



PLANNING COMMISSION STAFF REPORT

DATE: February 8, 2023
TO: Members of the Planning Commission
FROM: Brian Halvorson, Planning Manager
RE: Discussion of Potential Zoning Code Amendments related to Historical Buildings and Certificates of Appropriateness

AGENDA ITEM NO. 2

The Planning Commission will receive and discuss proposed revisions from Commissioner Bridge and provide direction to staff regarding his suggestions on amending Lompoc Municipal Code Chapter 17.516 (Certificate of Appropriateness).

Recommendation:

Consider the information presented in the staff report and discuss if code amendments are needed, and, if so, place this item on hold until other needed zoning code amendments are combined with potential amendments to Chapter 17.516.

Background:

On December 17, 2019, the City Council adopted a comprehensive update to the City's zoning code (Title 17). As part of this update, Chapter 17.516 (Certificate of Appropriateness) was included in the code.

As cited in zoning code section 17.516.010, the purpose of this chapter is to address *“various levels of historic protection and review, to preserve existing elements of Landmark and historic resources, and to recognize heritage resources.”*

In addition, the code further states that *“the City’s intent is to be lenient in its judgment of plans for structures which have little or no historic value, or of plans for new construction, unless such plans would impair the historic or architectural value of surrounding structures”* and to *“Provide for a Certificate of Appropriateness, intended to protect structures, improvements, natural features, and objects of historic significance including, but not limited to, areas of architectural, cultural, historic, economic, political, and social importance from the adverse effects of any alteration, demolition, or removal.”*

The zoning code requires a Certificate of Appropriateness for the following activity:

1. The exterior alteration, demolition, removal or relocation of any individual Landmark or historic resource, or potential historic resource, by the City, any agent of the City, or a private party.

A historic resource includes the following:

- a. Designated landmarks;
- b. A property or structure listed in Table 4 (Historic Structures and Places in Study Area) of the 1988 Cultural Resources Study; or
- c. A property or structure over 50 years of age or potentially eligible for registration on a local, State, or national register.

The code also lists **exceptions** for the following activities which do not require approval of a Certificate of Appropriateness:

1. Alteration, demolition, removal, or relocation of a heritage resource.

2. Painting, routine maintenance, or minor repair, as determined by the Director to be consistent with existing colors and materials and not to have an adverse effect on the integrity of historic resource, including:

a. Windows and doors

(i) Re-glazing windows; (ii) Repairs to existing windows and doors; (iii) Replacement of existing incompatible window or doors with more historically appropriate windows or doors; or (iv) In kind replacement of windows and doors on side and rear façades not readily visible from public right-of-way.

b. Flat Work and Landscaping

(i) Repairing or repaving of flat concrete work in the side and rear yards that is not considered a character defining feature of the historic resource; (ii) In kind repaving of existing front yard paving, concrete work, and walkways; (iii) Landscaping unless the designation specifically identifies the landscape layout, features, or element as having particular historical, architectural or cultural significance; (iv) Construction, repair, demolition, or alterations to side and rear yard fences; (v) Construction, repair, demolition, or alterations to other structures on the property not determined to qualify as historic or landmark structures; or (vi) Minor changes to front and street side fences.

c. Roofing work, if there is a minimal change in roof structure and exterior appearance, and colors and materials used are consistent with those previously used, and the integrity of the resource is preserved.

- d. **Foundation work**, if there is a minimal change in exterior appearance, the integrity of the resource is preserved, and any increase in building height is less than six inches.
 - e. **Chimney work**, if consistent colors and materials are used and there is minimal change in appearance, and the integrity of the resource is preserved.
 - f. **Repair of exterior siding**, if consistent in material, size, and orientation to existing or proven historic siding.
3. Alterations to the interior of a structure that do not have the possibility of adversely affecting the integrity of the historic resource.

On November 29, 2022, Commissioner Bridge emailed staff with his recommended amendments to this chapter as shown in Attachment 3. In short, Mr. Bridge recommends eliminating a requirement for a Certificate of Appropriateness for a property or structure over 50 years of age or potentially eligible for registration on a local, State or national register and a new criteria (“c”) is suggested where the owner of the property may request the City to remove a listing from the Historic Structures and Places Study Area of the Cultural Resources Study and grounds for when the City can deny approval and removal from the list.

