

**CITY OF GLENDALE
INTERDEPARTMENTAL COMMUNICATION**

DATE: May 14, 2019

TO: Hon. Mayor and Members of Council

FROM: City Attorney *by [Signature]*
Director of Community Development *[Signature]*

SUBJECT: Final Demolition Deterrence Ordinance

At the regular April 16, 2019, City Council meeting the Council considered and introduced:

- An ordinance amending Titles 2, 15 and 30 of the Glendale Municipal Code, 1995 relating to deterring the unpermitted demolition of historic resources, and including minor changes and clarifications to other Code sections (Code Amendment Case No. PZC 1823357).

The Council directed staff to limit the current amendments to the demolition deterrence only and bring the other minor changes and clarification back for consideration at another time.

The demolition deterrence ordinance addresses the following as directed by Council:

- Expand types of properties covered to include historic district contributors and properties eligible for historic designation (identified through survey evaluation, individual assessment, or by the Director of Community Development);
- For complete demolitions, seek a court order prohibiting the issuance of new construction permits or for three (3) years from the date of demolition (this provision is included in the current Code). And record covenants with the County to this effect;
- New structure(s) built on the site to maintain the footprint, height, and square footage of demolished structure(s);
- Require affirmative maintenance of the vacant lot for the duration of permit prohibition and prohibit use of the lot for vehicle parking or storage and any remunerative use;

- For illegal partial demolitions or “demolition by neglect,” require in-kind reconstruction of destroyed or deteriorated features and elements; and
- Increase civil penalties for those convicted of illegal demolitions of historic buildings.

The final version of the demolition deterrence ordinance in a clean and redlined version, are included with this item.

Other issues

As noted in the April 16, 2019 staff report, several changes to Title 15.20 (“Historic Preservation”) that Council approved in 2012 were erroneously dropped by the City’s Code publishing company when it printed the current Glendale Municipal Code. The 2012 changes are unrelated to the demolition deterrence issue. It is necessary to include the previously adopted changes in this Ordinance so the Code will be restored when printed. For reference, the restored language which also appears in underline is highlighted in grey.

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GLENDALE, CALIFORNIA, AMENDING SECTIONS 15.20.010, 15.20.020, 15.20.030, 15.20.040, 15.20.060, 15.20.090 OF TITLE 15, SECTION 30.25.060 OF TITLE 30; ADDING SECTION 15.20.035, OF TITLE 15, SECTIONS 30.25.015, 30.25.045, OF TITLE 30; AND DELETING SECTION 15.20.110 OF TITLE 15 TO THE GLENDALE MUNICIPAL CODE, 1995
RELATING GENERALLY TO DETERRING THE UNPERMITTED DEMOLITION OF DESIGNATED HISTORIC RESOURCES, RESOURCES PENDING DESIGNATION AS HISTORIC RESOURCES, POTENTIAL HISTORIC RESOURCES, AND HISTORIC DISTRICT CONTRIBUTORS AND NON-CONTRIBUTORS
(CASE NO. PZC 1823357)**

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF GLENDALE:

SECTION 1. Section 15.20.010 of the Glendale Municipal Code, 1995 is hereby amended as follows:

15.20.010 Purpose.

The purpose of this chapter is to promote the health, prosperity, cultural enrichment, and general welfare of the people through the identification, designation, protection, enhancement, perpetuation, and use of historic resources that reflect significant aspects of the city's heritage and to:

- A. Safeguard buildings, sites, objects, structures, neighborhoods, cultural landscapes, and archaeological sites that are important to the heritage of the city through the establishment and implementation of sound historic preservation policies and practices;
- B. Encourage public appreciation of and involvement with the city's unique architectural and cultural heritage;
- C. Strengthen civic pride in the historic and architectural character of the city and the notable accomplishments of the past;
- D. Recognize the economic benefits associated with the preservation and continued use of historic resources and provide incentives to property owners to encourage participation in the city's historic preservation program;
- E. Deter the demolition or neglect of: i) designated historic resources ; ii) resources that are pending designation as historic resources; iii) potential historic resources; iv) protected interiors; and v) protected landscape features;
- F. Promote the private and public use of historic resources for the education, enrichment and general welfare of the people;
- G. Make the city a more attractive and desirable place to live, work, and visit;
- H. Implement the historic preservation goals, policies, and programs of the general plan, preservation element (applicable only to areas not encompassed by an approved community plan), and approved community plans; and
- I. Fulfill the city's responsibilities as a certified local government and in carrying out environmental review as mandated by federal and state laws.

In addition, the city recognizes that groups of buildings that are unified aesthetically by plan or historical physical development may be worthy of preservation consideration and this code therefore provides for the designation of historic districts in Chapter 30.25 through a change of zone that establishes a historic district overlay zone.

SECTION 2. Section 15.20.020 of the Glendale Municipal Code, 1995 is hereby amended as follows:

15.20.020 Definitions.

For the purposes of this chapter the following words and phrases shall have the meaning(s) ascribed herein:

“Building” means anything constructed having a roof supported by columns or walls for the purpose of housing, shelter or enclosure.

“California Register of Historic Resources” is the official list of historic resources designated by the State of California through the State Statue codified in the California Public Resources Code Section 5020.1 et seq.

“Character defining features” means the distinctive physical forms, elements, materials, details, and/or characteristics that convey the significance of a historic resource.

“Code” means the Glendale Municipal Code.

“Complete demolition” means removal of all above-grade portions of a designated historic resource, of a resource that is pending designation as a historic resource, of a potential historic resource, or of a protected interior.

“Demolition” is the act or process of destroying, knocking down, pulling down, tearing down, flattening, razing, or leveling a building, structure, or object. For purposes of this Chapter, demolition can be either complete or partial.

“Demolition by neglect” means the process by which the owner, or his or her designee, of a designated historic resource, a resource that is pending designation as a historic resource, a potential historic resource, or a protected interior allows its ongoing deterioration over a period of time as a result of lack of maintenance, failure to protect it from pests or vandals, and/or failure to take reasonable measures to prevent ingress of water or wind through the roof, walls, or apertures, leading to deterioration and/or structural failure that results in complete or partial demolition, the loss of character-defining features, and/or that constitutes a threat to public health and safety.

“Designated historic resource” means a historic resource that is listed in the National Register of Historic Places, the California Register of Historical Resources, or the Glendale Register of Historic Resources.

“Glendale Register of Historic Resources” means the official list of designated historic resources in the City of Glendale.

“Major alteration” means alteration to any exterior portion of a designated historic resource or to any protected interior that involves:

- A. Construction of an addition to an existing building or structure, or new construction, exceeding two hundred (200) square feet at a location visible from the public right-of-way;
- B. Construction of an addition to an existing building or structure, or new construction, exceeding seven hundred (700) square feet of building area at a

- location not visible from the public right-of-way;
- C. Construction of an additional story to any existing building or structure;
- D. An alteration determined by the Director of Community Development to be incompatible with the Secretary of the Interior's Standards for Rehabilitation; or
- E. An alteration including, but not limited to, changes to architectural style, roof form, roof cladding, wall cladding and/or fenestration that, based on the assessment of the Director of Community Development, is determined to require a public hearing in order to make a determination of compatibility with the standards.

