

ORDINANCE NO. 2359

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ARCADIA, CALIFORNIA AMENDING VARIOUS SECTIONS OF ARTICLE IX, CHAPTER 1 OF THE ARCADIA MUNICIPAL CODE (THE "DEVELOPMENT CODE"), WITH AN EXEMPTION UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT ("CEQA"), TO IMPLEMENT A HISTORIC PRESERVATION ORDINANCE

WHEREAS, in 2015, the City Council of the City of Arcadia voted to conduct a Citywide Historic Resources Survey and retained Architectural Resources Group ("ARG"), Inc. to prepare the City's first comprehensive Citywide Historic Context Statement and an intensive-level survey of all the properties within the city limits. Approximately 16,800 parcels were surveyed from the public right-of-way, with the exception of those properties that were built after 1970. The time threshold of 50 years of age (or at least 45 years of age at the time of Survey) was used because it is a benchmark set by the National Park Service for properties under consideration for the National Register of Historic Places; and

WHEREAS, after the survey was completed, in 2016, the City Council voted to draft a Historic Preservation Ordinance (the "Project") that established a method of protecting the resources and potential historic districts identified in the Survey. The survey list originally identified 189 potential historic resources, including 165 potential individual buildings, 11 potential historic districts (which included 1,957 buildings), and 12 non-building resources; and

WHEREAS, the City shared the survey results within the community over the course of two years, and held four community meetings from 2016 until 2018. Several study sessions were held with the City Council to discuss the proposed changes to the

draft Ordinance. On October 6, 2017, the City released the first draft of the Historic Preservation Ordinance to the public; and

WHEREAS, on October 10, 2018, the draft Ordinance was revised to reflect those changes agreed to by the City Council. The major changes to the draft Ordinance were: 1) To not include the potential historic districts in the draft Ordinance. A neighborhood could still form a District, but the original 11 eligible Districts have been removed (and all the associated properties); 2) The Ordinance would only protect resources that have been identified as individually eligible at the federal, state, and/or local level (176 resources total); and 3) The City Council would need a Supermajority (4-1) vote to overturn an owner's lack of consent to nominate an individual properties; and

WHEREAS, the Development Services Department prepared a text amendment, referred to as Text Amendment No. TA 18-02, amending various sections of the Arcadia Development Code, Article IX of the Municipal Code, to adopt a Citywide Historic Preservation Ordinance with the City Council changes; and

WHEREAS, on November 19, 2018, a letter was sent to all 176 property owners informing them their property is on the survey list as a "potential" historic resource, but no actual designation will result directly from this process, and a full historical evaluation would still be required to confirm its significance. On November 26, 2018, a public hearing notice was sent to every property owner informing them of the upcoming public hearing dates; and

WHEREAS, on January 8, 2019, a duly noticed public hearing was held before the Planning Commission on the Project at which time all interested persons were given full opportunity to be heard and present evidence; and

WHEREAS, after considering the evidence presented, the Planning Commission recommended that the City Council: 1) amend the Historic Preservation Ordinance to become a Voluntary Program; 2) not adopt the Historic Preservation Survey List; 3) if the City Council does not convert the Historic Preservation Ordinance to a Voluntary Program for the individual properties, then delete the multifamily and commercial zoned properties that are eligible only for local designation; and 4) direct Staff to forward the Commissioner's individual recommendations to the City Council as reflected in the draft Minutes, dated January 8, 2019; and

WHEREAS, a notice of the City Council public hearing on the proposed Ordinance was sent to all the affected owners on January 23, 2019, and notice was published in the Arcadia Weekly on January 31, 2019; and

WHEREAS, at the February 19, 2019, City Council public hearing, the City Council considered the entire record and at which time all interested persons were given full opportunity to be heard and to present evidence. After much discussion, the Council voted 4-1 (with Council Member Chandler dissenting) to bring back a revised Historic Preservation Ordinance to reflect the following: 1) not include the survey list; 2) that any person, or group, including the City, may request the designation of a historic resource as a historical landmark or district by submitting an application to the City; and 3) the City Council may supersede the owner's objection to the designation with a supermajority vote (4-1); and

WHEREAS, at the March 19, 2019, City Council meeting, the City Council discussed the revised Ordinance and made the following additional modifications: 1) inserted language to make the historic designation process voluntary only, 2) eliminated

the City Council's ability to supercede an owner's objection to a potential designation, and 3) required that for the formation of a Historic District, a total of 100% of the owners of identified contributing resources need to agree to the formation of the District With these changes, the City Council introduced the proposed Ordinance; and

WHEREAS, at the March 19, 2019, City Council meeting, and based upon the entire record, including without limitation to the staff report and related documents presented to the City Council, pursuant to Section 9108.03.060 of the Development Code, the City Council finds as follows:

1. The proposed amendment is consistent with the General Plan and any applicable specific plan(s).

FACT: The proposed Historic Preservation Ordinance and the associated text amendments are consistent with the General Plan in preserving the physical aspects of Arcadia that are highly valued by the residents and business community. Within the Parks, Recreation, and Community Resources Element of the General Plan, Goal PR-9 specifically encourages the "retention and proper stewardship of historical and cultural resources". This Goal includes Policy PR-9.1, and PR 9.5 through 9.7, that specifically address historic preservation and incentives for protection. The proposed Ordinance would safeguard Arcadia's heritage by providing the opportunity to protect resources that reflect elements of the city's cultural, social, economic, architectural, and archaeological history. Furthermore, the Ordinance would provide an ability to protect the character of the neighborhoods through the preservation of their character-defining features. Therefore, the proposed amendments will be consistent with the General Plan and no specific plans will be affected by the proposed amendments.