Discussion:

Since the adoption of the zoning code in December 2019, Planning staff has processed only three Certificates of Appropriateness (COA) and two of the three were approved which include the following projects:

2021: 1133 North Poppy Street (not approved, incomplete determination)

2021: 322 West Walnut (Renovations to a single family home built in 1893)

2022: 106 ½ West Ocean (Window replacements to the Old Fellows building, City Landmark #5, constructed in 1905)

When requiring a COA, staff has applied the code with leniency in that structures which have little or no historic value have not been required to apply for a COA before a building permit can be issued for work on a structure. Furthermore, staff has also relied on the City’s existing cultural resources study which specifically lists historic structures and places including City Landmarks as shown in Table 4 of this study (Attachment 2). This being said, staff cannot enforce those structures or places listed in the study area that are not within the City limits.

The full cultural resources study can be found on the City of Lompoc Planning Division web page located at:

<https://www.cityoflompoc.com/home/showpublisheddocument/1662/636659031257970000>

With this in mind, staff does recognize that amendments to the zoning code related to historic structures and heritage resources may be needed especially considering that structures that are older than 50 years of age may not have any historic value. Therefore, this reference may need to be amended accordingly.

After researching the criteria that the State of California Office of Historic Preservation uses to determine a designation as an historic resource, the following criteria is considered before a historic designation can be given:

- 1) Associated with events that have made a significant contribution to the broad patterns of local or regional history or the cultural heritage of California or the United States
- 2) Associated with the lives of persons important to local, California or national history.
- 3) Embodies the distinctive characteristics of a type, period, region or method of construction or represents the work of a master or possesses high artistic values.
- 4) Has yielded, or has the potential to yield, information important to the prehistory or history of the local area, California or the nation.

After reviewing the above, there is no mention of “50 years of age” which further emphasizes that this particular age may not be needed when determining if a Certificate of Appropriateness is needed when work is proposed on a landmark or historic resource, or potential historic resource.

Next Steps

The commission can consider the information presented in this report regarding requirements for Certificates of Appropriateness and advise staff to move forward with drafting code amendments or wait for a more comprehensive list of zoning code amendments (which could include their suggestions for amending LMC 17.516) at a later date.

February 8, 2023
Potential Zoning Code Amendments
Historical Buildings and Certificate of Appropriateness
Page 5 of 5

Respectfully submitted,



Brian Halvorson
Planning Manager

APPROVED FOR SUBMITTAL TO THE PLANNING COMMISSION:



Christie Alarcon
Community Development Director

Attachments

- 1: Zoning Code Chapter 17.516 (Certificate of Appropriateness)
- 2: Cultural Resources Study (Table 4, Historic Structures and Places in Study Area)
- 3: Recommended Code Revisions from Commissioner Bridge

Chapter 17.516 CERTIFICATE OF APPROPRIATENESS

17.516.010 Purpose

A. To provide various levels of historic protection and review, to preserve existing elements of Landmark and historic resources, and to recognize heritage resources. The City's intent is to be lenient in its judgment of plans for structures which have little or no historic value, or of plans for new construction, unless such plans would impair the historic or architectural value of surrounding structures.

B. Provide for a Certificate of Appropriateness, intended to protect structures, improvements, natural features, and objects of historic significance including, but not limited to, areas of architectural, cultural, historic, economic, political, and social importance from the adverse effects of any alteration, demolition, or removal. (Ord. 1670(19) § 11)

17.516.020 Applicability

A. **When Required.** A Certificate of Appropriateness is required for the following activity:

1. The exterior alteration, demolition, removal or relocation of any individual Landmark or historic resource, or potential historic resource, by the City, any agent of the City, or a private party. A historic resource includes the following:

- a. Designated landmarks;
- b. A property or structure listed in Table 4 (Historic Structures and Places in Study Area) of the 1988 Cultural Resources Study; or
- c. A property or structure over 50 years of age or potentially eligible for registration on a local, State or national register.

