



## Planning Services Division

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## General

### 6-2101 Declaration of public policy and purpose.

The city council declares as a matter of public policy that the preservation, protection, perpetuation and use of areas, places, sites, buildings, structures, works of art and other objects having a special historical or archeological community interest or value is a public necessity and is required in the interest of the health, prosperity, safety and welfare of the people. The purpose of this chapter is to provide a means to:

- (a) Delay the sudden, arbitrary, impetuous and capricious destruction or removal of historical and archeological landmarks; and to control or delay the remodeling thereof when such action would have the effect of destroying or changing the landmark;
- (b) Safeguard the heritage of the city by preserving and perpetuating locations, areas, places, sites, buildings, structures, monuments, works of art and other objects or things which reflect elements of the city's cultural, historical, archeological, social, economic, political, agricultural, military, educational or architectural history;
- (c) Protect and enhance the city's attractiveness to residents, tourists and visitors;
- (d) Enhance the visual and aesthetic character, diversity and interest of the city;
- (e) Foster civic pride in the beauty and notable accomplishments of the past and enrich human life in its educational, patriotic, civic and cultural dimensions;
- (f) Promote the use and preservation of historic and/or archeological locations, places, sites, structures, objects or things for the education and general welfare of the people of the city;
- (g) Take necessary steps to safeguard the property rights of the owner whose property is declared to be a "landmark."

(Ord. 159 § 1 (part), 1976)

### 6-2102 Definitions.

For purposes of this chapter, unless the context clearly indicates otherwise, the following words and phrases have the meanings given in this section:

- (a) "Environmental change" means any change in the design or elevation of or the exterior remodeling of any building; or the destruction or removal of such building; or any physical change in the grounds for which some land use entitlement, such as a grading permit, a building permit or site plan approval is required.
- (b) "Landmark" means any location, area, place, site, building, structure, monument, work of art and other object or thing which has been designated as a historical landmark pursuant to this chapter.

(Ord. 159 § 1 (part), 1976)

## Article 2. Designation of Historical Landmarks

### 6-2111 Criteria.

In considering the designation of any area, location, site, place, building, structure, work of art or similar object as a landmark, the city council shall apply the following criteria with respect to such property:

- (a) Its character, interest or value as part of the development, heritage or cultural characteristics of the city, the state or the United States of America;
- (b) Its location as an area, place or site of a significant historic event;
- (c) Its identification with a person or persons who significantly contributed to the culture, history and development of the city;
- (d) Its exemplification of the cultural, educational, economic, patriotic, social or historic heritage of the city;
- (e) Its portrayal of the environment of a group of people in an era of history characterized by a distinctive architectural style;
- (f) Its embodiment of distinguishing characteristics of an architectural type of specimen;
- (g) Its identification as the work of an architect or master builder whose individual work has influenced the development of the city;

- (h)Its embodiment of elements of architectural design, detail, materials or craftsmanship which represent a significant architectural innovation;
  - (i)Its relationship to other distinctive locations, areas, places and sites which are eligible for preservation according to a plan based on a historic, educational, patriotic, cultural or architectural motif;
  - (j)Its unique location or singular physical characteristic representing an established and familiar visual feature of a neighborhood, or of the entire city.
- (Ord. 159 § 1 (part), 1976)

6-2112                      Nominations.

Proposals for the designation of landmarks may be made by (a) the owner of the property proposed to be so designated, or (b) the Lafayette Historical Society. (Ord. 159 § 1 (part), 1976)

6-2113                      Nominations by owners.

A property owner who wishes to have his property designated as a landmark shall submit a written request there for to the city council. The request shall clearly identify the proposed landmark, and shall set forth the reasons justifying the proposed designation. The city council shall promptly refer any nomination by an owner to the Lafayette Historical Society for investigation and recommendation. (Ord. 159 § 1 (part), 1976)

6-2114                      Action upon nominations by owners.

The Historical Society shall have a period of six months to investigate and make a recommendation upon any landmark nomination submitted by an owner. (Ord. 159 § 1 (part), 1976)

6-2115                      Nominations by the Society.

The Lafayette Historical Society is requested and encouraged to propose, from time to time, the designation of landmarks, especially when there is a community interest in acquiring the property or otherwise arranging for its permanent preservation. Such proposals shall be in written form, clearly identifying the property and setting forth the justification for the proposed landmark designation. (Ord. 159 § 1 (part), 1976)

6-2116                      Processing nominations.

