

Chapter 20.15

APPROVALS AND HEARINGS

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Section 20.15.010 Approval Authority.

Table 20.15.010 Approving and Appeal Authority						
Type of Permit or Action	Approving and Appeal Authority					
	City Historic Preservation Officer (HPO)	City Cultural Heritage Board	Land Use Committee of City Council	City Council Consent (1, 2)	City Council Discussion (1)	City Council Public Hearing (1, 2)
<i>Administrative Discretionary Permits/Actions (No Public Hearing Required)</i>						
Administrative Certificate of Appropriateness	F	AR/F	RR ⁽³⁾		A/F	
<i>Discretionary Permits and Actions (Public Meeting or Hearing Required)</i>						
Board Certificate of Appropriateness		F ⁽⁴⁾	RR ⁽³⁾		A/F	
<i>Legislative Actions (Public Hearing Required)</i>						
Mills Act Application				F		
Designation of a Structure or Resource of Merit		R	RR ⁽³⁾			A/F
Designation of a Landmark		R	RR ⁽³⁾			A/F
Designation of an Historic District		R	RR ⁽³⁾			A/F
<p>R = Recommending Authority; F = Final Approving Authority (unless appealable); A = Appeal Authority; AR = Approving Authority as HPO on Referral; RR = Recommend and Referral Authority</p> <p>Notes:</p> <p>(1) Decisions of the City Council are final and cannot be appealed.</p> <p>(2) An item pulled from the City Council Consent Calendar which was originally heard at a public hearing will need to be re-advertised for a public hearing prior to being heard, otherwise it will be a discussion item.</p> <p>(3) Appeal of any Cultural Heritage Board action must first go to the City Council Land Use Committee with final action by the full City Council.</p> <p>(4) The Cultural Heritage Board is the final authority unless an EIR is being processed, in which case the final authority is City Council.</p>						

(Ord. 7108 §1, 2010; Ord. 7042 §1, 2009; Ord. 6786 §9, 2005; Ord. 6263 §1 (part), 1996)

Section 20.15.020 CEQA Approval.

For any action taken under this Title:

A. If an EIR is prepared for any Certificate of Appropriateness, designation, modification, or dedesignation, or other action under this Title, final approval of that action is with the City Council. In such cases, the Board shall review the Draft EIR, as it relates to cultural resources, and provide comments thereon, together with its recommendation that the project be approved or denied. The City Council shall consider the Board's comments and recommendation, and may accept, accept with modification, or decline the Board's recommendation.

B. Where an EIR is not prepared, and a Negative Declaration or Mitigated Negative Declaration is prepared for a Certificate of Appropriateness or case where the Board is the final approval authority, the Board may adopt the Negative Declaration or Mitigated Negative Declaration, and approve, approve with modification, or deny the project. If the Board's decision is not appealed, then the decision becomes final. If the decision is appealed, it becomes final upon the City Council's disposition of the appeal. (Ord. 7108 §1, 2010; Ord. 6263 §1 (part), 1996)

Section 20.15.030 Public Hearing and Notice.

A. All designations, modifications of designations, and/or dedesignations require a public hearing ("Hearing").

B. Upon the filing of a complete application, a matter shall be set for hearing before the Board within ninety (90) days. The Board may continue a hearing as it deems appropriate.

C. Notice of Hearing.

1. Notice of the hearing shall be mailed or delivered at least ten (10) days prior to the hearing to:
 - a. The owner of the subject real property or the owner's duly authorized agent, and the project applicant; and
 - b. All owners of real property on the latest records of the County Assessor within 300 feet of the real property. If the number of owners to whom notice would be mailed or delivered is greater than 1,000, the City may, in lieu of mailing or delivering the notice, provide notice by placing an advertisement of a least one-eighth page in at least one newspaper of general circulation within the City at least ten (10) days prior to the hearing.
2. The notice shall be published in at least one newspaper of general circulation within the City at least ten (10) days prior to the hearing.
3. Neither failure to send any notice by mail to any property owner whose address is not a matter of public record, nor the non-receipt of any notice mailed pursuant to this chapter, shall invalidate that hearing or any part of the proposed designation. (Ord. 7108 §1, 2010)

Section 20.15.040 Meeting and Notice for Certificates of Appropriateness by Board.

