation of alternatives to the work proposed in the certificate of appropriateness application. Any continuances pursuant to subsection D.2 of this Section shall not cumulatively exceed 180 days from the receipt by the Director of a complete application for a certificate of appropriateness accompanied by all required fees, unless agreed to by the applicant or extended by the Director pursuant to Section 22.52.3270.

3. Within 60 days of the close of the public hearing, the Landmarks Commission shall do one of the following:

- a. Approve or modify and approve the application, if the work proposed conforms to each of the standards set forth in Section 22.52.3150; or
- b. Deny the application if the work proposed does not conform to each of the standards set forth in Section 22.52.3150.

The decision of the Landmarks Commission pursuant to subsection D.3 of this Section shall be in writing and state findings of fact in support of its decision.

4. The Landmarks Commission shall serve notice of its action pursuant to Section 22.60.190, and shall also provide notice by first-class mail or electronic mail, where applicable, to all owners of the subject property.

5. In the event the Landmarks Commission fails to act within the time set forth in subsections D.1 or D.3 of this Section, the application shall be deemed approved. In such case the Department shall provide the notice required by subsection D.4 of this Section.

E. Where a certificate of appropriateness authorizes work that requires a permit or other approval from a County department or commission, or other government agency, an application for such permit or approval must be submitted within one year from the date the certificate of appropriateness is approved. Where a certificate of appropriateness authorizes work requiring more than one permit or approval from a County department or commission, or other government agency, each such application must be submitted within one year from the date the certificate of appropriateness is

approved. The applicant may submit a written request to the Director for an extension of time to submit any necessary application. The request must provide facts demonstrating that such additional time is necessary despite the applicant's diligence and good faith efforts to prepare and submit the required application. The Director shall grant a one-time six-month extension if the Director determines the applicant has proceeded diligently and in good faith but requires additional time to submit the required application. A certificate of appropriateness will expire and become null, void, and of no effect if the applicant fails to submit a timely application for a permit or other approval pursuant to subsection E to this Section.

F. An application for a certificate of appropriateness may be filed concurrently with an application for any other permit or approval. Except as provided in subsection B.1 of Section 22.52.3030, no person shall conduct or cause to be conducted any work requiring a certificate of appropriateness pursuant to this part, regardless of any permit or other approval authorizing such work, unless and until a certificate of appropriateness authorizing such work is approved and becomes final and effective pursuant to this part.

22.52.3150 Certificate of Appropriateness—Standards.

A certificate of appropriateness shall be approved if the work proposed therein satisfies each of the following criteria:

A. The proposed work is appropriate for and consistent with the purposes of this part.

B. The proposed work will comply with the United States Secretary of the Interior's Standards for the Treatment of Historic Properties for landmarks and contributing properties.

C. The proposed work will preserve, enhance, or restore, and does not damage or destroy, the exterior or character-defining features, interior or exterior, of a landmark or contributing property.

D. The proposed work will not adversely affect the special character or special historical, architectural, or aesthetic interest or value of a landmark, contributing property, or historic district.

E. For proposed work involving the exterior of a structure in an historic district, which structure is not designated as a landmark or contributing property, the proposed work will be compatible with the character of the historic district.

F. The proposed work will comply with the provisions of the applicable resolution or ordinance designating the landmark or historic district.

G. The proposed work will comply with any applicable guidelines adopted by the County for the treatment of landmarks and properties within historic districts.

22.52.3160 Certificate of Appropriateness—Subsequent

Modifications.

A. A County department or commission may authorize modifications to an approved certificate of appropriateness where:

1. The County department or commission is responsible for issuing a permit or approval for the work to be modified;

2. The Director, Department head, or other authorized agent of the department or commission determines that the modifications are required by applicable law or County Code; and

3. After consultation with the Director, the Director determines the modifications will not have an adverse effect on the character-defining features of any landmark or contributing property, and are compatible with any applicable landmark or historic district designation.