"Minor alteration" means alteration to any exterior portion of a designated historic or any protected interior that involves:

- A. Construction of an addition to an existing building or structure, or new construction, of two hundred (200) square feet or less at a location visible from the public right-of-way;
- B. Construction of an addition to an existing building or structure, or new construction, of seven hundred (700) square feet or less at a location not visible from the public right-of-way; or
- C. Any alteration determined by the director of community development to be compatible with the Secretary of the Interior's Standards for Rehabilitation and that does not exceed the thresholds established by subsections A. and B. of this definition.

"National Register of Historic Places" means the official list of historic resources established by the federal government through the National Historic Preservation Act of 1966, as amended through 1992.

"Object" means a thing that is not a building or structure, or part thereof, that is expressive of the cultural, architectural, archaeological, tribal, engineering, scientific, economic, agricultural, educational, social, political or military heritage of the City of Glendale, the State of California, or the United States.

"Partial demolition" means the removal, alteration, or destruction of one or more character-defining features of a designated historic resource, of a resource that is pending designation as a historic resource, of a potential historic resource, or of a protected interior, that have been identified as character-defining in a property-specific historic assessment, in a historic resource assessment prepared by a person meeting the Secretary of the Interior's Professional Qualification Standards in Historic Architecture or Architectural History, or by the Director of Community Development.

"Pending designation," as applied to a resource, means a resource for which a nomination for listing in the Glendale Register of Historic Resources, signed by the property owner or nominated by City Council, has been received by the City but for which a final action on designation has not yet occurred.

"Potential historic resource" means a resource that: i) is not a designated historic resource; and either ii) is identified with a California Historical Resource Status Code of 1 to 5 on a DPR Form 523 and/or in a historic resource assessment commissioned by the City and prepared by a person meeting the Secretary of the Interior's Professional Qualification Standards; or iii) is determined by the City to be a historic resource per Public Resources Code Section 21084.1.

"Protected interior" means any publicly accessible interior space of a publicly or privately owned property listed on the Glendale Register of Historic Resources that is routinely and

customarily open to the public and is identified as significant in the Department of Community Development staff report presented to City Council at the time of the property's designation.

"Protected landscape feature" means any landscape or hardscape feature identified as significant to the property's history in the department of community development staff report presented to City Council at the time of the property's designation.

"Resource" means a building, structure, object, site, area, or historic district, man-made or natural.

"Routine maintenance and repair" means alteration to a designated historic resource or protected interior that does not conflict with its ongoing eligibility for listing on the Glendale Register of Historic Resources and that involves:

- A. Repair and/or replacement of a cumulative total of one hundred (100) square feet or less of any exterior wall or roof cladding material with new material that matches the existing in terms of material, dimension, color, texture, reflectivity, and overall appearance;
- B. Repair and/or replacement of a cumulative total of one hundred (100) square feet or less of any interior wall cladding material of a protected interior with new material that matches the existing in terms of material, dimension, color, texture, reflectivity, and overall appearance;
- C. Repointing of masonry joints with a cumulative total of twenty-five (25) linear feet or less with new mortar that matches the existing in terms of material, color, texture, profile, and overall appearance;
- D. Replacement of window or door glazing except for glazing identified as significant in the Department of Community Development staff report presented to City Council at the time of the property's designation;
- E. The removal, maintenance, and/or installation of landscape materials except those identified as significant to the property's history in the department of community development staff report presented to city council at the time of the property's designation
- F. The application of vapor-permeable paint or stain finishes to wall cladding materials provided that the finish does not change the existing texture of the cladding and that the of staff report reviewed by City Council at the time of the property's designation does not identify any finish color(s) and/or finish locations specific to the designated historic resource; or
- G. Any other work determined by the Director of Community Development to constitute "routine maintenance and repair."

"Secretary of the Interior's Professional Qualification Standards" is the set of requirements issued by the US Department of the Interior, National Park Service (36 CFR Part 61) that define minimum education and experience required to perform identification, evaluation, registration, and treatment activities.

"Secretary of the Interior's Standards for Rehabilitation" is the set of standards issued by the US Department of the Interior, National Park Service (36 CFR Part 67) and the publications of the National Park Service (NPS), Preservation Assistance Division, Guidelines for Rehabilitating Historic Buildings (1992, NPS) and The Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings (1995, NPS), and any subsequent publication on the Secretary's Standards by the NPS.

“Structure” means anything constructed that has a foundation but no roof, not including fences and freestanding walls, which are considered “objects.”

“Visible from the public right-of-way” means any portion of a designated historic resource that is visible from the public street or sidewalk immediately adjacent to the property. For the purposes of this Chapter, any portion of a designated historic resource that is not visible due to landscaping shall be considered visible from the public right-of-way.

SECTION 3. Section 15.20.030 of the Glendale Municipal Code, 1995 is hereby amended as follows:

15.20.030 Duties of the Director of Community Development, Historic Preservation Commission and City Council regarding designated historic resources.

A. The Director of Community Development shall consider and render decisions on minor alterations to designated historic resources as specified in Sections 15.20.084 of this Code. All decisions by the Director shall conform to the Secretary of the Interior’s Standards for Rehabilitation. In no case shall the Director render a decision that conflicts with the designated historic resource’s ongoing eligibility for listing on the Glendale Register. The Director of Community Development shall also, when required, identify character-defining features of designated historic resources, of resources pending designation as historic resources, of potential historic resources, and of protected interiors as set forth in Section 15.20.035.

B. The Historic Preservation Commission shall conduct public hearings and render decisions on major alterations to designated historic resources as set forth in Sections 15.20.080 and 2.76.100 in this Code. The Secretary of the Interior’s Standards for Rehabilitation shall be used by the Commission to inform and guide its deliberations, but its decisions need not conform to those Standards. In no case shall the Commission render a decision that conflicts with the designated historic resource’s ongoing eligibility for listing on the Glendale Register.

C. City Council shall conduct public hearings and render decisions on:

1. General Plan and Community Plan amendments regarding historic preservation;
2. Additions to and deletions from the Glendale Register of Historic Resources pursuant to Sections 15.20.050, 15.20.055 and 15.20.060; and
3. Applications for the property tax incentives program pursuant to Section 15.20.070 of this Code.

SECTION 4. Section 15.20.035 of the Glendale Municipal Code, 1995 is hereby added as follows:

15.20.035 Identification of Character Defining Features

The character-defining features of a designated historic resource, a potential historic resource, or a protected interior may be identified at the time of designation or in survey documentation and reflect the existing condition of the property at such time. To the extent that one or more character-defining features are not specifically identified at the time of designation or in survey documentation, there is a rebuttable presumption that features that conform to the definition of “Character-Defining Feature” included in Section 15.20.020 of this Code and that date to the

property's original construction and/or to any subsequent historically-significant alteration, will be treated as character-defining features and will be identified as such by the Director of Community Development pursuant to Section 15.20.030 of this Code.

