

Chapter 17.53 Historic Resources Preservation

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17.53.010 Title

This chapter shall be known as the "Hermosa Beach Preservation Ordinance". (Ord. 98-1186 §4, 11/10/98)

17.53.020 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 buildings, structures, sites, and places 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. (Ord. 98-1186 §4, 11/10/98)

17.53.030 Area of application.

This chapter shall apply to all historic resources, publicly and privately owned, within the corporate limits of the City of Hermosa Beach. (Ord. 98-1186 §4, 11/10/98)

17.53.040 Definitions.

- A. Alteration means any exterior or interior changes or modification of any landmark including, but not limited to, exterior or interior changes to or modifications to a structure or any of its architectural details or visual characteristics, including paint color and surface texture, grading, surface paving, and new structures.
- B. 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 designated landmarks, or landmarks contemplated for historic preservation designation as reflected in Planning Commission Resolution No. 98-65.
- C. Council means the City Council.
- D. Demolition means any acts that destroys in whole or in part a building, structure, or improvement.
- E. Exterior and interior architectural feature means the architectural styles, 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.
- F. 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, including, but not limited to the resources identified in Planning Commission Resolution No. 98-65.
- G. 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.
- H. 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.
- I. Ordinary maintenance means any cleaning, painting, or similar work that does not result in the alteration of an improvement.
- J. Person means any individual, association, partnership, firm, corporation, public agency, or political subdivision.
- K. Relocation means the displacement of any improvement within the same site.
- L. Removal means the displacement of any improvement from the site.
- M. 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. (Ord. 98-1186 §4, 11/10/98)

17.53.050 Powers and duties.

The City Council shall have the following powers and duties in the implementation of this chapter:

- A. Study, review, conduct public hearings, and make decisions regarding proposed designations and removal of designations of landmarks.
- B. Maintain a register of landmarks within the City.
- C. Determine an appropriate system of markers for landmarks.
- D. Adopt application and submittal requirements for Certificates of Appropriateness to alter, restore, demolish, remove, or relocate any landmark.
- E. Review and render decisions regarding all alteration, restoration, demolition, removal, and relocation proposals related to landmarks in conjunction with applications for Certificates of Appropriateness pursuant to this Chapter.
- F. Develop, or cause to be developed, and recommend to the City Council a program of incentives for preservation of historic resources. (Ord. 98-1186 §4, 11/10/98)

17.53.060 Landmark designation criteria.

For the purposes of this chapter, an historic resource may be designated a landmark, pursuant to Sections [17.53.070](#) through [17.53.120](#) 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. (Ord. 98-1186 §4, 11/10/98)

17.53.070 Nomination and application requirements, landmark.

Nominations of an historic resource as a landmark shall be made by the City, or by application of the property owner or property owners representing a majority or controlling interest in the property on which the resource is located. (Ord. 98-1186 §4, 11/10/98)

17.53.080 Minimum eligibility requirement, landmark.

In order to be eligible for consideration as a landmark, an historic resource must be at least 50 years old; with the exception that an historic resource of at least 30 years old may be eligible if the Council determines that the resource is exceptional, or that it is threatened by demolition, removal, relocation, or inappropriate alteration. (Ord. 98-1186 §4, 11/10/98)

17.53.090 Delay of work pending hearing.

Once a nomination or completed application has been accepted for the designation of a landmark; no building, alteration, demolition, removal, or relocation permits for any historic resource, improvement, building, or structure relative to a proposed landmark, shall be issued until a final determination is made regarding the proposed designation, except as provided under Section [17.53.200](#) of this Chapter. (Ord. 98-1186 §4, 11/10/98)

17.53.100 Council study and determination.

Not more than 45 days from the nomination or the acceptance of a completed application for the designation of a landmark, a public hearing shall be scheduled before the Council to study the proposed designation and to determine its

eligibility and qualifications. 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 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 days prior to the hearing. The Council may also give such other notice as they deem desirable and practicable.

Following the public hearing, but within no more than 70 days from the date of the initial hearing, the Council 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. The time limit for making a decision may be extended at the request or with the concurrence of the applicant(s). (Ord. 98-1186 §4, 11/10/98)

17.53.110 Notice of designation, city departments.

Notice of the designation of a landmark 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 shall be made with the knowledge of the designation. (Ord. 98-1186 §4, 11/10/98)

17.53.120 Removal of designation.

- A. In the event of substantial destruction of a landmark, the owner or owners of a landmark may apply for removal of designation. The 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 Council.
- B. The complete demolition or removal of a landmark shall result in the removal of the landmark designation.
- C. Once a landmark designation has been removed, affected properties shall no longer be subject to any provision or regulation of this ordinance. (Ord. 98-1186 §4, 11/10/98)

17.53.130 Use of California historical building code.

All repairs, alterations, restorations, or changes in use of existing buildings and structures designated as landmarks may conform to the standards of the California Historical Building Code as an alternative to complying with building standards set forth in Title 15 of this Code, notwithstanding the fact that such buildings may be nonconforming. (Ord. 98-1186 §4, 11/10/98)