2. For Development Code amendments only, the proposed amendment is internally consistent with other applicable provisions of this Development Code.

FACT: The proposed Historic Preservation Ordinance and text amendments will not be in conflict with the Development Code and will be consistent with other applicable provisions as it relates to establishing priorities for preservation, restoration, and rehabilitation efforts within the city. The Ordinance provides processes that can be used by the residents and City Council to create districts and individual landmarks important to the City's history. Therefore, the proposed text amendments will be consistent with other applicable provisions of the Development Code.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ARCADIA, CALIFORNIA, DOES ORDAIN AS FOLLOWS:

SECTION 1: The factual data set forth in the Recitals of this Ordinance and by the Development Services Department in the staff report dated February 19, 2019, are true and correct.

SECTION 2. The City Council finds that this Ordinance has been assessed in accordance with the authority and criteria contained the California Environmental Quality Act ("CEQA"), the State and local CEQA Guidelines and the environmental regulations of the City and is exempt from further environmental Review. The proposed Historic Preservation Ordinance is covered by the 'General Rule Exemption' of the California Environmental Quality Act ("CEQA") for projects that can be seen with certainty that there is no possibility that the action in question may have a significant effect on the environment per CEQA Section 15061(b)(3). The project is also exempt under Section 15308, Class 8, as no construction activities or other direct physical changes could result

from the adoption of the Historic Preservation Ordinance. The Ordinance would not result in the relaxation of standards and would not allow for environmental degradation. Conversely, the Historic Preservation Ordinance would establish protections and procedures for the preservation of cultural resources.

SECTION 3. For the foregoing reasons, the City Council adopts Text Amendment No. TA 18-02, amending various sections of the Arcadia Development Code, Article IX, Chapter 1 of the Arcadia Municipal Code, as listed in Exhibit "A" attached to this Ordinance.

SECTION 4. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance or any part thereof is for any reason held to unconstitutional, such decision shall not affect the validity of the remaining portion of this Ordinance or any part thereof. The City Council of the City of Arcadia hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof, irrespective of the fact that any one or more section, subsection, subdivision, paragraph, sentence, clause or phrases be declared unconstitutional.

SECTION 5. The documents and materials that constitute the record of proceedings on which this Ordinance is based are locate at the City Clerk's Office located at 240 West Huntington Drive, Arcadia CA 91007. The custodian of these records is the City Clerk.

SECTION 6. The City Clerk shall certify to the adoption of this Ordinance and shall cause a copy of the same to be published at least once in the official newspaper of the City within fifteen (15) days after its adoption. This Ordinance shall take effect on the thirty-first (31st) day after its adoption.

Passed, approved and adopted this 2nd day of April, 2019.

/s/ Sho Tay
Mayor of the City of Arcadia

ATTEST:

/s/ Gene Glasco
City Clerk

APPROVED AS TO FORM:

Stephen P. Deitsch
Stephen P. Deitsch
City Attorney

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS:
CITY OF ARCADIA)

I, GENE GLASCO, City Clerk of the City of Arcadia, hereby certifies that the foregoing Ordinance No. 2359 was passed and adopted by the City Council of the City of Arcadia, signed by the Mayor and attested to by the City Clerk at a regular meeting of said Council held on the 2nd day of April, 2019 and that said Ordinance was adopted by the following vote, to wit:

AYES: Amundson, Chandler, Verlato, and Tay

NOES: None

ABSENT: None

ABSTAIN: Beck

/s/ Gene Glasco
City Clerk of the City of Arcadia

Exhibit A:
Text Amendment- Historic Preservation Ordinance

Division 3:
**Regulations Applicable to All Zones – Site Planning
and General Development Standards**

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9103.17 – Historic Preservation

Subsections:

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9103.17.020	Purpose
9103.17.030	Applicability
9103.17.040	Historic Preservation Commission
9103.17.050	Reserved
9103.17.060	Local Eligibility and Designation Criteria
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9103.17.010 Title

This Chapter shall be known as the Arcadia Historic Preservation Ordinance.

9103.17.020 Purpose

The Arcadia City Council acknowledges that the recognition, preservation, protection, and reuse of historic resources are required in the interests of the health, prosperity, safety, social and cultural enrichment, general welfare, and economic well-being of the people of Arcadia. The designation and preservation of historic resources, and the regulation of alterations, additions, repairs, removal, demolition, or new construction to perpetuate the historic character of historic resources, is declared to be a public purpose of the city.

Therefore, the purposes of this Chapter include the following:

- A. Enabling informed planning decisions regarding the treatment of properties that contribute to the city's character or reflect its historical and architectural development;
- B. Establishing priorities for preservation, restoration, and rehabilitation efforts within the city;
- C. Providing City planners with baseline information about potential historic resources from which to manage new development;
- D. Safeguarding Arcadia's heritage by protecting resources that reflect elements of the city's cultural, social, economic, architectural, and archaeological history;
- E. Deterring demolition, misuse, or neglect of designated historic landmarks, designated historic districts (and their contributing resources), and potential historic landmarks, which represent important links to the past of Arcadia, California, or the nation;
- F. Providing the public with a better understanding of and appreciation for the built environment as a tangible link to Arcadia's history;
- G. Promoting the use of historic resources, especially for the education, appreciation, and general welfare of the people of Arcadia;
- H. Protecting and enhancing the city's attractiveness to residents and visitors, and supporting economic development.