B. **Exceptions.** The following activities do not require approval of a Certificate of Appropriateness:

1. Alteration, demolition, removal, or relocation of a heritage resource.

2. Painting, routine maintenance, or minor repair, as determined by the Director to be consistent with existing colors and materials and not to have an adverse effect on the integrity of historic resource, including:

a. **Windows and doors.**

- (i) Re-glazing windows;
- (ii) Repairs to existing windows and doors;
- (iii) Replacement of existing incompatible window or doors with more historically appropriate windows or doors; or
- (iv) In kind replacement of windows and doors on side and rear façades not readily visible from public right-of-way.

b. **Flat Work and Landscaping.**

- (i) Repairing or repaving of flat concrete work in the side and rear yards that is not considered a character defining feature of the historic resource;
- (ii) In kind repaving of existing front yard paving, concrete work, and walkways;
- (iii) Landscaping unless the designation specifically identifies the landscape layout, features, or element as having particular historical, architectural or cultural significance;
- (iv) Construction, repair, demolition, or alterations to side and rear yard fences;
- (v) Construction, repair, demolition, or alterations to other structures on the property not determined to qualify as historic or landmark structures; or
- (vi) Minor changes to front and street side fences.

c. Roofing work, if there is a minimal change in roof structure and exterior appearance, and colors and materials used are consistent with those previously used, and the integrity of the resource is preserved.

d. Foundation work, if there is a minimal change in exterior appearance, the integrity of the resource is preserved, and any increase in building height is less than six inches.

e. Chimney work, if consistent colors and materials are used and there is minimal change in appearance, and the integrity of the resource is preserved.

- f. Repair of exterior siding, if consistent in material, size, and orientation to existing or proven historic siding.
3. Alterations to the interior of a structure that do not have the possibility of adversely affecting the integrity of the historic resource. (Ord. 1670(19) § 11)

17.516.030 Application Requirements

An application for a Certificate of Appropriateness shall be prepared, filed, and processed in compliance with Chapter [17.504](#) (Application Processing Procedures) and this Chapter. (Ord. 1670(19) § 11)

17.516.040 Review, Notice, and Hearing

A. Review Authority.

1. **Director review.** Site modifications that are small in magnitude (e.g., minor fencing, hardscape, landscape, lighting, minor accessory structures, signs, and streetscape improvements) and minor structure modifications that do not involve new construction, additions to existing structures, or demolition of existing structures shall be subject to review and approval or denial by the Director.
2. **Commission review.** All other modifications that do not meet the criteria for Director review as specified above shall be subject to review and approval or denial by the Commission.

B. Notice. Noticing for a Certificate of Appropriateness shall be provided in compliance with Chapter [17.608](#) (Public Hearings and Noticing); however, the notice for a Certificate of Appropriateness subject to Director review shall state the following:

1. The Director will decide whether to approve or deny the Certificate of Appropriateness on a date specified in the notice; and
2. A public hearing will be held only if requested in writing by any interested person before the specified date for the decision.

C. Public Hearing.

1. **Commission review.** The Commission shall conduct a public hearing on an application for a Certificate of Appropriateness. Public hearings shall be conducted in compliance with Chapter [17.608](#) (Public Hearings and Noticing).
2. **Director review.** If a public hearing is requested, the Director shall schedule the hearing which shall be noticed and conducted in compliance with Chapter [17.608](#) (Public

Hearings and Noticing). If no public hearing is requested, the Director shall render a decision on the date specified in the public notice referred to in Subsection B, above. (Ord. 1670(19) § 11)

17.516.050 Findings and Decision

The review authority shall approve, with or without conditions, a Certificate of Appropriateness only after the following findings are made:

- A. Either: (1) the proposed work will neither adversely affect the significant architectural features of a historic resource nor adversely affect the character of the aesthetic, architectural, or historic interest or value of a historic resource and its site, or (2) a statement of overriding considerations has been adopted finding that the benefits of the proposed work outweigh the impact on historic resources;
- B. The proposed project is consistent with the General Plan and any applicable specific plan;
- C. The proposed project is consistent with the Code; and
- D. If the proposed project is for a designated landmark, the proposed project is consistent with the approved maintenance program for the designated landmark. (Ord. 1670(19) § 11)