17.53.140 Certificate of appropriateness required.

- A. No person shall alter, restore, demolish, remove, or relocate any interior or exterior improvement or architectural feature of a landmark or potential landmark on a list of historic resources established by City Council being considered for landmark status, or alter, restore, place, erect, remove, or relocate any permanent sign visible from a public right-of-way without being granted a Certificate of Appropriateness, except as provided under Section 17.53.200 of this Chapter. Approval of such work shall be required even if no other permits or entitlements are required by the City.
- B. Minor Alterations. The Council 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 Council 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 17.53.150(E). (Ord. 98-1186 §4, 11/10/98)

17.53.150 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 City Clerk.
- B. Application Materials. Such application shall be accompanied by such materials as are required by 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 pursuant to Section 17.68.050 of the Zoning Ordinance.
- 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. 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
 - l. Any consideration by the owner as to profitable adaptive uses for the property.
 2. 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 Director of Community Development Department, subject to the following provisions:
 1. The Director shall complete his/her review and mail notice to the applicant within 30 days of the date of the acceptance of a completed application of his/her decision to approve or conditionally approve the application or to forward the application to the Council for a decision. The notice of decision shall state the findings and reasons relied upon in reaching the decision. The time limit for Director action may be extended upon the request or with the concurrence of the applicant.

2. Where the decision of the Director is to conditionally approve the application, the decision of the Director shall be final and conclusive unless, within 12 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 Director.
 3. Where the application has been forwarded or appealed to the Council, the application shall be heard by the Council at its next available regular meeting, and the Council shall complete its review and render a decision to approve, approve with conditions, or deny a Certificate of Appropriateness within 45 days of the initial hearing. Decisions of the Council 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 Council, subject to the following provisions:
1. The Council shall complete its review and make a decision within 75 days of the date of the acceptance of a completed application. The time limit for Council action may be extended (1) upon the request or with the concurrence of the applicant; or (2) for failure of the applicant to provide any reasonable additional information or material requested by the Council during the course of its review.
 2. Decisions of the Council shall be in writing and shall state the findings and reasons relied upon in reaching the decision.
 3. For applications for all work other than to demolish or remove a landmark or structure, the Council shall decide to approve, approve with conditions, or deny a Certificate of Appropriateness.
 4. For applications to wholly or partially demolish or remove a landmark, the Council shall decide to approve a Certificate of Appropriateness or to initiate a period of delay prior to granting approval. The delay of approval shall not exceed ninety (90) days. The length of the delay shall be determined in accordance with its intended purpose (e.g. compiling photographic records or arranging for removal to another site). The Council may extend any period of delay for up to an additional ninety (90) days for good cause, except in cases where it has determined a condition of economic hardship to exist. If no alternative arrangements have been completed by the expiration of the period of delay or any extension thereof, a Certificate of Appropriateness shall be issued without the need for further action by the Council.
 5. For applications seeking approval on the basis of a finding of economic hardship, the Council shall first review the application on the basis of criteria contained in Section [17.53.170\(D\)](#). If the applicable conditions are determined to not exist, then the application shall be reviewed on the basis of the criteria contained in Sections [17.53.170 \(A\)-\(C\)](#). Prior to making a final determination in such cases, the Council shall have the authority to invoke a period of delay. Such a period of delay shall not exceed sixty (60) days. During this delay, the Council shall investigate alternative means to allow for a reasonable use or return from the property or to otherwise preserve the property. (Ord. 98-1186 §4, 11/10/98)

17.53.160 Criteria for approval of certificates of appropriateness.

The City Council 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 Council; 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 construction of a new building, structure, or improvement on a site where a landmark is located:
 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.
- C. In the case of the whole or partial demolition or removal of a landmark:

1. The structure and/or site is a hazard to public health or safety and repairs or stabilization are not physically possible; or
 2. 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
 3. Removal of the resource to another site is not feasible or practical; or
 4. For a partial demolition or removal, such action will not result in the loss of the essential elements that make the resource significant; or
 5. Any imposed delay of approval or extension thereof has expired.
- D. 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 conditions 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. (Ord. 98-1186 §4, 11/10/98)

17.53.170 Expiration of certificate of appropriateness.

A Certificate of Appropriateness shall lapse and become void eighteen (18) 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 Council for an additional period of up to twelve (12) months. The Council may approve, approve with conditions, or deny any request for extension. (Ord. 98-1186 §4, 11/10/98)

17.53.180 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 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 Council following a public hearing, with written notice provided to the property owner at least ten days prior thereto. (Ord. 98-1186 §4, 11/10/98)

17.53.190 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 Director certifies to the Council 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. (Ord. 98-1186 §4, 11/10/98)

17.53.200 Duty to keep in good repair.

The owner, occupant or other person in actual charge of a landmark building structure or improvement, 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. (Ord. 98-1186 §4, 11/10/98)

17.53.210 Enforcement.

- A. It shall be the duty of the Director of Community Development Department or the Director'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 Hermosa 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 Director 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. (Ord. 98-1186 §4, 11/10/98)

17.53.220 Penalties.

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 Director 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. (Ord. 98-1186 §4, 11/10/98)