- A. No public hearings are required. The application shall be set as a discussion calendar item for the Board meeting.
- B. Upon the filing or referral of a complete application, a matter shall be set for a Board meeting within ninety (90) days. The Board may continue a matter as it deems appropriate.
- C. Notice shall be given to the property owner and to the owners of adjacent properties or those across a street or alley. (Ord. 7108 §1, 2010)

Section 20.15.050 Meeting and Notice for Administrative Certificates of Appropriateness.

- A. No public hearings or any meetings are required. The application shall be considered by the Historic Preservation Officer administratively.
- B. Within sixty (60) days, the Historic Preservation Officer must act upon a complete application or refer the application to the Board.
- C. Notice shall be given to the property owner and to the owners of adjacent properties or those across a street or alley. (Ord. 7108 §1, 2010)

Section 20.15.060 Meeting and Notice for Mills Act Applications.

- A. No public hearing is required.
- B. The City Council shall approve or deny the application as a consent item or discussion item. (See also § 20.30.020.)
- C. Notice of the Board and City Council meeting shall be sent to the property owner. (Ord. 7108 §1, 2010)

Section 20.15.070 Meeting and Notice for Structure Relocations.

- A. Structure relocations require a Certificate of Appropriateness.
- B. Joint notices for any structure relocations shall be made concurrently with and in the same manner required by Chapter 16.20. The area noticed shall be as required by Chapter 16.20, or a 450-foot radius at the destination site, whichever is greater. (Ord. 7108 §1, 2010)

Section 20.15.080 Meeting and Notice for Cultural Resource Surveys.

- A. No public hearing is required.
- B. The City Council shall approve or deny the Cultural Resource Survey findings as a consent item or discussion item.
- C. Notice of the City Council action taken shall be sent to owners of affected properties. (Ord. 7108 §1, 2010)

Section 20.15.090 Appeals.

- A. Appeal of Administrative Certificate of Appropriateness

Any person aggrieved or affected by an Administrative Certificate of Appropriateness decision may appeal that decision to the Board within ten days of the Historic Preservation Officer's decision. The appeal must be made by filing a letter of appeal with the Planning Division. The letter shall set forth the grounds for the appeal. The appeal shall be scheduled for the next available Board meeting. The Board may recommend to affirm, reverse or modify the underlying Historic Preservation Officer's decision to the City Council. Board decisions are final unless appealed as provided for in section 20.15.080 B (below).

B. Appeal of Board action

Any person affected by the Board action may appeal to the City Council within ten calendar days after the date of the Board's decision. The appeal must be made by filing a letter of appeal with the Planning Division and shall set forth the grounds for the appeal. The appeal shall first be heard by the Land Use Committee at its next available meeting, which shall then make a recommendation to the City Council.

C. Notice.

1. Notice of the time and place of the Land Use Committee meeting shall be sent to the Applicant and Appellant.
2. The notice for the City Council action shall be the same as for the original action. (Ord. 7108 §1, 2010)

Section 20.15.100 Effective Date.

A. Certificates of Appropriateness shall be effective the first regular business day after the end of the 10 day appeal period. Filing of an appeal stays the effective date pending action on the appeal.

B. Designation, modification, and dedesignation shall be effective on the next City business day following City Council action. (Ord. 7108 §1, 2010)

Section 20.15.110 Time Limits.

Any Certificate of Appropriateness shall become null and void if not exercised within the time limit specified in the approving document or within one year if no time has been specified. (Ord. 7108 §1, 2010)

Section 20.15.120 Time Extensions.

The Historic Preservation Officer may administratively extend the term of a Certificate of Appropriateness for one year, no more than twice. (Ord. 7108 §1, 2010)

Section 20.15.130 Approvals to Run with Land.

Certificates of Appropriateness and other approvals under this Title are transferred upon a change of ownership of the site, business, service, use or structures, provided that the conditions of the original Certificate or approval are fully complied with, and the project is not modified. (Ord. 7108 §1, 2010)

Section 20.15.140 Approval(s) On Site During Construction.

A copy of all Certificates of Appropriateness or any other approval under this Title shall be kept on site at all times during construction and made available upon request by an official of the City. (Ord. 7108 §1, 2010)