17.516.060 Post Decision Procedures

Unless otherwise specified in this Chapter, the procedures and requirements in Chapter [17.552](#) (Permit Implementation, Time Limits, Extensions), Chapter [17.612](#) (Appeals), and Chapter [17.556](#) (Permit Modification and Revocation), shall apply following a decision on a Certificate of Appropriateness application. (Ord. 1670(19) § 11)

17.516.070 Unsafe or Dangerous Conditions

None of the provisions of the Chapter shall be construed to prevent any alteration or demolition necessary to correct the unsafe or dangerous conditions of any structure, feature, or part thereof, when such condition has been declared unsafe or dangerous by the Building Official or the Fire Chief and where the proposed measures have been declared necessary by such official to correct such conditions. Work shall be performed in compliance with the Uniform Code for the Abatement of Dangerous Buildings, 1997 Edition, or current adopted version. However, only such work as is necessary to correct the unsafe or dangerous condition may be performed without compliance with this Section. (Ord. 1670(19) § 11)

17.516.080 Violations

Any firm, corporation, or person, whether as principal, agent, employee, or otherwise violating or causing the violation of any of the requirements of this Chapter will be guilty of a misdemeanor, and conviction shall be punishable by a fine of not more than \$1,000.00 or by incarceration in the County Jail for not more than six months, or by both the fine and incarceration. Any violation of these provisions constitutes a separate offence for each and every day during which the violation is committed or continued. In addition, any violation shall constitute a public nuisance and may be abated or enjoined from further operation, consistent with Chapter [17.628](#) (Property Nuisances). In addition to any other penalty provided by this Code, the demolition of any historic resource, as defined in Section [17.516.020](#), without a Certificate of Appropriateness shall result in a five-year stay in the issuance of a permit for any new construction at the site of the previous historic resource. (Ord. 1670(19) § 11)

HISTORIC STRUCTURES AND PLACES IN STUDY AREA

ADDRESS	NAME	NOTES
1113 N. "A" Street	Henning-Belluz House	City Landmark No. 6*; construction in 1889.
311 N. "E" Street	City Electrical Substation	Constructed of chalkrock blocks
131 S. "F" Street	Sperber Sanitorium & House	
514 S. "F" Street	La Purisima Vieja	Founded 1787, destroyed 1812; Listed on National Register of Historic Places; State Historical Landmark No. 928.
235 N. "G" Street	Grossi House	Formerly LaSalle School; moved to present site in 1911.
101 N. "H" Street	Lilley Building	Built in 1890 by George Roberts, organizer of Lompoc Valley Land Company.
114 N. "H" Street	Lompoc Theatre	Constructed in 1927
114 N. "H" Street	Guadalupe Rojas Harness Shop	Located at rear of Lompoc Theatre, constructed in 1870's
105-107 S. "H" Street	Rudolph Building	Constructed circa 1890; Remodeled circa 1930's.
200 S. "H" Street	Lompoc Museum	City Landmark No. 1*; Constructed in 1910.
200 S. "H" Street	Flagpole	Formerly located at intersection of "H" St. and Ocean Avenue.
200-400 S. "H" Street	Italian Stone Pines	Located in parkstrip; planted in 1940.
201 S. "H" Street	Methodist Church	Oldest church building; constructed in 1875; currently Grace Temple Church.
237 S. "H" Street	Sloan House	Constructed in 1890

TABLE 4 (Continued)