9103.17.030 Applicability

The provisions of this Chapter shall apply to all historic resources, including buildings, structures, objects, sites, and historic districts within the city.

9103.17.040 Historic Preservation Commission

The Arcadia Planning Commission is responsible for providing City Council with recommendations regarding the designation of historic resources, adoption of preservation policies, and approval of Mills Act applications. The Planning Commission, herein referred to as the Commission, is also responsible for reviewing and approving Certificates of Appropriateness in accordance with Section 9103.17.080(B) of this Chapter. The Commission shall have and exercise the powers, perform the duties, and maintain the qualifications pursuant to Part 5 (Planning Commission), Chapter 2, Article II of the Arcadia Municipal Code.

9103.17.050 Reserved

9103.17.060 Local Eligibility and Designation Criteria

A. Criteria for Designation

Historic Landmark. On the recommendation of the Commission, the City Council may designate an individual resource (building, structure, object, or site) if it meets one or more of the following local eligibility criteria:

1. It is associated with events that have made a significant contribution to the broad patterns of Arcadia's or California's history;
2. It is associated with the lives of persons important to local or California history;
3. It embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of master, or possesses high artistic values;
4. It has yielded, or has the potential to yield, information important to the prehistory or history of the city or state.

Historic District. On the recommendation of the Commission, the City Council may designate a historic district if it meets one or more of the four criteria in Section 9103.17.060(A) and:

1. It possesses a significant concentration, linkage, or continuity of sites, buildings, structures, or objects united historically or aesthetically by plan or physical development.
2. A minimum of 60 percent of the buildings within the proposed historic district contribute to the district's significance.

B. Automatic Consideration

Any property individually listed in the National Register of Historic Places or California Register of Historical Resources shall be automatically considered designated historic resource by the City.

C. Considerations for Evaluating Properties – Age

A resource considered for listing as a local historic landmark must be at least 45 years of age, unless it can be demonstrated that the resource has achieved exceptional importance within the last 45 years.

D. Consideration for Evaluating Properties – Integrity

In order for a resource to be eligible for designation as a local landmark or historic district, the resource must retain sufficient integrity. Integrity is the authenticity of a historical resource's physical identity as evidenced by the survival of characteristics that existed during the time period within which the resource attained significance. Only after significance has been established should the issue of integrity be addressed. There are seven aspects of integrity, as defined by the National Register: location, design, setting, materials, workmanship, feeling, and association. Since significance thresholds associated with local listing are generally less rigid than those associated with listing at the state or national levels, a greater degree of flexibility shall be provided when

evaluating the integrity of a locally eligible historic resource, as opposed to one eligible for listing in the National or California Registers. For this reason, it is possible that a historic resource may not retain sufficient integrity to be eligible for listing in the National or California Registers, but may still be eligible for listing at the local level. Integrity shall be determined with reference to the particular characteristics that support the resource's eligibility under the appropriate criteria of significance.

9103.17.070 Designation Procedures

A. Application for Nomination

1. Any person, or group, including the City, may request the designation of a historical resource as a historic landmark or district by submitting an application to the City.
2. All applications shall be completed using a form provided by the City and shall contain all required information, including the following:
 - a. For individual resources, a historic resource evaluation report completed by a qualified historic preservation consultant;
 - b. For historic districts, a historic resources survey report completed by a qualified historic preservation consultant;
 - c. Required fees per City's Fee Resolution;
 - d. The City may require the applicant to submit additional information regarding the historic significance of the resource, including but not limited to photographs, plans, deeds, permits, and any other materials that may provide pertinent information about the resource.

B. Initial Application Review

1. **Completeness Review.** Within 30 days of filing, City staff shall review all applications for completeness and accuracy before they are accepted as complete. The applicant shall be notified by letter whether the application is either complete and being processed or is incomplete and additional information, including but not limited to the information listed in Section A.2, must be provided. If an applicant fails to provide the additional information within 30 days following the date of the letter, or shorter time frame as determined by the Director or designee, the application shall expire and be deemed withdrawn without any further action by the City, unless an extension is approved by the Director or designee for good cause shown.

- C. Owner Notification.** City staff shall notify the owner(s) of record by letter that an application for designation has been submitted for their property within ten (10) days of deeming the application complete.

- D. Owner Consent to Designation.** Prior to scheduling the matter for consideration by the Commission, a written statement by the property owner in the case of historic landmark designation, or written statements by 75 percent of property owners in the case of historic district designation, including 100% of property owners of contributing resources, shall consent to such designation. In the case of an individual property, if the owner does not consent to the designation, the application shall be automatically withdrawn.

- E. Moratorium on Permits.** No alteration or demolition permits for an individually eligible historic resource or contributor to an eligible historic district shall be issued after an application for designation is submitted. The moratorium on permits shall continue through the process of historic landmark or district designation, until a final decision to adopt (or not adopt) the designation has been made by City Council.