SECTION 5. Section 15.20.040 of the Glendale Municipal Code, 1995 is hereby amended as follows:

15.20.040 Appeals.

A. A decision by the Director of Community Development regarding a designated historic resource, a resource pending designation as a historic resource, a potential historic resource, a protected interior, or a protected landscape feature shall become final fifteen (15) days following the date of decision unless an appeal to the Historic Preservation Commission is filed pursuant to the provisions of Chapter 30.62 of this Code.

B. A decision of the Historic Preservation Commission regarding a historic resource, a resource pending designation as a historic resource, a potential historic resource, a protected interior, or a protected landscape shall become final fifteen (15) days following the date of decision unless an appeal to the City Council is filed pursuant to the provisions of Chapter 2.88 of this Code.

SECTION 6. Section 15.20.060 of the Glendale Municipal Code, 1995 is hereby amended as follows:

15.20.060 Procedure for designation or deletion of historic resources.

A. Designation of historic resources on the Glendale Register of Historic Resources shall be initiated by an application of the owner(s) of record of the subject property or authorized agents thereof. Designation of historic resources may also be initiated by a 4/5 vote of City Council without the consent of the owner(s) of record of the subject property.

B. Deletion of historic resources from the Glendale Register of Historic Resources shall be initiated by an application of the owner(s) of record of the subject property or authorized agents thereof. Deletion of historic resources may also be initiated by the Director of Community Development upon receipt of evidence that the resource no longer conforms to the findings identified in Section 15.20.050 and in Section 15.20.055(A) and/or Section 15.20.055(B).

C. The Director of Community Development shall set the application for public hearing before the Historic Preservation Commission and the City Council prior to designating or deleting a historic resource.

D. The City Clerk shall give notice of the public hearing which notice shall contain the date, time and place of the hearing, the general nature of the proposed designation or deletion and the street address or legal description of the property involved.

1. For the designation of historic resources, no additional notice shall be required.
2. For the deletion of historic resources, the notice of public hearing shall be posted in a conspicuous place on the subject property and shall be mailed, at least ten (10) days before the date of the hearing to affected property owners and all persons, shown on the last equalized assessment roll as owning real property and to the occupants of such properties, located within a radius of five hundred (500) feet of the exterior boundaries of the property which is subject to the proposed deletion.

E. The City Council shall make findings of fact and determinations in writing pursuant to the criteria set forth in Sections 15.20.050 or 15.20.055 of this Code. Designation of properties initiated by City Council shall require a 4/5 Council vote.

F. The decision of the City Council shall be made by resolution, which shall be recorded with the Los Angeles County recorder.

G. In the event that the Historic Preservation Commission votes to not recommend designation and the property owner decides to not proceed to City Council for final determination, he or she may withdraw the application by submitting a written note to the Department of Community Development. An application will be automatically withdrawn if a withdrawal note is not received within six months of the date on which the Historic Preservation Commission voted.

H. An application to list a property on the Glendale Register will not be considered if, in the previous five (5) years, an earlier application for the same property was either withdrawn pursuant to Section 15.20.060(F) of this Code or denied by a vote of City Council. The Director of Community Development may waive this provision if he or she determines a new application contains substantive evidence, not previously reviewed by the Historic Preservation Commission, that the property meets at least one of the criteria established in Section 15.20.050.

SECTION 7. Section 15.20.090 of the Glendale Municipal Code, 1995 is hereby amended as follows:

15.20.090 Enforcement and penalties.

A. A violation of any provision of this Chapter is expressly prohibited and is punishable as a misdemeanor pursuant to Section 1.20.010 of this Code.

B. In addition to any other remedies provided herein, any violation of this Chapter may be enforced by civil action brought by the City. Remedies under this chapter are in addition to, and do not supersede or limit, any and all other civil or criminal remedies. The remedies provided for herein are cumulative and not exclusive. In any such action, the city may seek as appropriate, any or all of the following remedies:

- 1. A temporary or permanent injunction, or both;
- 2. Assessment of the violator for the costs of any investigation, inspection or monitoring survey that led to the establishment of the violation, and for the reasonable costs of preparing and bringing legal action under this subsection; and
- 3. Assessment of the violator of civil penalties pursuant to Chapter 1.24.

C. In addition to any other remedies provided herein, in the event a designated historic resource, a resource pending designation as a historic resource, a potential historic resource, or a protected interior is completely or partially demolished in violation of this Chapter, as a penalty no building or construction related permits shall be issued for the property upon which the demolition took place for a period of three (3) years from the date of demolition. Said penalty shall be issued and enforced either by the City Council following a public hearing, or by a civil action filed by the City Attorney and adjudicated by a court of competent jurisdiction. The City shall also record an instrument imposing covenants on real property with the County of Los Angeles that memorializes the time period during which permit issuance is prohibited. A

demolition shall be presumed to have occurred on the date the City had actual knowledge of the demolition.

D. In addition to any other remedies provided herein, any property that remains undeveloped pursuant to Section 15.20.090.C of this Code shall be maintained in such a manner so as to not constitute a public or private nuisance, or otherwise violate the Code. The property shall be maintained in a clean and orderly manner free of junk, trash, debris, litter, abandoned or inoperable vehicles, stagnant water, abandoned excavations, appliances and furniture, storage containers, vegetation that is not in a healthy or living state, and overgrown vegetation. Living vegetation, including trees and shrubs, shall be retained and fully maintained, including necessary watering and trimming, during the construction prohibition period. Living grasses and groundcovers shall also be retained and fully maintained and new grass and/or groundcover shall be planted at any areas of bare soil to control dust and erosion. All grasses and groundcovers shall not exceed an overall height of six (6) inches. Additionally, vehicles of any type shall not be parked or stored on the property and no remunerative use of any kind shall be allowed.

E. In addition to any other remedies provided herein, in the event a designated historic resource, a resource pending designation as a historic resource, or a potential historic resource is completely demolished in violation of this chapter, any new building(s) or structure(s) proposed for construction on the site after the expiration of the construction permit ban set forth in Section 15.20.090.C above shall be limited to the same footprint, height, and square footage as the demolished building(s) or structure(s). The foregoing notwithstanding, the Director of Community Development shall have discretion to allow deviations from this provision to cure prior non-conforming conditions and to make changes that would benefit the community in order to achieve compliance with the design review guidelines and with this Chapter. In the event the owner of a designated historic resource, a resource pending designation as a historic resource, or a potential historic resource that was completely demolished applies to subdivide the property into two or more lots, and proposes to build two or more buildings or structures, after the expiration of the construction permit ban set forth in Section 15.20,090.C above, the application shall be considered under the City's subdivision code. Provided, however, at least one of the structures shall be limited to the same footprint, height and square footage as the demolished building(s) or structure(s). The design of the remaining one or more structure(s) shall be considered based on the City's design review standards and guidelines. F. In addition to any other remedies provided herein, in the event a designated historic resource, a resource pending designation as a historic resource, a potential historic resource, or a protected interior is partially demolished through removal of one or more character defining features in violation of this chapter, the missing features shall be reconstructed and/or replaced in kind to match the original in terms of size, proportions, design, details, materials, and overall appearance. In the event that aspects of the original feature(s) cannot be discerned through documentary and/or physical evidence, the Director of Community Development shall determine the preferred method of reconstruction or replacement.