HISTORIC STRUCTURES AND PLACES IN STUDY AREA

ADDRESS	NAME	NOTES
302 S. "H" Street	Huseman House	
303 S. "H" Street	Sudden House	Constructed in 1910
306 S. "H" Street	Shaw House	
307 S. "H" Street	J.M. Smith House	
311 S. "H" Street	Bendasher House	
403 S. "H" Street	J.D. Black House	
411 S. "H" Street	Wright Peck House	First house built on South "H" Street; pre-1880
- S. "H" Street	Cross	Located on hill; erected in 1912 to Commemorate the 125th anniversary of founding Mission Vieja de la Purisima.
113 S. "I" Street	Chalkrock Building	City Landmark No. 2*; Constructed in 1891.
117 S. "I" Street	Sherman House	Formerly Veit House, constructed in 1875, oldest hotel.
219 S. "I" Street	Morehart House	
225 S. "I" Street	Becerra House	
229 S. "I" Street	Alcott House	
237 S. "I" Street	Rios House	
320 N. "J" Street	El Camino School Auditorium	Early Mission style; Constructed in 1937.
137 S. "J" Street	Q.R. MacAdam House	
211 S. "J" Street	B.C Lyons House	
227 S. "J" Street	Henry Alter House	
236 S. "J" Street	Huyck House	
237 S. "J" Street	MacAdam House	
303 S. "J" Street	Duarte House	
307 S. "J" Street	J. Howerton House	

TABLE 4 (Continued)

HISTORIC STRUCTURES AND PLACES IN STUDY AREA

ADDRESS	NAME	NOTES
414 S. "J" Street	Gury House	Moved from SW corner of "H" Street and Walnut Avenue.
439 S. "J" Street	Carrillo Ranch House site	Adobe was located at NW Corner of South "J" and Locust Avenue.
137 N. "K" Street	C.M. Tucker House	
119 N. "L" Street	Freitas House	
131 N. "L" Street	McGee House	
207 N. "L" Street	Fabing-McKay-Spanne House	City Landmark No. 4*; Constructed in 1875.
219 N. "L" Street	Dominy House	Constructed in 1875
200 S. "L" Street	Lompoc Civic Auditorium	
425 S. "M" Street	Kennedy House	
203 N. "N" Street	McCabe-Marks House	City Landmark No. 7*; Constructed in 1908.
301 N. "N" Street	Broughton House	Built by one of Temperance Colony founders and founder of <u>Lompoc Record</u> .
105 W. Chestnut Avenue	Artesia School	City Landmark No. 3; Constructed in 1876.
205 W. Chestnut Avenue	Presbyterian Church	Constructed in 1888, currently Seventh-Day Adventist Church
200 W. College Avenue	Site of Blimp Base	Facility was part of former airport located between College and Pine Avenues.
122 W. Cypress Avenue	Huyck House	City Landmark No. 8*; Constructed in 1890.
220 W. Cypress Avenue	First Baptist Church	Constructed in 1888.

TABLE 4 (Continued)

HISTORIC STRUCTURES AND PLACES IN STUDY AREA

ADDRESS	NAME	NOTES
120 W. Hickory Avenue	Cooley House	
121 W. Hickory Avenue	Beattie House	
100 E. Locust Avenue	Veteran's Memorial Building	Constructed in 1937.
106½ W. Ocean Avenue	Odd Fellows Hall	City Landmark #5; constructed in 1905.
118 W. Ocean Avenue	Moore's Department Store	Formerly Moore's Mercantile; established in 1879.
201 W. Ocean Avenue	Perozzi Hardware Building	Decorative ornamentation on facade, including ceramic tile; constructed in 1939.
800 W. Ocean Avenue	Ryon Memorial Park	First city park, land donated in 1910.
2000 W. Ocean Avenue	Lewis Barn	Located outside of City limits.
125 W. Walnut Avenue	Anderson Recreation Center	Former USO building; constructed 1921.
403 W. Walnut Avenue	Moody House	
801 W. Walnut Avenue	Douglass House	
406 W. Willow Avenue	Lompoc Creamery	Located outside of the city limits; established in 1892.
2295 Purisima Road	La Purisima Mission	State Historical Park; located outside of City limits; listed on National Register of Places; State Historical Landmark No. 340. See text for additional information.
1253 E. Highway 246	Mulberry Trees	Fruit was used as decoy to attract birds away from adjacent orchards. Planted circa 1900; located outside of City limits.