22.52.3170 Certificate of Economic Hardship.

A. Application.

1. Where a certificate of appropriateness is required pursuant to this part, an owner of the subject property, or the owner's authorized agent, may instead file an application with the Director for a certificate of economic hardship on the basis that strict application of the provisions of this part to the subject property will result in an undue hardship to the owner(s) of the subject property. The application shall be accompanied by the applicable fee, which shall be non-refundable. The application shall contain all of the information required by subsection A.1 of Section 22.52.3140 and shall contain the following additional information:

- a. The estimated market value of the property in its current condition;
- b. The estimated market value of the property after completion of the work proposed in the application;

- c. Estimates of the costs of the work proposed in the application;
- d. In the case of demolition:
 - i. The estimated market value of the property after rehabilitation of the existing property and an estimate from an architect, developer, real estate consultant, appraiser, or other professional with experience in rehabilitation as to the economic feasibility of rehabilitation of the existing structures on the property; and
 - ii. A rehabilitation report from a licensed engineer or architect with expertise in rehabilitation as to the structural soundness of any structures on the property and their suitability for rehabilitation.
- e. For income producing properties, information on annual gross income, operating and maintenance expenses, tax deductions for depreciation, annual cash flow after debt service, assessed property valuations, and real estate taxes for the two years preceding the date of the application;
- f. The remaining balance of any mortgage or other financing secured by the property and annual debt service, if any, for the two years preceding the date of the application;
- g. A current appraisal of the property and all other appraisals of the property obtained by the owner or applicant within the two years preceding the date of the application;
- h. The date the property was purchased and, if purchased within the 36 months preceding the date of the application, the amount paid for the

property, the party from whom the property was purchased, including a description of the relationship, if any, between the owner or applicant and the person from whom the property was purchased, and any terms of financing between the seller and buyer;

i. Any listing of the property for sale or rent, and prices or rent amounts asked, and offers for purchase or lease received, if any, within the two years preceding the date of the application; and

j. Any other information the Director may require to determine whether or not the property does or may yield a reasonable return to the owner.

2. The Director shall notify the applicant within 30 days of submittal whether the application is complete or whether additional information is required.

B. Review by the Director. Upon receipt of a complete application accompanied by all required fees, the Director shall review the application, and conduct or cause to be conducted any research, inspections, studies, or other activities necessary to evaluate the application.

C. Review by the Landmarks Commission.

1. The Landmarks Commission shall hold a public hearing to consider an application for a certificate of economic hardship. The public hearing shall be held within 180 days of the receipt of a complete application accompanied by all required fees, unless extended by the applicant or by the Director pursuant to Section 22.52.3270. In advance of the public hearing, the Director shall file with the Landmarks Commission a report summarizing the research, investigations, inspection, studies or other activities with respect to the application for a certificate of

appropriateness. The report shall contain a recommendation to approve, approve with modifications, or deny the certificate of economic hardship.

2. The Landmarks Commission may continue any public hearing required by subsection C.1 of this Section to permit the investigation of alternatives to the work proposed in the certificate of economic hardship application. Any continuances pursuant to subsection C.2 of this Section shall not cumulatively exceed 180 days from the receipt by the Director of a complete application for a certificate of economic hardship accompanied by all required fees, unless agreed to by the applicant or extended by the Director pursuant to Section 22.52.3270.

3. Within 60 days of the close of the public hearing, the Landmarks Commission shall approve, modify and approve, or disapprove the application. The decision of the Landmarks Commission shall be in writing and state findings of fact in support of its decision.

4. The Landmarks Commission shall not approve an application for a certificate of economic hardship unless the information submitted by the applicant or presented at public hearing substantiates all of the following findings:

a. Denial of the certificate of economic hardship will result in immediate and substantial hardship to the owner(s) of the subject property because of conditions peculiar to the property, or features thereof;

b. The sale, rental, or rehabilitation of the property is not economically reasonable, practical, or viable, considering the cost of utilizing the

property for uses allowed in the applicable zone, including any existing allowed non-conforming uses; and

c. Denial of the certificate of economic hardship would damage the owner of the property unreasonably in comparison to the benefit conferred on the community.

5. For the purposes of the findings required by subsection C.4 of this Section, evidence of actual financial loss or lost opportunity to obtain increased return from the property may be evidence supporting the approval of a certificate of economic hardship, but standing alone is not sufficient evidence to approve a certificate of economic hardship.

6. The Landmarks Commission shall serve notice of its action pursuant to Section 22.60.190, and shall also provide notice by first-class mail or electronic mail, where applicable, to all owners of the subject property.

7. In the event the Landmarks Commission fails to act within the time set forth in subsections C.1 or C.3 of this Section, the application shall be deemed approved. In such case the Department shall provide the notice required by subsection C.6 of this Section.

D. Concurrent Processing with an Application for a Certificate of Appropriateness. An application for a certificate of economic hardship may be filed concurrently with an application for a certificate of appropriateness. In such cases, the applications will be processed and considered concurrently as a single application, and only the applicable fee for a certificate of economic hardship application shall be

required. The applicable reviewing body pursuant to this part may approve the certificate of appropriateness and deny the certificate of economic hardship as moot; deny the certificate of appropriateness and approve the certificate of economic hardship; or deny both.