SECTION 8. Section 15.20.110 of the Glendale Municipal Code, 1995 is hereby deleted as follows:

[section deleted]

SECTION 9. Section 30.25.015 of the Glendale Municipal Code, 1995 is hereby added as follows:

30.25.015 Definitions.

For the purposes of this Chapter the following words and phrases shall have the meanings ascribed to them unless otherwise noted:

“Building” means anything constructed having a roof supported by columns or walls for the purpose of housing, shelter or enclosure.

“Character defining features” means the distinctive physical forms, elements, materials, details, and/or characteristics that convey the significance of a historic resource.

“Complete demolition” means removal of all above-grade portions of a resource that is a contributing or non-contributing property in a designated or pending historic district overlay zone.

“Contributor” means a historic resource in a designated or pending historic district overlay zone that was built within the Period of Significance and retains enough historic integrity to contribute to the overall character and significance of the historic district overlay zone.

“Demolition” is the act or process of destroying, knocking down, pulling down, tearing down, flattening, razing, or leveling a building, structure, or object. For purposes of this Chapter, demolition can be either complete or partial.

“Demolition by neglect” means the process by which the owner, or his or her designee, of a resource that is a contributor in a designated historic district overlay zone or pending historic district overlay zone allows its ongoing deterioration over a period of time as a result of lack of maintenance, failure to protect it from pests or vandals, and/or failure to take reasonable measures to prevent ingress of water or wind through the roof, walls, or apertures, leading to deterioration and/or structural failure that results in complete or partial demolition, the loss of character-defining features, and/or that constitutes a threat to public health and safety.

“Historic district overlay zone” means a geographically definable area possessing a significant concentration, linkage or continuity of properties that constitute more than sixty (60) percent of the total properties in the district and which are united historically or aesthetically by plan or physical development.

“Historic resource” means a resource that is historically or archaeologically significant in the cultural, architectural, archaeological, tribal, engineering, scientific, economic, agricultural, educational, social, political or military heritage of the City of Glendale, the State of California, or the United States and retains sufficient historic integrity to convey its significance. For the purposes of this Chapter, designated historic district overlay zones and properties that are contributors to designated historic district overlay zones are historic resources.

“Non-contributor” means a resource in a designated or pending historic district overlay zone that was either not built within the historic district overlay zone’s period of significance or was built within the period of significance but does not retain enough historic integrity to contribute to the overall character and significance of the historic district overlay zone.

“Object” means a thing that is not a building or structure, or part thereof, that is expressive of the cultural, architectural, archaeological, tribal, engineering, scientific, economic, agricultural, educational, social, political or military heritage of the City of Glendale, the State of California, or the United States.

“Partial demolition” means the removal, alteration, or destruction of one or more character-defining features of a historic district overlay zone contributor that have been identified as character-defining in a property-specific historic assessment, in a historic resources

survey prepared by a person meeting the Secretary of the Interior's Professional Qualification Standards in Historic Architecture or Architectural History, or by the Director of Community Development.

"Pending historic district overlay zone" means an area for which certain property owners of said area have submitted a historic district overlay zone application and which the Historic Preservation Commission has preliminarily determined to appear eligible for designation at a public hearing. These terms shall apply to the area until such time as the application is approved or denied by City Council, or is withdrawn by the applicants.

"Protected landscape feature" means any significant landscape or hardscape feature, as identified in the historic resources survey approved by City Council for a designated historic district overlay zone, or as determined by the Director of Community Development for a pending historic district overlay zone.

"Resource" means a building, structure, object, site, area, or district, man-made or natural.

"Secretary of the Interior's Professional Qualification Standards" is the set of requirements issued by the US Department of the Interior, National Park Service (36 CFR Part 61) that define minimum education and experience required to perform identification, evaluation, registration, and treatment activities.

"Structure" means anything constructed that has a foundation but no roof. "Structure" does not include fences and walls, which are considered "objects"

SECTION 10. Section 30.25.045 of the Glendale Municipal Code, 1995 is hereby added as follows:

30.25.045 Identification of Character Defining Features

The character-defining features of a contributing property in a designated historic district overlay zone may be identified at the time of designation or in survey documentation and reflect the existing condition of the property at such time. To the extent that one or more character-defining features are not specifically identified at the time of designation or in survey documentation, there is a rebuttable presumption that features that conform to the definition of "Character-Defining Feature" included in Section 30.25.015 of this Code and that date to the property's original construction and/or to any subsequent historically-significant alteration, will be treated as character-defining features and will be identified as such by the Director of Community Development pursuant to Section 30.25.050 of this Code.

SECTION 11. Section 30.25.060 of the Glendale Municipal Code, 1995 is hereby amended as follows:

30.25.060 Demolition.

Recognizing that the demolition of historic structures within designated historic district overlay zones may constitute an irreplaceable loss to the quality and character of the neighborhood and the city, the Historic Preservation Commission in considering an application for demolition of a building shall be guided by balancing the contribution of the particular structure to the character of the district against the special merit of the proposed replacement project after review and consideration under the California Environmental Quality Act.

A. In considering a permit to demolish, the Historic Preservation Commission shall consider the following:

1. The historic or architectural significance of the structure;
2. The importance of the structure to the integrity and character of the district;
3. Whether the building is one (1) of the last remaining examples of its kind in the neighborhood, the city, the region, the state or the nation;
4. Whether reasonable measures can be taken to save the structure from further deterioration, neglect or collapse;
5. The merit of the proposed replacement project in enhancing the character, harmony and economic health of the community;
6. The opportunity to incorporate the existing buildings and structures in a replacement project that includes proposed new uses.

B. Based on the considerations and review under the California Environmental Quality Act, the Historic Preservation Commission may approve the demolition permit, approve with conditions or deny.

C. In the event any contributing or non-contributing building in a designated or pending historic district overlay zone is completely demolished or partially demolished without approval of a demolition clearance and issuance of a demolition permit pursuant to Section 15.22 of this Code, all provisions of Section 15.20.090 of this Code may apply. In the case of a property in a pending historic overlay zone for which a historic resource survey has not been submitted by a consultant retained by the City and meeting the Secretary of the Interior's Professional Qualification Standards, the Director of Community Development shall, as required to establish the applicability of the various enforcement provisions of Section 15.20.090, determine whether the property is a contributor or a non-contributor to the pending historic district overlay zone and, for a property determined to be a contributor, identify its character defining features. These determinations are rebuttable presumptions and shall be based on the information included in the historic district application under consideration by the City and any additional information or materials as may be necessary for a complete review.