TABLE 4 (Continued)

HISTORIC STRUCTURES AND PLACES IN STUDY AREA

ADDRESS	NAME	NOTES
Highway 246 @ Sweeney Rd	Gin Chow farm site	Located outside of City limits.
Floradale Avenue	Maple School	Located outside of City limits.
McLaughlin Road	Purissima School Site	Located outside of City limits.
3051 San Miguelito Road	Miguelito Canyon Park	First park in Lompoc Valley; dedicated in 1875; located outside of city limits.

* See text for additional information on Lompoc City Landmarks

Chapter 17.516 CERTIFICATE OF APPROPRIATENESS

(All Content Displayed)

- 17.516.010 Purpose
- 17.516.020 Applicability
- 17.516.030 Application Requirements
- 17.516.040 Review, Notice, and Hearing
- 17.516.050 Findings and Decision
- 17.516.060 Post Decision Procedures
- 17.516.070 Unsafe or Dangerous Conditions
- 17.516.080 Violations

17.516.010 Purpose

A. To provide various levels of historic protection and review, to preserve existing elements of Landmark and historic resources, and to recognize heritage resources. The City's intent is to be lenient in its judgment of plans for structures which have little or no historic value, or of plans for new construction, unless such plans would impair the historic or architectural value of surrounding structures.

B. Provide for a Certificate of Appropriateness, intended to protect structures, improvements, natural features, and objects of historic significance including, but not limited to, areas of architectural, cultural, historic, economic, political, and social importance from the adverse effects of any alteration, demolition, or removal. (Ord. 1670(19) § 11)

17.516.020 Applicability

A. **When Required.** A Certificate of Appropriateness is required for the following activity:

1. The exterior alteration, demolition, removal or relocation of any individual Landmark or historic resource, or potential historic resource, by the City, any agent of the City, or a private party. A historic resource includes the following:

a. Designated landmarks;

b. A property or structure listed in Table 4 (Historic Structures and Places in Study Area) of the 1988 Cultural Resources Study; or

~~e. A property or structure over 50 years of age or potentially eligible for registration on a local, State or national register.~~

c. The owner of a property or structure listed Table 4 (Historic Structures and Places in Study Area) of the 1988 Cultural Resources Study, may request the city to remove the listing of their property. The city must demonstrate significant historical uniqueness, consistency with the historical nature of surrounding structures and that surrounding area will incur a loss of property value, to deny approval and removal from the list.

B. Exceptions. The following activities do not require approval of a Certificate of Appropriateness:

1. Alteration, demolition, removal, or relocation of a heritage resource.

2. Painting, routine maintenance, or minor repair, as determined by the Director to be consistent with existing colors and materials and not to have an adverse effect on the integrity of historic resource, including:

a. **Windows and doors.**

(i) Re-glazing windows;

(ii) Repairs to existing windows and doors;

(iii) Replacement of existing incompatible window or doors with more historically appropriate windows or doors; or

(iv) In kind replacement of windows and doors on side and rear façades not readily visible from public right-of-way.

b. **Flat Work and Landscaping.**

- (i) Repairing or repaving of flat concrete work in the side and rear yards that is not considered a character defining feature of the historic resource;
 - (ii) In kind repaving of existing front yard paving, concrete work, and walkways;
 - (iii) Landscaping unless the designation specifically identifies the landscape layout, features, or element as having particular historical, architectural or cultural significance;
 - (iv) Construction, repair, demolition, or alterations to side and rear yard fences;
 - (v) Construction, repair, demolition, or alterations to other structures on the property not determined to qualify as historic or landmark structures; or
 - (vi) Minor changes to front and street side fences.
- c. Roofing work, if there is a minimal change in roof structure and exterior appearance, and colors and materials used are consistent with those previously used, and the integrity of the resource is preserved.
- d. Foundation work, if there is a minimal change in exterior appearance, the integrity of the resource is preserved, and any increase in building height is less than six inches.
- e. Chimney work, if consistent colors and materials are used and there is minimal change in appearance, and the integrity of the resource is preserved.
- f. Repair of exterior siding, if consistent in material, size, and orientation to existing or proven historic siding.
3. Alterations to the interior of a structure that do not have the possibility of adversely affecting the integrity of the historic resource. (Ord. 1670(19) § 11)

17.516.030 Application Requirements

An application for a Certificate of Appropriateness shall be prepared, filed, and processed in compliance with Chapter 17.504 (Application Processing Procedures) and this Chapter. (Ord. 1670(19) § 11)

17.516.040 Review, Notice, and Hearing

A. Review Authority.

1. **Director review.** Site modifications that are small in magnitude (e.g., minor fencing, hardscape, landscape, lighting, minor accessory structures, signs, and streetscape improvements) and minor structure modifications that do not involve new construction, additions to existing structures, or demolition of existing structures shall be subject to review and approval or denial by the Director.