E. Where a certificate of economic hardship authorizes work that requires a permit or other approval from a County department or commission, or other government agency, an application for such permit or approval must be submitted within one year from the date the certificate of economic hardship is approved. Where a certificate of economic hardship authorizes work requiring more than one permit or approval from a County department or commission, or other government agency, each such application must be submitted within one year from the date the certificate of economic hardship is approved. The applicant may submit a written request to the Director for an extension of time to submit any necessary application. The request must provide facts demonstrating that such additional time is necessary despite the applicant's diligence and good faith efforts to prepare and submit the required application. The Director shall grant a one-time, six-month extension if the Director determines the applicant has proceeded diligently and in good faith but requires additional time to submit the required application. A certificate of economic hardship will expire and become null, void, and of no effect if the applicant fails to submit a timely application for a permit or other approval pursuant to subsection E of this Section.

F. An application for a certificate of economic hardship may be filed concurrently with an application for any other permit or approval. Except as provided in

subsection B.1 of Section 22.52.3030, no person shall conduct or cause to be conducted any work requiring a certificate of economic hardship pursuant to this part, regardless of any permit or other approval authorizing such work, unless and until a certificate of economic hardship authorizing such work is approved and becomes final and effective pursuant to this part.

22.52.3180 Effective Date of Decision; Appeals and Calls for Review; Resubmission, Reconsideration.

A. The effective date of a decision made pursuant to this part shall be determined pursuant to Section 22.60.260, except that a decision of the Director or Landmarks Commission made pursuant to this part which is not subject to appeal or call for review is effective and final on the date the decision is made. A decision of the Board of Supervisors made pursuant to this part is effective and final on the date the decision is made.

B. Rights of Appeal.

1. The rights of appeal described in Section 22.60.210 are limited as set forth in this Section B.

2. Appeals to the Landmarks Commission. Any person may appeal the following decisions or determinations to the Landmarks Commission:

a. A decision by the Director to summarily deny a nomination pursuant to subsection A.1 of Section 22.52.3080 or subsection A.3 of Section 22.52.3090, in which case such appeal shall be limited to the issue of whether summary denial was proper; or

b. A decision by the Director to approve, including deemed approvals, modify and approve, or deny an administrative certificate of appropriateness pursuant to subsection C of Section 22.52.3140.

The decision by the Landmarks Commission on any such appeal shall not be subject to further administrative appeal.

3. Appeals to the Board of Supervisors. Any person may appeal the following decisions or determinations to the Board of Supervisors:

a. A decision by the Landmarks Commission to disapprove, including deemed disapprovals, the designation of a landmark pursuant to subsection B of Section 22.52.3080 or historic district pursuant to subsection B of Section 22.52.3090;

b. A decision by the Landmarks Commission to approve, including deemed approvals, modify and approve, or disapprove a certificate of appropriateness pursuant to subsection D of Section 22.52.3140; or

c. A decision by the Landmarks Commission to approve, including deemed approvals, modify and approve, or disapprove a certificate of economic hardship pursuant to subsection C of Section 22.52.3170.

4. Where the Board of Supervisors reverses the decision of the Landmarks Commission to disapprove an historic district nomination, the Board of Supervisors shall either remand the matter to the Landmarks Commission for further consideration, or direct the matter to the Regional Planning Commission for consideration pursuant to subsection C of Section 22.52.3090.

5. Where work authorized by a certificate of appropriateness or certificate of economic hardship approved pursuant to this part may not be carried out in whole or in part without a conditional use permit, variance, subdivision, or other entitlement pursuant to this Title 22, and such conditional use permit, variance, subdivision, or other entitlement may be appealed to the Board of Supervisors pursuant to this Title 22, the certificate of appropriateness or certificate of economic hardship may not be separately appealed to the Board of Supervisors under subsection B.3 of this Section. The effective date of such certificate of appropriateness or certificate of economic hardship shall be deemed stayed pending the processing of the conditional use permit, variance, or other entitlement. If such conditional use permit, variance, subdivision, or other entitlement is approved, the effective date of the certificate of appropriateness or certificate of economic hardship shall be deemed the same as the effective date of the conditional use permit, variance, subdivision, or other entitlement, and may be timely appealed concurrently with a timely appeal of the conditional use permit, variance, subdivision, or other entitlement. Where the conditional use permit, variance, subdivision, or other entitlement is timely called for review pursuant to Chapter 22.60, the certificate of appropriateness or certificate of economic hardship shall also be deemed timely called for review.