SECTION 12. Development or tentative subdivision map applications which have been deemed complete, approved discretionary entitlements, or ministerial projects submitted to plan check prior to the adoption of this ordinance shall be reviewed under the rules and regulations which were in effect on the day prior to adoption of this ordinance. The foregoing notwithstanding, any applicant may make a request in writing to the Director of Community Development that his or her application be reviewed under the rules and regulations as amended by this ordinance.

SECTION 13. Severability. This Ordinance's provisions are severable. If any portion of this Ordinance or its application to any person or circumstance is held invalid or unconstitutional, that decision does not affect the validity of the Ordinance's remaining portions and the Ordinance's application to other persons and circumstances. The City Council declares that it would have passed the remainder of this Ordinance without the invalid or unconstitutional provision.

Passed by the Council of the City of Glendale on the _____ day of _____, 2019.

Mayor

Attest

City Clerk

STATE OF CALIFORNIA)

COUNTY OF LOS ANGELES) SS.

CITY OF GLENDALE)

I, ARDASHES KASSAKHIAN, City Clerk of the City of Glendale, California, certify that the foregoing Ordinance No. _____ was passed by the Council of the City of Glendale, California, by a vote of four-fifths (4/5ths) of the members thereof, at a regular meeting held on the _____ day of _____, 2019 by the following vote:

Ayes:

Noes:

Absent:

Abstain:

City Clerk

APPROVED AS TO FORM

CHIEF ASSISTANT CITY ATTORNEY
DATED 5/9/19

- I. Fulfill the city's responsibilities as a certified local government and in carrying out environmental review as mandated by federal and state laws.

In addition, the city recognizes that groups of buildings that are unified aesthetically by plan or historical physical development may be worthy of preservation consideration and this code therefore provides for the designation of historic districts in Chapter 30.25 through a change of zone that establishes a historic district overlay zone.

SECTION 2. Section 15.20.020 of the Glendale Municipal Code, 1995 is hereby amended as follows:

15.20.020 Definitions.

For the purposes of this chapter the following words and phrases shall have the meaning(s) ascribed herein:

"Building" means anything constructed having a roof supported by columns or walls for the purpose of housing, shelter or enclosure.

"California Register of Historic Resources" is the official list of historic resources designated by the State of California through the State Statute codified in the California Public Resources Code Section 5020.1 et seq.

"Character defining features" means the distinctive physical forms, elements, materials, details, and/or characteristics that convey the significance of a historic resource.

"Code" means the Glendale Municipal Code.

"Complete demolition" means removal of all above-grade portions of a designated historic resource, of a resource that is pending designation as a historic resource, of a potential historic resource, or of a protected interior.

"Demolition" is the act or process of destroying, knocking down, pulling down, tearing down, flattening, razing, or leveling a building, structure, or object. For purposes of this Chapter, demolition can be either complete or partial. "Demolition" means destruction or removal that is so extensive that the historic character of a designated is completely removed and cannot be repaired or replaced.

"Demolition by neglect" means the process in by which the owner, or his or her designee, of a building or structure designated historic resource, a resource that is pending designation as a historic resource, a potential historic resource, or a protected interior allows its ongoing deterioration over a period of time as a result of lack of maintenance, failure to secure protect it from pests or vandals, and/or failure to take reasonable measures to prevent ingress of water or wind through the roof, walls, or apertures, leading to deterioration and/or structural failure that results in complete or partial demolition, the loss of character-defining features, and/or that constituting constitutes a threat to public health and safety.

"Designated historic resource" means any site, building, structure, area or place, man-made or natural, which is historically or archaeologically significant in the cultural, architectural, archaeological, engineering, scientific, economic, agricultural, educational, social, political or military heritage of the City of Glendale, the State of California, or the United States and which historic resource that is has been designated as historically significant listed in the

National Register of Historic Places, the California Register of Historical Resources, or the Glendale Register of Historic Resources.

“Glendale Register of Historic Resources” means the official list of designated historic resources in the City of Glendale.

“Major alteration” means alteration to any exterior portion of a designated historic resource or to any protected interior that involves:

- A. Construction of an addition to an existing building or structure, or new construction, exceeding two hundred (200) square feet at a location visible from the public right-of-way;
- B. Construction of an addition to an existing building or structure, or new construction, exceeding seven hundred (700) square feet of building area at a location not visible from the public right-of-way;
- C. Construction of an additional story to any existing building or structure;
- D. An alteration determined by the Director of Community Development to be incompatible with the Secretary of the Interior’s Standards for Rehabilitation; or
- E. An alteration including, but not limited to, changes to architectural style, roof form, roof cladding, wall cladding and/or fenestration that, based on the assessment of the Director of Community Development, is determined to require a public hearing in order to make a determination of compatibility with the standards.

“Minor alteration” means alteration to any exterior portion of a designated historic or any protected interior that involves:

- A. Construction of an addition to an existing building or structure, or new construction, of two hundred (200) square feet or less at a location visible from the public right-of-way;
- B. Construction of an addition to an existing building or structure, or new construction, of seven hundred (700) square feet or less at a location not visible from the public right-of-way; or
- C. Any alteration determined by the director of community development to be compatible with the Secretary of the Interior’s Standards for Rehabilitation and that does not exceed the thresholds established by subsections A. and B. of this definition.

“National Register of Historic Places” means the official list of historic resources established by the federal government through the National Historic Preservation Act of 1966, as amended through 1992.

“Object” means a thing that is not a building or structure, or part thereof, that is expressive of the cultural, architectural, archaeological, tribal, engineering, scientific, economic, agricultural, educational, social, political or military heritage of the City of Glendale, the State of California, or the United States.

“Partial demolition” means the removal, alteration, or destruction of one or more character-defining features of a designated historic resource, of a resource that is pending designation as a historic resource, of a potential historic resource, or of a protected interior, that

have been identified as character-defining in a property-specific historic assessment, in a historic resource assessment prepared by a person meeting the Secretary of the Interior's Professional Qualification Standards in Historic Architecture or Architectural History, or by the Director of Community Development.

"Potential Pending designated historic resource," means as applied to a resource, means a resource which for which a nomination is officially proposed for listing in the Glendale Register of Historic Resources, signed by the property owner or nominated by City Council, has been received by the City but for which a final action on designation has not yet occurred.

"Potential historic resource" means a resource that: i) is not a designated historic resource; and either ii) is identified with a California Historical Resource Status Code of 1 to 5 on a DPR Form 523 and/or in a historic resource assessment commissioned by the City and prepared by a person meeting the Secretary of the Interior's Professional Qualification Standards; or iii) is determined by the City to be a historic resource per Public Resources Code Section 21084.1.

"Protected interior" means any publicly accessible interior space of a publicly or privately owned property listed on the Glendale Register of Historic Resources that is routinely and customarily open to the public and is identified as significant in the Department of Community Development staff report presented to City Council at the time of the property's designation.

"Protected landscape feature" means any landscape or hardscape feature identified as significant to the property's history in the department of community development staff report presented to City Council at the time of the property's designation.