2. **Commission review.** All other modifications that do not meet the criteria for Director review as specified above shall be subject to review and approval or denial by the Commission.

B. Notice. Noticing for a Certificate of Appropriateness shall be provided in compliance with Chapter 17.608 (Public Hearings and Noticing); however, the notice for a Certificate of Appropriateness subject to Director review shall state the following:

1. The Director will decide whether to approve or deny the Certificate of Appropriateness on a date specified in the notice; and

2. A public hearing will be held only if requested in writing by any interested person before the specified date for the decision.

C. Public Hearing.

1. **Commission review.** The Commission shall conduct a public hearing on an application for a Certificate of Appropriateness. Public hearings shall be conducted in compliance with Chapter 17.608 (Public Hearings and Noticing).

2. **Director review.** If a public hearing is requested, the Director shall schedule the hearing which shall be noticed and conducted in compliance with Chapter 17.608 (Public Hearings and Noticing). If no public hearing is requested, the Director shall render a decision on the date specified in the public notice referred to in Subsection B, above. (Ord. 1670(19) § 11)

17.516.050 Findings and Decision

The review authority shall approve, with or without conditions, a Certificate of Appropriateness only after the following findings are made:

- A. Either: (1) the proposed work will neither adversely affect the significant architectural features of a historic resource nor adversely affect the character of the aesthetic, architectural, or historic interest or value of a historic resource and its site, or (2) a statement of overriding considerations has been adopted finding that the benefits of the proposed work outweigh the impact on historic resources;
- B. The proposed project is consistent with the General Plan and any applicable specific plan;
- C. The proposed project is consistent with the Code; and
- D. If the proposed project is for a designated landmark, the proposed project is consistent with the approved maintenance program for the designated landmark. (Ord. 1670(19) § 11)

17.516.060 Post Decision Procedures

Unless otherwise specified in this Chapter, the procedures and requirements in Chapter 17.552 (Permit Implementation, Time Limits, Extensions), Chapter 17.612 (Appeals), and Chapter 17.556 (Permit Modification and Revocation), shall apply following a decision on a Certificate of Appropriateness application. (Ord. 1670(19) § 11)

17.516.070 Unsafe or Dangerous Conditions

None of the provisions of the Chapter shall be construed to prevent any alteration or demolition necessary to correct the unsafe or dangerous conditions of any structure, feature, or part thereof, when such condition has been declared unsafe or dangerous by the Building Official or the Fire Chief and where the proposed measures have been declared necessary by such official to correct such conditions. Work shall be performed in compliance with the Uniform Code for the Abatement of Dangerous Buildings, 1997 Edition, or current adopted version. However, only such work as is necessary to correct the unsafe or dangerous condition may be performed without compliance with this Section. (Ord. 1670(19) § 11)

17.516.080 Violations

Any firm, corporation, or person, whether as principal, agent, employee, or otherwise violating or causing the violation of any of the requirements of this Chapter will be guilty of a misdemeanor, and conviction shall be punishable by a fine of not more than \$1,000.00 or by incarceration in the County Jail for not more than six months, or by both the fine and incarceration. Any violation of these provisions constitutes a separate offence for each and every day during which the violation is committed or continued. In addition, any violation shall constitute a public nuisance and may be abated or enjoined from further operation, consistent with Chapter 17.628 (Property Nuisances). In addition to any other penalty provided by this Code, the demolition of any historic resource, as defined in Section 17.516.020, without a Certificate of Appropriateness shall result in a five-year stay in the issuance of a permit for any new construction at the site of the previous historic resource. (Ord. 1670(19) § 11)