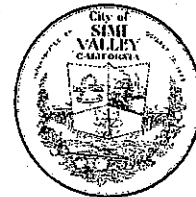


CITY OF SIMI VALLEY CITY COUNCIL

2929 Tapo Canyon Road
Simi Valley, CA 93063



Steven T. Sojka
Council Member

Barbra Williamson
Mayor Pro Tem

Mike Sedell
City Manager

Paul Miller
Mayor

Tracy Noonan
City Attorney

Glen T. Becerra
Council Member

Michelle S. Foster
Council Member

AGENDA SUMMARY CITY COUNCIL VENTURA COUNTY WATERWORKS DISTRICT NO. 8 SIMI VALLEY COMMUNITY DEVELOPMENT AGENCY ADJOURNED MEETING October 12, 2009

AGENDA ITEM

CALL TO ORDER: 6:30 p.m.

PLEDGE OF ALLEGIANCE:

ROLL CALL:

1. AGENDA REVIEW:

1A. Move that all resolutions and ordinances presented tonight be read in title only and all further reading be waived.

1B. It is the policy of the City Council that upon reaching 11:30 p.m., the City Council will not address any new agenda items. Should the City Council continue to address an in-progress agenda item past 12:00 midnight, the following motion is in order:

Move that the City Council meeting tonight may extend beyond the midnight deadline to conclude the item in progress or to conduct Special District business (Section 2-1-106 SVMC)

Note: If this is a joint meeting of the City Council and Boards of Directors, the applicable entity is identified at the end of each agenda item.

CC - City Council
WWD - Waterworks District No. 8
CDA - Community Development Agency

IDA - Industrial Development Authority
PFA - Public Financing Authority

Materials related to an item on this Agenda submitted to the CC, WWD, CDA, PFA and/or IDA after distribution of the agenda packet are available for public inspection in the City Clerk's Office at 2929 Tapo Canyon Road, Simi Valley, CA during normal business hours.

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1C. DECLARATION OF CONFLICT:

If any member of the City Council may have a conflict of interest or any reason why that member must abstain from consideration of any matter on this agenda, he or she should so declare at this time.

1D. SPECIAL PRESENTATIONS/HONORARY RESOLUTIONS/PROCLAMATIONS:

- (1) Presentation of Certificates of Appreciation to outgoing Neighborhood Council Executive Board Members
- (2) Presentation of Certificates of Commendation to Michael Brasier, Gene Muoio and Brandi Marshall in recognition of their quick response in administering life-saving CPR to a victim of cardiac arrest
- (3) Presentation of a Proclamation declaring the month of October 2009 as "Magic Month"

1E. YOUTH COUNCIL COMMENTS:

2A. PUBLIC STATEMENTS:

Time allotted for public statements or comments on all items other than public hearing items.

2B. CITY COUNCIL/BOARD MEMBER/SPECIAL DISTRICT REPORTS:

This item gives the Mayor/Chair and City Council Members/Directors the opportunity to present reports to the other members on committees, commissions, or special projects on which they may be participating.

3. APPOINTMENTS:

- (1) Appointment of Neighborhood Council Executive Board Members (Solomon) (CC)
- (2) Appointment of Cultural Arts Center Foundation Board Member (Solomon) (CC)

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4. PUBLIC HEARINGS:

NOTE ON PUBLIC NOTICE: This is the time and place set for a public hearing on the consideration of matters as presented on this agenda. Let the record show that due notice was given as required by law and an affidavit to this effect is on file in the Office of the City Clerk. The reports of the City Staff relating to these matters shall be made a part of the record of this meeting.

NOTE ON JUDICIAL REVIEW: If you challenge in court any of the City Council decisions made here tonight, you may be limited to raising only those issues you or someone else raised at this public hearing. The time within which judicial review must be sought is governed by California Code of Civil Procedure Section 1094.6.

- 4A. A public hearing to consider adoption of an ordinance amending provisions of the Water Conservation Program and adoption of a resolution modifying permitted weekly watering periods (Fuchiwaki) (WWD)

5. CONSENT CALENDAR:

NOTICE TO THE PUBLIC: All matters listed under the Consent Calendar are considered to be routine by the City Council/Special Districts and will be enacted by one motion. There will be no separate discussion of these items. If discussion is required, that item will be removed from the Consent Calendar. Vote will be by roll call.

- (1) Approval of minutes of August 31, 2009 (CC/WWD/CDA)
Action Required – Approval of minutes.
- (2) Authorization to solicit bids for police vehicles, Specification No. PD 09-02 (CC)
Action Required – Approval of request.
- (3) Award of contract for the construction of Minor Streets Rehabilitation – East Brower Avenue, Specification No. SV 09-42 (CC)
Action Required – Award contract to Hardy & Harper, Inc., utilize annual contract with Benner & Carpenter and approval of Supplemental Budget Request.
- (4) Adoption of a resolution approving the form of and authorizing the execution and delivery of a purchase and sale agreement and related documents with respect to the sale of the City's Proposition 1A Receivable from the State; and directing and authorizing certain other actions in connection therewith (CC)
Action Required – Adoption of resolution.