"Resource" means a building, structure, object, site, area, or historic district, man-made or natural.

"Routine maintenance and repair" means alteration to a designated historic resource or protected interior that does not conflict with its ongoing eligibility for listing on the Glendale Register of Historic Resources and that involves:

- A. Repair and/or replacement of a cumulative total of one hundred (100) square feet or less of any exterior wall or roof cladding material with new material that matches the existing in terms of material, dimension, color, texture, reflectivity, and overall appearance;
- B. Repair and/or replacement of a cumulative total of one hundred (100) square feet or less of any interior wall cladding material of a protected interior with new material that matches the existing in terms of material, dimension, color, texture, reflectivity, and overall appearance;
- C. Repointing of masonry joints with a cumulative total of twenty-five (25) linear feet or less with new mortar that matches the existing in terms of material, color, texture, profile, and overall appearance;
- D. Replacement of window or door glazing except for glazing identified as significant in the Department of Community Development staff report presented to City Council at the time of the property's designation;
- E. The removal, maintenance, and/or installation of landscape materials except those identified as significant to the property's history in the department of

community development staff report presented to city council at the time of the property's designation

- F. The application of vapor-permeable paint or stain finishes to wall cladding materials provided that the finish does not change the existing texture of the cladding and that the of staff report reviewed by City Council at the time of the property's designation does not identify any finish color(s) and/or finish locations specific to the designated historic resource; or
- G. Any other work determined by the Director of Community Development to constitute "routine maintenance and repair."

"Secretary of the Interior's Professional Qualification Standards" is the set of requirements issued by the US Department of the Interior, National Park Service (36 CFR Part 61) that define minimum education and experience required to perform identification, evaluation, registration, and treatment activities.

"Secretary of the Interior's Standards for Rehabilitation" is the set of standards issued by the US Department of the Interior, National Park Service (36 CFR Part 67) and the publications of the National Park Service (NPS), Preservation Assistance Division, Guidelines for Rehabilitating Historic Buildings (1992, NPS) and The Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings (1995, NPS), and any subsequent publication on the Secretary's Standards by the NPS.

"Structure" means anything constructed that has a foundation but no roof, not including fences and freestanding walls, which are considered "objects."

"Visible from the public right-of-way" means any portion of a designated historic resource that is visible from the public street or sidewalk immediately adjacent to the property. For the purposes of this Chapter, any portion of a designated historic resource that is not visible due to landscaping shall be considered visible from the public right-of-way.

SECTION 3. Section 15.20.030 of the Glendale Municipal Code, 1995 is hereby amended as follows:

15.20.030 Duties of the Director of Community Development, Historic Preservation Commission and City Council regarding designated historic resources.

~~A. In addition to other duties and powers specified elsewhere in this code, the permit services administrator shall consider and render decisions regarding historic resources for the following:~~

- ~~1. The installation or removal of mechanical equipment including, but not limited to, heating, air conditioning, and ventilation, electrical and plumbing improvements which are not visible from a public right-of-way;~~
- ~~2. Installation of signs;~~
- ~~3. Installation of fire protection systems which are not visible from the public right-of-way;~~

~~B. A. The Director of Community Development shall consider and render decisions on minor alterations to designated historic resources as specified in Sections 15.20.084 of this~~

Code. All decisions by the Director shall conform to the Secretary of the Interior's Standards for Rehabilitation. In no case shall the Director render a decision that conflicts with the designated historic resource's ongoing eligibility for listing on the Glendale Register. The Director of Community Development shall also, when required, identify character-defining features of designated historic resources, of resources pending designation as historic resources, of potential historic resources, and of protected interiors as set forth in Section 15.20.035.

~~C.~~ B. The Historic Preservation Commission shall conduct public hearings and render decisions on major alterations to designated historic resources as set forth in Sections 15.20.080 and 2.76.100 in this Code. The Secretary of the Interior's Standards for Rehabilitation shall be used by the Commission to inform and guide its deliberations, but its decisions need not conform to those Standards. In no case shall the Commission render a decision that conflicts with the designated historic resource's ongoing eligibility for listing on the Glendale Register.

~~D-C.~~ City Council shall conduct public hearings and render decisions on:

1. General Plan and Community Plan amendments regarding historic preservation;
2. Additions to and deletions from the Glendale Register of Historic Resources pursuant to Sections 15.20.050, 15.20.055 and 15.20.060; and
3. Applications for the property tax incentives program pursuant to Section 15.20.070 of this Code.

SECTION 4. Section 15.20.035 of the Glendale Municipal Code, 1995 is hereby added as follows:

15.20.035 Identification of Character Defining Features

The character-defining features of a designated historic resource, a potential historic resource, or a protected interior may be identified at the time of designation or in survey documentation and reflect the existing condition of the property at such time. To the extent that one or more character-defining features are not specifically identified at the time of designation or in survey documentation, there is a rebuttable presumption that features that conform to the definition of "Character-Defining Feature" included in Section 15.20.020 of this Code and that date to the property's original construction and/or to any subsequent historically-significant alteration, will be treated as character-defining features and will be identified as such by the Director of Community Development pursuant to Section 15.20.030 of this Code.

SECTION 5. Section 15.20.040 of the Glendale Municipal Code, 1995 is hereby amended as follows:

15.20.040 Appeals.

~~A. A decision regarding a historic resource by the permit services administrator or by the director of community development shall become final fifteen (15) days following the date of the decision unless an appeal to the historic preservation commission is filed.~~

A decision by the Director of Community Development regarding a designated historic resource, a resource pending designation as a historic resource, a potential historic resource, a protected interior, or a protected landscape feature shall become final fifteen (15) days following

the date of decision unless an appeal to the Historic Preservation Commission is filed pursuant to the provisions of Chapter 30.62 of this Code.

B. A decision of the Historic Preservation Commission regarding a historic resource, a resource pending designation as a historic resource, a potential historic resource, a protected interior, or a protected landscape shall become final fifteen (15) days following the date of the decision unless an appeal to the City Council is filed pursuant to the provisions of Chapter 2.88 of this Code relating to the uniform appeal procedure.

SECTION 6. Section 15.20.060 of the Glendale Municipal Code, 1995 is hereby amended as follows:

15.20.060 Procedure for designation or deletion of historic resources.

A. Designation or deletion of historic resources shall be initiated by an application of an owner(s) of record of the subject property or authorized agents thereof.

A. Designation or deletion of historic resources on the Glendale Register of Historic Resources shall be initiated by an application of the owner(s) of record of the subject property or authorized agents thereof. Designation of historic resources may also be initiated by a 4/5 vote of City Council without the consent of the owner(s) of record of the subject property.

B. Deletion of historic resources from the Glendale Register of Historic Resources shall be initiated by an application of the owner(s) of record of the subject property or authorized agents thereof. Deletion of historic resources may also be initiated by the Director of Community Development upon receipt of evidence that the resource no longer conforms to the findings identified in Section 15.20.050 and in Section 15.20.055(A) and/or Section 15.20.055(B).