- F. Commission Review.** Applications for approval of historic landmark and district nominations shall be reviewed by the Commission. The Commission shall hold a public meeting to determine if the property meets one or more of the criteria established in Section 9103.17.060(A) of this Chapter. The public hearing shall be noticed in accordance with Section 9108.13 (Public Notices and Hearings), Article IX of the Arcadia Municipal Code. After a determination is made regarding the proposed designation, the Commission shall submit a report and recommendation to the City Council that the application be approved or denied. Within ten (10) days of the public hearing, the Commission shall notify the applicant(s) and owner(s) of record by letter of its determination.
- G. City Council.** City Council has the sole authority to designate a historic resource as a historic landmark or district. Nominations recommended for approval by the Commission shall be reviewed by the Council at a public hearing. The hearing shall be noticed in accordance with Section 9108.13 (Public Notices and Hearings), Article IX of the Arcadia Municipal Code. At the hearing, the Council shall adopt or reject historic designation. Within ten (10) days of the hearing, the Council shall notify the applicant(s) and owner(s) of record by letter of the designation.
- H. Rescission of Designation.** Once a historic landmark or district has been designated, it shall not be repealed by the City Council, unless it is found that the evidence used to establish designation was erroneous, or the designated resource no longer meets the criteria set forth in Section 9103.17.060(A). A resource cannot lose its designation status merely due to degradation by neglect. The process of rescission shall be considered a discretionary action under CEQA.

9103.17.080 Alterations to Historic Resources

A. General Requirements

1. A Certificate of Appropriateness (C of A) is required for major and minor alterations that may adversely affect the significance of a designated historic landmark or contributor to a designated historic district.
2. Demolition of or a major addition to a non-contributing resource, or infill in a designated historic district outside of the City's designated Home Owners Associations will be subject to the design review process described in Section 9107.19 (Site Plan and Design Review), Article IX of the Arcadia Development Code. All other alterations to non-contributing resources are exempt from review and may be issued a waiver. Once a Certificate of Appropriateness has been issued, City staff may inspect the work being undertaken to ensure that it complies with the approved Certificate of Appropriateness.
3. No permit shall be issued for alteration of an individual historic landmark or contributing resource in a designated historic district, or demolition of a non-contributing resource in a designated historic district until a Certificate of Appropriateness or waiver has been issued in accordance with this Section.

B. Levels of Review

The type of alteration being proposed and the type of resource affected by the alteration will determine the level of review required. Unless the alteration is exempt from review and issued a waiver, a Certificate of Appropriateness (C of A) is required for review by City staff or the Commission. From time to time as circumstances warrant, the City may, by resolution, modify the list of actions deemed to qualify for review by City staff or the Commission.

1. **Designated Historic Landmarks.** Major alterations affecting designated historic landmarks require a C of A and review by the Commission. The approval or denial of such major alterations shall be deemed a discretionary action under CEQA. Minor alterations affecting designated landmarks require a C of A and review by City staff.
2. **Designated Historic Districts.** Major alterations affecting contributing resources in designated historic districts require a C of A and review by the Commission. The approval or denial of such major alterations shall be deemed a discretionary action under CEQA. Minor alterations affecting contributing resources in designated historic districts require a C of A and review by City staff. Demolition of or major additions to non-contributing resources, and infill in designated historic districts outside of the City's designated Home Owners Associations (HOAs) require design review pursuant to Section 9107.19 (Site Plan and Design Review), Article IX of the Arcadia Development Code. Alterations (with the exception of demolition and major additions) affecting non-contributing resources in designated historic districts outside of HOAs are exempt from review and may be issued a waiver.

- a. Note: Contributing and non-contributing properties within the City's designated HOAs are not subject to the City's design review process. However, the HOAs shall adhere to and apply the Design Guidelines as well as the HOAs' enabling resolution in their design review process and forward a recommendation to the Commission/City staff regarding the design of the alteration, addition, or new infill in the designated historic district. The City shall have final authority on the approval or denial of the design.
3. Negligible alterations affecting all designated historic resources (designated and eligible individual resources and resources in designated historic districts) are exempt from review and may be issued a waiver.

C. A "major alteration" is defined as:

1. Any demolition, rebuild, or relocation of an individual historic landmark or contributing resource in a designated historic district. Certificate of Appropriateness applications for the demolition or relocation of designated historic resources shall comply with procedures set forth in Section 9103.17.080(J)(K).
2. Any undertaking that significantly alters or changes a designated historic resource's street-facing façade or side façades visible from the public right-of-way, including major changes to or additions of fenestration openings; the application of new exterior wall cladding or coating which changes the appearance, design, or texture of a property; and the addition of any other architectural features.
3. Any addition of square footage to a designated historic resource that is visible from the public right-of-way.
4. Infill in a designated historic district. Infill in a designated historic district requires design review pursuant to Section 9107.19 (Site Plan and Design Review), Article IX of the Arcadia Development Code.
5. Demolition of or a major addition to a non-contributing resource in a designated historic district. Demolition of and major additions to non-contributors requires design review pursuant to Section 9107.19 (Site Plan and Design Review), Article IX of the Arcadia Development Code.
6. Any other undertaking determined major by the City.

D. A "minor alteration" is defined as:

1. Any removal of insignificant exterior features of a designated historic resource, including additions, doors, windows, and exterior siding material that are non-original or otherwise lack historic integrity.
2. Any undertaking requiring a permit that does not change substantially the exterior character-defining features of a designated historic resource, including minor additions on secondary façades.
3. Any undertaking not requiring a permit that materially alters significant features of a designated historic resource or that may adversely affect the significance of a historic resource, including replacement of windows and doors in existing openings or resurfacing exterior finishes (i.e. stucco in a noticeably different texture) on street-facing façades.
4. Any undertaking to the environmental setting or landscape of a designated historic landmark or property within a designated historic district if the setting is significant to the historic resource and has been defined as significant in the nomination for the resource.
5. In designated historic districts, demolition or alteration of garages and other ancillary structures built within the period of significance on both contributing and non-contributing properties, and new construction of such structures on any designated historic property (district contributors and individual properties).
6. Any other undertaking determined minor by the City.