C. Notice of Decision. In addition to persons entitled to receive notice pursuant to Section 22.60.190, the appellate or review body shall serve notice of its action by first-class mail or electronic mail where applicable on all owners of the property subject to the appeal or call for review.

D. Resubmission, Reconsideration. When a decision approving, modifying and approving, or disapproving a nomination or application made or submitted pursuant to this part becomes final pursuant to this Section, no subsequent nomination or application that is the same or substantially the same may be made for a period of one year from the effective date of the final determination or decision.

22.52.3190 Public Hearing Procedures.

A. Notice of Public Hearing. Whenever a public hearing is required or permitted to be held pursuant to this part, notice shall be provided pursuant to Section 22.60.174, and shall also be provided as follows:

1. Nominations, Landmarks. Not less than 30 days prior to the date of the public hearing, notice shall be given by first-class mail to the record owner(s) of any property subject to the nomination to be considered at the public hearing.

2. Nominations, Historic Districts. Not less than 30 days prior to the date of the public hearing, notice shall be given by first-class mail to the record owner(s) of each property proposed to be located within an historic district.

3. Certificate of Appropriateness/Certificate of Economic Hardship, Landmarks. Not less than 30 days prior to the date of the public hearing, notice shall be given by first-class mail to all record owners within 150 feet of the subject property.

4. Certificate of Appropriateness/Certificate of Economic Hardship, Historic Districts. Not less than 30 days prior to the date of the public hearing, notice shall be given by first-class mail to the record owners of all properties within 300 feet of the subject property.

B. Posting. Posting of a public hearing notice sign shall be required in compliance with Section 22.60.175, except that the hearing notice sign shall be posted not less than 30 days prior to the date of the public hearing. For proposed landmarks, where the owner consents to the landmark designation, the notice sign shall also be prominently displayed on the place, building, object, or structure subject to the public hearing. For proposed historic districts, the notice sign shall also be placed on the principal boundaries thereof, or at any alternative posting locations as may be directed by the Director.

C Appeals. In the case of an appeal, not less than 30 days prior to the date of the public hearing on the appeal, notice shall be given by first-class mail to the appellant, in addition to any other person to whom notice is required to be given pursuant to subsection A of this Section.

22.52.3200 Joint and Common Ownership—Notice and Consent.

A. Where notice is required to or may be given pursuant to this part, notice may be given as follows:

1. Where a building or group of buildings has been divided into condominiums with any common areas maintained or operated by an association of the condominium owners, and the proposed designation includes only commonly owned areas, to the association only.

2. Where a building or group of buildings has been divided into condominiums with any common areas maintained or operated by an association of the condominium owners, and a proposed designation includes commonly owned areas

and areas which are not commonly owned, such as, but not limited to, the interior of a condominium unit, to the association and the owner of any of the areas which are not commonly owned.

3. Where property is owned by a cooperative corporation, to the corporation only.

B. Where consent of an owner is required or may be given pursuant to this part, the following rules apply:

1. Where a building or group of buildings has been divided into condominiums with any common areas maintained or operated by an association of the condominium owners, the association shall be the sole owner for the purposes of giving consent, except that where a proposed designation includes commonly owned areas and areas which are not commonly owned, such as but not limited to the interior of a condominium unit, the owner of any of the areas which are not commonly owned shall also be an owner for the purposes of giving consent.

2. Where a property is owned by a cooperative corporation, the corporation shall be deemed the sole owner for the purposes of giving consent.

3. Where property is owned jointly by one or more persons, organizations, corporations, or other entities, the owners must act unanimously as though there were only one owner. Joint owners who fail to provide unanimous consent shall be deemed not to consent. The County shall have no obligation to investigate or determine the legal relationship among the joint owners governing the owners' respective rights to grant consent.

4. Where property is owned in trust, the trustee shall be considered the sole owner for the purposes of giving consent unless the trustee notifies the Department in writing of the identity of the beneficial owner or owners of the building, structure, or other real property, and certifies in writing that the beneficial owner or owners will act on behalf of the trust for the purposes of this part. The rules regarding unanimous consent of joint owners set forth in subsection B.3 of this Section shall apply to multiple trustees or multiple beneficial owners. The County shall have no obligation to investigate or determine the legal relationship among the trustees or beneficial owners governing the trustees' or owners' respective rights to grant consent.