C. The Director of Community Development shall set the application for public hearing before the Historic Preservation Commission and the City Council prior to designating or deleting a historic resource.

C-D. The City Clerk shall give notice of the public hearing which notice shall contain the date, time and place of the hearing, the general nature of the proposed designation or deletion and the street address or legal description of the property involved.

1. For the designation of historic resources, no additional notice shall be required.

2. For the deletion of historic resources, the notice of public hearing shall be posted in a conspicuous place on the subject property and shall be mailed, at least ten (10) days before the date of the hearing to affected property owners and all persons, shown on the last equalized assessment roll as owning real property and to the occupants of such properties, located within a radius of five hundred (500) feet of the exterior boundaries of the property which is subject to the proposed deletion.

D-E. The City Council shall make findings of fact and determinations in writing pursuant to the criteria set forth in Sections 15.20.050 or 15.20.055 of this Code. Designation of properties initiated by City Council shall require a 4/5 Council vote.

E-F. The decision of the City Council shall be made by resolution, which shall be recorded with the Los Angeles County recorder.

G. In the event that the Historic Preservation Commission votes to not recommend designation and the property owner decides to not proceed to City Council for final determination, he or she may withdraw the application by submitting a written note to the Department of Community Development. An application will be automatically withdrawn if a withdrawal note is not received within six months of the date on which the Historic Preservation Commission voted.

H. An application to list a property on the Glendale Register will not be considered if, in the previous five (5) years, an earlier application for the same property was either withdrawn pursuant to Section 15.20.060(F) of this Code or denied by a vote of City Council. The Director of Community Development may waive this provision if he or she determines a new application contains substantive evidence, not previously reviewed by the Historic Preservation Commission, that the property meets at least one of the criteria established in Section 15.20.050.

SECTION 7. Section 15.20.090 of the Glendale Municipal Code, 1995 is hereby amended as follows:

15.20.090 Enforcement and penalties.

A. A violation of any provision of this Chapter is expressly prohibited and is punishable as a misdemeanor pursuant to Section 1.20.010 of this Code.

B. In addition to any other remedies provided herein, any violation of this Chapter may be enforced by civil action brought by the City. Remedies under this chapter are in addition to, and do not supersede or limit, any and all other civil or criminal remedies, ~~civil or criminal~~. The remedies provided for herein are cumulative and not exclusive. In any such action, the city may seek as appropriate, ~~one (1) or both~~ any or all of the following remedies:

1. A temporary or permanent injunction, or both; ~~and~~
2. Assessment of the violator for the costs of any investigation, inspection or monitoring survey that led to the establishment of the violation, and for the reasonable costs of preparing and bringing legal action under this subsection; and
3. Assessment of the violator of civil penalties pursuant to Chapter 1.24.

C. In addition to any other remedies provided herein, in the event a designated historic resource, a resource pending designation as a historic resource, a potential historic resource, or a protected interior is completely or partially demolished in violation of this Chapter, as a penalty shall be imposed in which no building or construction related permits shall be issued for the property upon which the demolition took place, for a period of three (3) years from the date of demolition. Said penalty shall be issued and enforced either by the City Council following a public hearing, or by a civil action filed by the City Attorney and adjudicated by a court of competent jurisdiction. The City shall also record an instrument imposing covenants on real property with the County of Los Angeles that memorializes the time period during which permit issuance is prohibited. A demolition shall be presumed to have occurred on the date the City had actual knowledge of the demolition.

D. In addition to any other remedies provided herein, any property that remains undeveloped pursuant to Section 15.20.090.C of this Code shall be maintained in such a manner so as to not constitute a public or private nuisance, or otherwise violate the Code. The

property shall be maintained in a clean and orderly manner free of junk, trash, debris, litter, abandoned or inoperable vehicles, stagnant water, abandoned excavations, appliances and furniture, storage containers, vegetation that is not in a healthy or living state, and overgrown vegetation. Living vegetation, including trees and shrubs, shall be retained and fully maintained, including necessary watering and trimming, during the construction prohibition period. Living grasses and groundcovers shall also be retained and fully maintained and new grass and/or groundcover shall be planted at any areas of bare soil to control dust and erosion. All grasses and groundcovers shall not exceed an overall height of six (6) inches. Additionally, vehicles of any type shall not be parked or stored on the property and no remunerative use of any kind shall be allowed.

E. In addition to any other remedies provided herein, in the event a designated historic resource, a resource pending designation as a historic resource, or a potential historic resource is completely demolished in violation of this chapter, any new building(s) or structure(s) proposed for construction on the site after the expiration of the construction permit ban set forth in Section 15.20.090.C above shall be limited to the same footprint, height, and square footage as the demolished building(s) or structure(s). The foregoing notwithstanding, the Director of Community Development shall have discretion to allow deviations from this provision to cure prior non-conforming conditions and to make changes that would benefit the community in order to achieve compliance with the design review guidelines and with this Chapter. In the event the owner of a designated historic resource, a resource pending designation as a historic resource, or a potential historic resource that was completely demolished applies to subdivide the property into two or more lots, and proposes to build two or more buildings or structures, after the expiration of the construction permit ban set forth in Section 15.20.090.C above, the application shall be considered under the City's subdivision code. Provided, however, at least one of the structures shall be limited to the same footprint, height and square footage as the demolished building(s) or structure(s). The design of the remaining one or more structure(s) shall be considered based on the City's design review standards and guidelines.

F. In addition to any other remedies provided herein, in the event a designated historic resource, a resource pending designation as a historic resource, a potential historic resource, or a protected interior is partially demolished through removal of one or more character defining features in violation of this chapter, the missing features shall be reconstructed and/or replaced in kind to match the original in terms of size, proportions, design, details, materials, and overall appearance. In the event that aspects of the original feature(s) cannot be discerned through documentary and/or physical evidence, the Director of Community Development shall determine the preferred method of reconstruction or replacement.

SECTION 8. Section 15.20.110 of the Glendale Municipal Code, 1995 is hereby deleted as follows:

15.20.110 Routine maintenance and repair.

No routine maintenance or repair of any architectural feature including, but not limited to, exterior painting, reroofing, repointing of brick or other architectural feature of a designated historic resource may be commenced unless first approved by the director of community development.

SECTION 9. Section 30.25.015 of the Glendale Municipal Code, 1995 is hereby added as follows:

30.25.015 Definitions.

For the purposes of this Chapter the following words and phrases shall have the meanings ascribed to them unless otherwise noted:

“Building” means anything constructed having a roof supported by columns or walls for the purpose of housing, shelter or enclosure.

“Character defining features” means the distinctive physical forms, elements, materials, details, and/or characteristics that convey the significance of a historic resource.

“Complete demolition” means removal of all above-grade portions of a resource that is a contributing or non-contributing property in a designated or pending historic district overlay zone.

“Contributor” means a historic resource in a designated or pending historic district overlay zone that was built within the Period of Significance and retains enough historic integrity to contribute to the overall character and significance of the historic district overlay zone.