E. A "negligible alteration" is defined as:

1. All work that is entirely interior and does not affect the exterior of a designated historic resource, except for interior features that are specifically mentioned as character-defining features in a landmark nomination adopted by the City.
2. Installation of rooftop equipment, including solar panels, not visible from the public right-of-way.

3. Re-roofing in a different material that replicates the existing or original roofing.
4. Window and door repair to correct deterioration, decay, or damage to existing original windows or doors.
5. If original windows and doors are beyond repair, replacement windows and doors matching the appearance of the original windows and doors.
6. Repair of existing historic ornament (including, but not limited to, porches, cornices, plaster work, and eaves).
7. Any additional ordinary maintenance and repair to correct deterioration, decay, and/or damage to existing historic material.
8. Replacement of a non-historic garage door with one that is compatible in terms of design and material, and minimizes its visual impacts on the character-defining features of the historic resource.
9. Seismic upgrades that minimize the alteration of character-defining features of a historic resource.
10. Any other undertaking determined negligible by the City.

F. Application

1. If a Certificate of Appropriateness is required in accordance with this Section, a Certificate of Appropriateness application shall be filed with the City.
2. All applications must include the following:
 - a. A report by a qualified preservation consultant detailing the project's compliance with, and potential deviation from, the Secretary of the Interior's Standards (a Standards compliance report).
 - b. For new construction, additions, and relocations, plans and specifications showing the existing and proposed exterior appearances;
 - c. Photographs (including views of all façades) of the building affected by the proposed project. Photographs shall be in color and include close-up views of any specific elements under consideration (i.e. windows or doors if alterations are proposed) and views of surrounding properties;
 - d. If in a designated historic district, relationship of the proposed work to the surrounding environment;
 - e. For new construction in designated historic districts, relationship to the existing scale, massing, architectural style, site and streetscape, landscaping, and signage;
 - f. Any other information the City reasonably determines to be necessary for review of the proposed work.

G. City Staff Review

Certificate of Appropriateness applications requiring administrative approval will be reviewed by City staff. C of A applications requiring staff-level review are defined in Section 9103.17.80(B) of this Chapter. No public hearing shall be required for applications reviewed by City staff. City staff may approve or approve with conditions the application. Decisions of City staff regarding the application are subject to appeal per Section 9103.17.110 (Appeals) of this Chapter.

H. Commission Review

Certificate of Appropriateness applications requiring approval by the Commission will be reviewed by the Commission at a public hearing. C of A applications requiring Commission review are defined in Section 9103.17.80(B) of this Chapter. The public hearing shall be noticed in accordance with Section 9108.13 (Public Notices and Hearings), Article IX of the Arcadia Municipal Code. At the hearing, the Commission shall adopt a resolution approving, conditionally approving, or denying the application. The Commission shall notify by letter the applicant within ten (10) days of the hearing. Decisions of the Commission regarding the application are subject to appeal per Section 9103.17.110 (Appeals) of this Chapter.

I. Review Criteria

In evaluating Certificate of Appropriateness applications, City staff, the Commission, and/or the City Council upon appeal shall consider the architectural style, design, massing, arrangement, texture, materials, color, and any other relevant factors associated with the affected historic resource. Applications shall not be approved unless:

1. With regard to designated historic landmarks, the proposed work will neither adversely affect the exterior architectural characteristics or other features of the resource nor adversely affect the character of historical, architectural, or aesthetic interest or value of the resource and its site;
2. With regard to properties within designated historic districts, the proposed work will neither adversely affect its relationship, in terms of harmony and appropriateness, with its surroundings, including neighboring properties, nor adversely affect the historical or architectural character of the district;
3. The proposed work complies with the *Secretary of the Interior's Standards for the Treatment of Historic Properties* and any other applicable design guidelines adopted by the City;
4. Proposed work will not cause a substantial adverse change in the significance of a designated historic resource in accordance with CEQA.
5. For proposed work that may adversely affect the significance of an eligible historic resource or district, the review body (City staff, the Commission, or the City Council upon appeal) may withhold approval of the project up to but not exceeding 180 days to identify project alternatives or to initiate the designation process.

J. Demolition of Designated Historic Resources

A Certificate of Demolition is required for a designated historic landmarks and a contributing resources in designated historic districts. Applications for demolition shall be reviewed by the Commission following the procedures set forth in Section 9107.07 (Certificates of Demolition), Article IX of the Arcadia Development Code. Approval or denial of a demolition application shall be deemed a discretionary action under CEQA.

K. Relocation of Designated Historic Resources

An application for relocation is required for a designated historic landmarks and a contributing resources in designated historic districts. Applications for relocation shall be reviewed by the Commission following the procedures set forth in Section 9103.17.080(H). Approval or denial of a relocation application shall be deemed a discretionary action under CEQA.

1. Relocation plans shall include:
 - a. Plans and specifications showing the current exterior appearance of the building to be moved;
 - b. A site plan of the proposed receiver site;
 - c. Photographs (including views of all façades) of the building to be moved and photographs of the proposed receiver site. Photographs shall be in color and include views of surrounding properties;
 - d. Any other information the City reasonably determines to be necessary for review of the proposed work.
2. Criteria for relocation. The following criteria may result in approval of an application for relocation of a designated historic resource:
 - a. Relocation will not significantly change, destroy, or adversely affect the historic integrity of the designated historic resource;
 - b. Relocation will not have a significant adverse effect on the character of the designated historic district or neighborhood, or surrounding properties where the historic resource is located or at the proposed receiver site;

- c. The relocation is necessary to correct an unsafe or dangerous condition on the site and no other measures for correcting the condition have been determined feasible, or the relocation is necessary to preserve the historic resource and all other feasible options for preservation on the original site have failed, as determined by the Commission.