The city council shall give notice of, and hold, a public hearing on each nomination for landmark designation. If the nomination is submitted by the owner, the hearing shall be held within 30 days after the recommendation from the Historical Society has been received, or within 210 days after the nomination was received, whichever is earlier. If the nomination is submitted by the Historical Society, the hearing shall be held within 30 days after receipt of the nomination. (Ord. 159 § 1 (part), 1976)

6-2117                      Notice.

The city manager shall give notice of the time and place of the hearing at least ten days in advance thereof by:

- (a)Mailing a copy of the notice to the owner of record of the subject property;
  - (b)Posting a copy of the notice on a public street in a location which is as close as reasonably possible to the front or entrance to the subject property; and
  - (c)Arranging for the publication of the notice as a legal advertisement in a newspaper of general circulation published and circulated in the city.
- (Ord. 159 § 1 (part), 1976)

6-2118 Hearing.

The city council shall conduct a public hearing and shall provide a reasonable opportunity for all interested parties to express their opinions for and against the proposed landmark designation. The hearing may be continued from time to time. (Ord. 159 § 1 (part), 1976)

6-2119 Decision.

Within 30 days after the conclusion of the hearing, the council, using the criteria set forth in Section 6-2111, shall by resolution either designate the property as a landmark or reject the nomination. Each resolution designating a landmark shall set forth the effects of the designation pursuant to Article 3 of this chapter. (Ord. 159 § 1 (part), 1976)

6-2120 Notification.

Upon the designation of a landmark by resolution, the city manager shall send certified copies of the resolution to the county building inspector, the owner of the property and the Historical Society, and shall cause a copy of the resolution to be recorded in the office of the county recorder. (Ord. 159 § 1 (part), 1976)

### Article 3. Regulation of Landmarks

6-2131 Regulation of environmental changes.

Before any person who owns, rents or occupies property which has been designated as a landmark makes any environmental change in such property, he must procure a certificate of appropriateness from the city council with respect to such environmental change. (Ord. 159 § 1 (part), 1976)

6-2132 Applications.

An application for a certificate of appropriateness shall be made in writing to the Lafayette Historical Society, with a record copy to the city council. The application shall be accompanied by such supporting information as will be required in order to obtain the land use entitlement required for the environmental change. (Ord. 159 § 1 (part), 1976)

6-2133 Recommendation by Historical Society.

Within 30 days after receiving the application, the Lafayette Historical Society shall recommend

in writing to the city council whether the application should be approved, conditionally approved or denied; and shall indicate the reasons for its recommendation. (Ord. 159 § 1 (part), 1976)

6-2134 Action by city council.

Within 30 days after receiving the recommendation of the Historical Society, or within 60 days after receiving the record copy of the application, whichever is earlier, the city council shall either approve, conditionally approve, or deny the application. (Ord. 159 § 1 (part), 1976)

6-2135 Issuance of certificate of appropriateness.

The city council shall issue a certificate of appropriateness, either with reasonable conditions or without conditions, if it finds that the environmental change proposed by the applicant:

(a) Will not adversely affect any significant historical or aesthetic feature of the property and is appropriate and consistent with the spirit and purposes of this chapter; or

(b) Is the necessary and appropriate method of remedying conditions determined in writing by the county building inspection department, Contra Costa County consolidated fire district, or the county health department to be dangerous to life, health or property.

(Ord. 159 § 1 (part), 1976)

6-2136 Denial of application.

If the city council finds that the proposed environmental change complies with neither of the requirements of Section 6-2135, it shall by motion deny the application and the proposed environmental change shall not be made. (Ord. 159 § 1 (part), 1976)

6-2137 Notification.

The city manager shall send written notification of the action of the city council on an application for a certificate of appropriateness to the applicant, the Historical Society and the official or body authorized to act on the land use entitlement needed for the proposed environmental change. (Ord. 159 § 1 (part), 1976)

6-2138 Exemptions from code requirements.

The city council shall request exemptions from requirements of the adopted construction codes for buildings or structures constituting designated landmarks when it appears such exemptions are necessary to the preservation of historical features or elements of the landmark. Such exemptions shall be granted by the county building inspector if, in his opinion, they will not result in any condition which is hazardous to life or property. (Ord. 159 § 1 (part), 1976)