“Demolition” is the act or process of destroying, knocking down, pulling down, tearing down, flattening, razing, or leveling a building, structure, or object. For purposes of this Chapter, demolition can be either complete or partial.

“Demolition by neglect” means the process by which the owner, or his or her designee, of a resource that is a contributor in a designated historic district overlay zone or pending historic district overlay zone allows its ongoing deterioration over a period of time as a result of lack of maintenance, failure to protect it from pests or vandals, and/or failure to take reasonable measures to prevent ingress of water or wind through the roof, walls, or apertures, leading to deterioration and/or structural failure that results in complete or partial demolition, the loss of character-defining features, and/or that constitutes a threat to public health and safety.

“Historic district overlay zone” means a geographically definable area possessing a significant concentration, linkage or continuity of properties that constitute more than sixty (60) percent of the total properties in the district and which are united historically or aesthetically by plan or physical development.

“Historic resource” means a resource that is historically or archaeologically significant in the cultural, architectural, archaeological, tribal, engineering, scientific, economic, agricultural, educational, social, political or military heritage of the City of Glendale, the State of California, or the United States and retains sufficient historic integrity to convey its significance. For the purposes of this Chapter, designated historic district overlay zones and properties that are contributors to designated historic district overlay zones are historic resources.

“Non-contributor” means a resource in a designated or pending historic district overlay zone that was either not built within the historic district overlay zone’s period of significance or was built within the period of significance but does not retain enough historic integrity to contribute to the overall character and significance of the historic district overlay zone.

“Object” means a thing that is not a building or structure, or part thereof, that is expressive of the cultural, architectural, archaeological, tribal, engineering, scientific, economic,

agricultural, educational, social, political or military heritage of the City of Glendale, the State of California, or the United States.

“Partial demolition” means the removal, alteration, or destruction of one or more character-defining features of a historic district overlay zone contributor that have been identified as character-defining in a property-specific historic assessment, in a historic resources survey prepared by a person meeting the Secretary of the Interior’s Professional Qualification Standards in Historic Architecture or Architectural History, or by the Director of Community Development.

“Pending historic district overlay zone” means an area for which certain property owners of said area have submitted a historic district overlay zone application and which the Historic Preservation Commission has preliminarily determined to appear eligible for designation at a public hearing. These terms shall apply to the area until such time as the application is approved or denied by City Council, or is withdrawn by the applicants.

“Protected landscape feature” means any significant landscape or hardscape feature, as identified in the historic resources survey approved by City Council for a designated historic district overlay zone, or as determined by the Director of Community Development for a pending historic district overlay zone.

“Resource” means a building, structure, object, site, area, or district, man-made or natural.

“Secretary of the Interior’s Professional Qualification Standards” is the set of requirements issued by the US Department of the Interior, National Park Service (36 CFR Part 61) that define minimum education and experience required to perform identification, evaluation, registration, and treatment activities.

“Structure” means anything constructed that has a foundation but no roof. “Structure” does not include fences and walls, which are considered “objects”

SECTION 10. Section 30.25.045 of the Glendale Municipal Code, 1995 is hereby added as follows:

30.25.045 Identification of Character Defining Features

The character-defining features of a contributing property in a designated historic district overlay zone may be identified at the time of designation or in survey documentation and reflect the existing condition of the property at such time. To the extent that one or more character-defining features are not specifically identified at the time of designation or in survey documentation, there is a rebuttable presumption that features that conform to the definition of “Character-Defining Feature” included in Section 30.25.015 of this Code and that date to the property’s original construction and/or to any subsequent historically-significant alteration, will be treated as character-defining features and will be identified as such by the Director of Community Development pursuant to Section 30.25.050 of this Code.

SECTION 11. Section 30.25.060 of the Glendale Municipal Code, 1995 is hereby amended as follows:

30.25.060 Demolition.

Recognizing that the demolition of historic structures within designated historic district overlay zones may constitute an irreplaceable loss to the quality and character of the neighborhood and the city, the Historic Preservation Commission in considering an application for demolition of a building shall be guided by balancing the contribution of the particular structure to the character of the district against the special merit of the proposed replacement project after review and consideration under the California Environmental Quality Act.

A. In considering a permit to demolish, the Historic Preservation Commission shall consider the following:

1. The historic or architectural significance of the structure;
2. The importance of the structure to the integrity and character of the district;
3. Whether the building is one (1) of the last remaining examples of its kind in the neighborhood, the city, the region, the state or the nation;
4. Whether reasonable measures can be taken to save the structure from further deterioration, neglect or collapse;
5. The merit of the proposed replacement project in enhancing the character, harmony and economic health of the community;
6. The opportunity to incorporate the existing buildings and structures in a replacement project that includes proposed new uses.

B. Based on the considerations and review under the California Environmental Quality Act, the Historic Preservation Commission may approve the demolition permit, approve with conditions or deny.

C. In the event any contributing or non-contributing building in a designated or pending historic district overlay zone is completely demolished or partially demolished without approval of a demolition clearance and issuance of a demolition permit pursuant to Section 15.22 of this Code, all provisions of Section 15.20.090 of this Code may apply. In the case of a property in a pending historic overlay zone for which a historic resource survey has not been submitted by a consultant retained by the City and meeting the Secretary of the Interior's Professional Qualification Standards, the Director of Community Development shall, as required to establish the applicability of the various enforcement provisions of Section 15.20.090, determine whether the property is a contributor or a non-contributor to the pending historic district overlay zone and, for a property determined to be a contributor, identify its character defining features. These determinations are rebuttable presumptions and shall be based on the information included in the historic district application under consideration by the City and any additional information or materials as may be necessary for a complete review.

SECTION 12. Development or tentative subdivision map applications which have been deemed complete, approved discretionary entitlements, or ministerial projects submitted to plan check prior to the adoption of this ordinance shall be reviewed under the rules and regulations which

were in effect on the day prior to adoption of this ordinance. The foregoing notwithstanding, any applicant may make a request in writing to the Director of Community Development that his or her application be reviewed under the rules and regulations as amended by this ordinance.

SECTION 13. Severability. This Ordinance's provisions are severable. If any portion of this Ordinance or its application to any person or circumstance is held invalid or unconstitutional, that decision does not affect the validity of the Ordinance's remaining portions and the Ordinance's application to other persons and circumstances. The City Council declares that it would have passed the remainder of this Ordinance without the invalid or unconstitutional provision.

Passed by the Council of the City of Glendale on the _____ day of _____, 2019.

Mayor

Attest

City Clerk

STATE OF CALIFORNIA)

COUNTY OF LOS ANGELES) SS.

CITY OF GLENDALE)

I, ARDASHES KASSAKHIAN, City Clerk of the City of Glendale, California, certify that the foregoing Ordinance No. _____ was passed by the Council of the City of Glendale, California, by a vote of four-fifths (4/5ths) of the members thereof, at a regular meeting held on the _____ day of _____, 2019 by the following vote:

Ayes:

Noes:

Absent:

Abstain:

City Clerk