9103.17.090 Certificates of Economic Hardship

A Certificate of Economic Hardship process is established to allow a property owner to carry out work that may adversely affect the value or significance of a historic resource on the basis of extreme financial hardship or adversity.

- A. Income-Producing Properties.** In order to establish economic hardship for an income-producing property, it must be demonstrated that a reasonable rate of return cannot be obtained from the property in its present condition or if rehabilitated.
- B. Non-Income Producing Properties.** In order to establish economic hardship for a non-income-producing property, it must be demonstrated that, without approval of the proposed demolition or remodel, the property owner would be deprived of all reasonable use of or return from the property.
- C. Applications.** Certificate of Economic Hardship applications shall be submitted on a form provided by the City and shall contain all required information. The City may require the owner to furnish additional material evidence supporting the request for exemption.
- D. City Staff Review.** Applications for Certificates of Economic Hardship shall be reviewed by City staff following the same procedure for reviewing Certificates of Appropriateness applications set forth in Section 9103.17.080(H)(I) of this Chapter.
- E. Approval.** The Commission, and the City Council if appealed, shall approve the Certificate of Economic Hardship only if the following findings are made:
 1. Denial of the application would decrease the value of the subject property so as to deprive the owner of any reasonable economic return on the property;
 2. Denial of the application would cause an immediate hardship because of conditions unique to the specific property involved;
 3. Sale or rental of the property is not financially feasible, when considering the cost of holding such property for uses permitted in the zone;
 4. Rental at a reasonable rate of return is not feasible;
 5. Denial of the application would damage the property owner unreasonably in comparison to the benefit conferred to the community.

9103.17.100 Incentives for Historic Preservation

A. Mills Act Property Tax Abatement Program

The Mills Act Property Tax Abatement Program (Mills Act) was enacted in 1972 by the State of California and grants participating local governments authority to enter into contracts with owners of qualified historic properties who actively participate in the repair, rehabilitation, restoration, and maintenance of their properties to receive property tax relief. The City shall determine on an annual basis how many contracts it will accept and may set a financial cap on the program.

1. **Qualified Historic Properties.** All individually designated historic landmarks, contributing resources in designated historic districts, and properties that are individually listed in the National Register of Historic Places or the California Register of Historical Resources are eligible for Mills Act contracts, pursuant to the provisions of Article 12, Sections 50280 through 50289, Chapter 1, Part 1, Title 5, of the California Government Code.

2. All Mills Act contracts shall comply with Section 50281 of the California Government Code, which include, but are not limited to, the following provisions:
 - a. The term of the contract shall be for a minimum of ten (10) years.
 - b. The applicant and property owner shall be required to comply during the term of the contract with the *Secretary of the Interior's Standards for the Treatment of Historic Properties* as well as the State Historic Building Code.
 - c. The City shall be authorized to conduct periodic inspections to determine the applicant's and owner's compliance with the contract.
 - d. The contract shall be binding upon all successors-in-interest of the owner.
3. **Application Requirements.** All Mills Act applications shall be filed with the City and include the following:
 - a. A description and photographs of the property;
 - b. A copy of the latest grant deed, deed of trust, or title report for the property;
 - c. A rehabilitation plan/maintenance list of the work to be completed within the ten-year contract period, including cost estimates and the year in which the work will be completed;
 - d. A financial analysis form showing current property taxes and estimated taxes for the property under the contract;
 - e. Required fees per the City's Fee Resolution.
4. **City Review and Commission Recommendation.** Mills Act applications shall be submitted to the City by the end of June 30. Following the application submittal deadline, the Commission will review all applications. Within 30 days from the beginning of review, the Commission will make recommendations to the City Council on the merits of the proposed applications.
5. **City Council Action.** City Council may in its sole and absolute discretion authorize the execution of all Mills Act contracts. Approval of contracts shall be procedural and shall not require a public hearing.
6. **Renewal.** A Mills Act contract shall be a perpetual, ten-year contract that automatically renews annually unless and until the property owner/applicant or the City gives written notice to the other that the contract will not be renewed upon the expiration of its current term.
7. **Cancellation.** A Mills Act contract may be cancelled or modified if the City Council finds, after written notice to the applicant and the property owner, either of the following conditions:
 - a. The owner/applicant is responsible for noncompliance with any terms or conditions of the contract, or any provision in this Chapter; or misrepresentation or fraud was used in the process of obtaining the contract.
 - b. The subject property has been destroyed by fire, earthquake, flooding, or other calamity, or it has been taken by eminent domain.
8. **Cancellation Fee.** If a Mills Act contract is cancelled due to noncompliance, the property owner shall be liable to the City for a cancellation fee equal to 12.5 percent of the current fair market value of the property.
9. **Work Plan Amendments.** The contract may provide that alterations to the approved work plan require review and approval by City staff.
10. **Mills Act Contract.** The City Attorney shall prepare and maintain a current Mills Act contract with all required provisions specified by state law and this section.