22.52.3210 Unsafe or Dangerous Conditions.

None of the provisions of this part shall be construed to prevent any work necessary to correct an unsafe or dangerous condition of any structure, site, place, object, tree, landscape, or natural land feature, where such condition has been declared unsafe or dangerous by the Director of the County Department of Public Works or the Fire Chief of the County Fire Department; provided, however, that only such work as is absolutely necessary in the opinion of the Director of the County Department of Public Works or the Fire Chief of the County Fire Department to correct the unsafe or dangerous condition may be performed pursuant to this Section.

22.52.3220 Compliance With Maintenance Requirements.

The owner, lessee, or other person with actual possession, care, or control of a landmark or property in an historic district shall perform maintenance and repairs as

needed to prevent the deterioration, decay, or degradation of the historic or character-defining features of the landmark or historic district.

22.52.3230 Enforcement and Penalties.

A. The failure to comply with a requirement of this part, or of any order, resolution, or ordinance issued or adopted pursuant to this part, shall be declared to be a public nuisance pursuant to Section 22.60.350.

B. In addition to any other remedy provided in this Title 22, any person who performs or causes to be performed any work on a landmark or a contributing property in violation of this part shall restore or reconstruct the landmark or contributing property to its original condition prior to the violation. The County may seek relief in any court of competent jurisdiction to compel the reconstruction or restoration of the landmark or contributing property. This civil remedy is cumulative to any other remedy, including criminal prosecution, and the imposition of any administrative fines, penalties and noncompliance fees as provided by law.

C. Where a landmark or contributing property is demolished in violation of this part, no County department or commission shall accept for processing or approve any application for a building permit or other approval authorizing construction on the site, or a permit or approval to use the site as a parking area, unless and until the earlier of: (i) 60 months from the date the County receives actual notice that the unauthorized work has occurred; or (ii) the landmark or contributing property has been fully restored or reconstructed. Notwithstanding the foregoing, a County department or commission may accept for processing and approve a permit or approval for work necessary to

restore or reconstruct the landmark or contributing property, or to move an existing landmark or contributing property to the site.

22.52.3240 Street Improvements in Historic Districts.

Whenever street or streetscape improvements are proposed by the County in areas that are historic districts, the County may consider the use of materials, landscaping, light standards, signage, and other street features that are compatible with the area's historic and architectural character.

22.52.3250 Waiver of Parking Requirements.

Provided the gross square footage of a building or structure of a landmark or contributing property does not increase, a landmark or contributing property shall not be required to provide more parking spaces than the number of spaces existing on the landmark or contributing property site as of the effective date of the designation of the landmark or historic district. In the event the gross square footage of the building or structure of a landmark or contributing structure increases, the parking requirements shall be calculated in accordance with subsection C.3 of Section 22.56.1510.

22.52.3260 Determining Record Owner; Notice to Owners Not Of-Record.

The identity of a record owner of a property for purposes of this part shall be determined by reference to the latest County Assessor assessment rolls. Where in this part notice is required to be given to a record owner, notice shall also be given to an owner not of-record whose identity and address is actually known to the party giving notice.

22.52.3270 **Time Extensions to Comply with CEQA.**

Any time periods set forth in this part may be extended by the Director by such periods as are necessary to comply with, or permitted by, the California Environmental Quality Act (CEQA).

SECTION 4. Section 22.60.100 is hereby amended to read as follows:

22.60.100 **Filing Fees and Deposits.**

A. For the purpose of defraying the expense involved in connection with any application or petition required or authorized by this Title 22, the following fees shall accompany the application or petition:

...

— Animal Permits — \$1,086.00, except that where a public hearing is requested as specified in Section 22.56.470, an additional fee of \$7,638.00 shall be paid.

— Appeal to Landmarks Commission, Applicant — \$735.00.

— Appeal to Landmarks Commission, Non-Applicant — \$735.00.

...

— Cemetery Permits — \$8,724.00.

— Certificate of Appropriateness, Administrative, Application Fee — \$415.00.

— Certificate of Appropriateness, Application Fee — \$885.00.

— Certificate of Economic Hardship, Application Fee — \$885.00.

...

— Explosive Storage Permits — \$8,724.00.

— Historic District Nomination Application Fee — \$8,487.00.

...

— Interim Management Permits for Surface Mines — \$1,494.00.

— Landmark Nomination with Owner Consent, Application Fee — \$1,115.00.

— Landmark Nomination without Owner Consent, Appeal — \$3,715.00.

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