B. Other Incentives for Historic Preservation

1. **Development Incentives.** The following incentives may be applied to a project approved by the Commission, or subject to approval by the City Council:

- a. State Historic Building Code. The California State Historic Building Code (SBHC) provides alternative building regulations for the preservation, restoration, rehabilitation, or relocation of historic resources. The SHBC shall be used in evaluating any building permit for work affecting a historic resource.
- b. Parking Modifications
 - i. The required number of parking spaces shall be the same as the number of spaces that existed on the site at the time the site was developed, and shall be maintained and not reduced. Adaptive reuse projects shall otherwise be exempt from the provisions set forth in Section 9103.07 (Off-Street Parking and Loading), Article IX of the Arcadia Development Code.

9103.17.110 Appeals

- A. The owner of a property subject to review, or the applicant, if different than the owner, may appeal any decision by City staff or the Commission under this Chapter pursuant to Section 9108.07 (Appeals), Article IX of the Arcadia Municipal Code. Standard appeal fees shall apply.
- B. Certificates of Appropriateness for contributing resources in designated historic districts may be appealed by any property owner or resident within the boundaries of the district.

9103.17.120 Duty to Keep in Good Repair

The owner of a designated historic landmark or contributor to a designated historic district has a duty to maintain in good repair all exterior features and to comply with all applicable codes, laws, and regulations governing the maintenance of the designated historic resource. It is the intent of this section to preserve from deliberate or inadvertent neglect the exterior features of designated historic resources.

- A. Designated historic resources shall be protected against such decay and be kept free from structural defects through the prompt repair of any of the following:
 - 1. Deteriorated exterior walls, foundations, or other vertical supports that age, split, or buckle;
 - 2. Deteriorated ceilings, roofs, roof supports, flooring, floor supports, or other horizontal members that age, split, or buckle;
 - 3. Fireplaces or chimneys which list, bulge, or settle due to defective material or deterioration;
 - 4. Deteriorated, crumbling, or loose exterior plaster;
 - 5. Defective or insufficient weather protection for exterior walls, including lack of paint or weathering due to lack of paint, or other protective coating;
 - 6. Any fault or defect in the building that renders it not watertight or otherwise structurally unsafe.
- B. It shall be the duty of the City Building Official to enforce this section.

9103.17.130 Ordinary Maintenance and Repair

- A. Nothing in this Chapter shall be construed to prevent the ordinary maintenance or repair of any exterior architectural feature in or on any property covered by this Chapter that does not involve a change in design, material, or external appearance thereof.

9103.17.140 Unsafe or Dangerous Conditions

- A. Nothing contained in this Chapter shall prohibit the construction, alteration, rehabilitation, restoration, demolition, or relocation of any historic resource, when such action is required for public safety due to an unsafe or dangerous condition which cannot be rectified through the use of the California State Historic Building Code.

- B. For declared public hazards that are not an immediate threat to public safety, the Commission may hold a public hearing in order to comment on the proposed demolition. The public hearing shall be noticed in accordance with Section 9108.13 (Public Notices and Hearings), Article IX of the Arcadia Municipal Code.

9103.17.150 Enforcement Penalties

- A. Any person who violates a requirement of this Chapter or fails to obey an order issued by the City Council, Commission, or City staff, or fails to comply with a condition of approval of any certificate or permit issued under this Chapter, shall be subject to the provisions set forth in Chapter 2 (Penalty Provisions), Article I of the Arcadia Municipal Code.
- B. Alteration or demolition of a designated historic resource in violation of this Chapter is expressly declared to be a nuisance and shall be abated as deemed appropriate by the City.
- C. Alteration or demolition of a designated historic resource in violation of this Chapter shall authorize the City to issue a temporary moratorium on development of the subject property for a period of up to, but not exceeding 24 months from the date the City becomes aware of the alteration or demolition. The purpose of the moratorium is to provide the City with sufficient time to study and determine appropriate mitigation measures for the alteration or removal of the historic resource. Mitigation measures as determined by the City Council shall be imposed as conditions of any subsequent permit for development of the subject property.
- D. In addition to any other remedies available at law or in equity, the City Attorney may maintain an action for injunctive relief to restrain a violation, or cause, where possible, the complete or partial restoration, reconstruction, or replacement of any designated historic resource that has been demolished, partially demolished, altered, or partially altered in violation of this Chapter.

9103.17.160 Definitions

“Arcadia Register of Historic Resources” means the official list of designated historic resources in the city.

“California Environmental Quality Act” (or “CEQA”) refers to the statute and regulations applying to public agencies in California as codified in the California Public Resources Code Sections 21000 through 21178, and Title 14 CCR, Section 753, and Chapter 3, Sections 15000 through 15387. CEQA applies to all discretionary work proposed to be conducted or approved by a California public agency, including private projects requiring discretionary approval.

“Certificate of Appropriateness” shall refer to the required review prior to issuance of an alteration permit to ensure alterations to designated and individually eligible historic resources are in compliance with this Chapter and CEQA guidelines.

“Certificate of Demolition” shall refer to the required review prior to issuance of a demolition permit to ensure completion of a full historical evaluation of buildings, structures, and objects that are 50 years of age or older to determine historical significance. See Section 9107.07 (Certificates of Demolition), Article IX of the Arcadia Development Code.

“Character-Defining Features” refer to the visual and physical features that give a building its identity and distinctive character. They may include the overall building shape, its materials, craftsmanship, decorative details, interior spaces and features, and aspects of its site and environment.

“Commission” means the City of Arcadia Planning Commission established pursuant to the provisions of Part 5, Chapter 2, Article II of the Arcadia Municipal Code.

“Contributing Resource” (or “Contributor”) means any building, structure, object, site, planning feature, sign, area, place, landscape, or natural feature within a designated historic district that contributes to the district’s historic, cultural, or architectural significance.

“Designation” means the act of recognizing, labeling, and listing a historic resource in the Arcadia Register of Historic Resources by the City Council. A designation formally establishes that a historic resource has historic significance.

“Demolition” means any act or process that destroys, in whole or in part, a building, structure, object, or site or permanently impairs its structural integrity.

“Historic District” means a type of historic resource that is a geographic area comprising a significant concentration, linkage, or continuity of buildings, structures, objects, planning features, sites, natural/landscape features and any other features united historically or aesthetically by plan or physical development.

“Historic Integrity” is the authenticity of a property’s historic identity evidenced by the presence of characteristics that existed during the time period in which the property attained historic significance. As defined by the National Park Service, and in accordance with the accepted standards of professional best practices, historic integrity is the conglomeration of seven aspects: location, design, setting, materials, workmanship, feeling, and association.

“Historic Landmark” is a type of historic resource that meets the eligibility criteria established in Section 9103.17.060 of this Chapter, retains sufficient integrity, and has been formally designated by the City.

“Historic Resource” means the broad category of all historic resource types that are significant in the history or prehistory of the city, region, state, or nation. Historic Resources include resources listed in or found eligible for listing in the National Register of Historic Places, California Register of Historical Resources, or Arcadia Register of Historic Resources. Historic resources can include buildings, structures, objects, sites, and historic districts.

“Historic Resource Evaluation/Assessment” means a detailed study of a property to determine its eligibility for national, state, or local historic landmark designation. A historic resource evaluation/assessment generally results in a report including in-depth, property-specific information about the resource. This information typically includes an ownership/occupant history; historic contexts and themes of significance; construction dates; a physical description of the resource, including its architectural style, materials, and setting; approximate dates of exterior alterations; character-defining features; and a historic integrity analysis.

“Historic Resources Survey” means a neighborhood or citywide survey to identify eligible historic resources, including buildings, structures, objects, sites, and historic districts. A historic resources survey generally results in a list of properties that are potentially eligible for national, state, or local landmark designation.

“Major Additions” (or “Major Enlargements”) refer to residential enlargements larger than 500 square feet or 25 percent of the existing gross floor area before the addition, and nonresidential enlargements equal to or exceeding 25 percent of the existing gross floor area before the addition. See Section 9107.19 (Site Plan and Design Review), Article IX of the Arcadia Development Code for more information regarding what constitutes a Residential/Nonresidential Enlargement.

“Major Alterations” (or “Major Modifications/Changes”) are defined in Section 9103.17.080(C) of this Chapter.

“Mills Act Historic Property Contract” (or “Mills Act Contract”) shall mean the historic property contract between the City and the property owner that provides the potential for reduced property taxes in return for the rehabilitation, restoration, and preservation of a historic resource, pursuant to California Government Code Sections 50280 through 50289, Chapter 1, Part 1, Title 5.

“Minor Alterations” (or “Minor Modifications/Changes”) are defined in Section 9103.17.080(D) of this Chapter.

“Negligible Alterations” (or “Negligible Modifications/Changes”) are defined in Section 9103.17.080(E) of this Chapter.

“Nomination” means a nomination of a historic resource for placement in the Arcadia Register of Historic Resources pursuant to this Chapter.

“Non-Contributing Resource” (or “Non-Contributor”) means any building, structure, object, site, sign, area, place, or natural feature within a historic district that does not meet the criteria for eligibility, does not contribute to the district’s historic, cultural, or architectural significance, and therefore is not a historic resource for the purposes of this Chapter.

“Qualified Professional(s)” shall mean any of the following professions/occupations:

- Archaeologist shall refer to an archaeologist who meets and/or exceeds the Secretary of the Interior’s Professional Qualifications Standards in archaeology, as defined by the National Park Service (Code of Federal Regulations, 36 CFR Part 61).
- Architectural Historian shall refer to an architectural historian who meets and/or exceeds the Secretary of the Interior’s Professional Qualifications Standards in architectural history, as defined by the National Park Service (36 CFR Part 61).
- Historian shall refer to a historian who meets and/or exceeds the Secretary of the Interior’s Professional Qualifications Standards in history, as defined by the National Park Service (36 CFR Part 61).
- Historic Architect shall refer to a licensed architect who meets and/or exceeds the Secretary of the Interior’s Professional Qualifications Standards in historic architecture, as defined by the National Park Service (36 CFR Part 61).
- Structural Engineer shall refer to any individual registered by the State of California to practice structural engineering and to use the title Structural Engineer pursuant to the State of California Business and Professions Code, Chapter 7, Section 6701.

“Rebuild” shall refer to any activity where more than 50 percent of the existing foundation/floor assembly or more than 50 percent of the exterior walls of a building are removed. See Section 9109.01 (Definitions), Article IX of the Arcadia Development Code.

“Relocation” shall refer to the process of physically transporting a building, structure, or object from one location to another.

“Secretary of the Interior’s Standards for the Treatment of Historic Properties” (or “Secretary of the Interior’s Standards”) means the Standards and Guidelines developed by the United States Department of the Interior, National Park Service for the preservation, rehabilitation, restoration, and reconstruction of historic resources. In accordance with California Code of Regulations Title 14, Chapter 3, Section 15064.5, 15126.4(b)(1), and 15221, physical changes to historic resources that conform with the *Secretary of the Interior’s Standards* are generally considered to be mitigated to a level of less than significant under CEQA and may be eligible for a Class 31 Categorical Exemption.