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6. CONTINUED BUSINESS:

6A. Second reading of Ordinance No. 1150 amending Title 2, Chapter 3, Article 5 of the Simi Valley Municipal Code, the "Cultural Heritage Ordinance" (Lyons) (CC)

7. NEW BUSINESS:

7A. Request for direction regarding possible revisions to Municipal Code Section 9-30.030 pertaining to the restricted use of wooden fences (Lyons) (CC)

7B. Expansion of representation on the City's Task Force on Homelessness (Solomon) (CC)

8. REPORTS:

8A. Intergovernmental Reports

This item gives the office of the City Manager/District Manager/Executive Director the opportunity to update the City Council/Special Districts on committees, commissions, or special projects on which they may be participating as representatives for the City Council/Special Districts.

8B. Planning Commission Reports

9. CLOSED SESSION: None

ADJOURNMENT: October 26, 2009



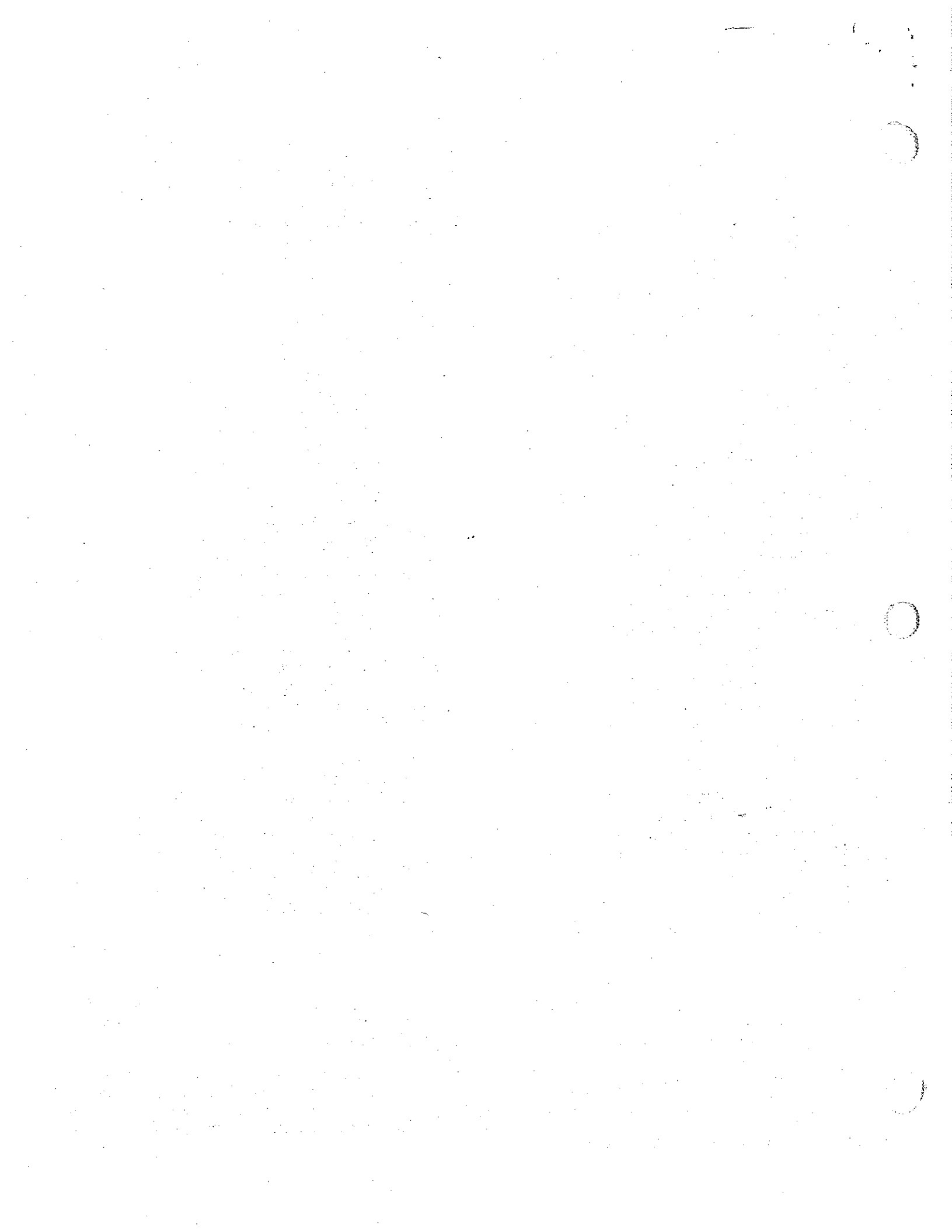
Mike Sedell
City Manager/District Manager/
Executive Director

CITY OF SIMI VALLEY - ABBREVIATIONS

AB	Assembly Bill	HCD	Housing and Community Development Dept. (State)
AS	Administrative Services Department	HHW	Household Hazardous Waste
ADA	Americans With Disabilities Act	HUD	Housing and Urban Development Dept. (Federal)
ADJ-S	Adjustment	ISTEA	Intermodal Surface Transportation Efficiency Act
AHA	Area Housing Authority	JTP	Job Training Program
AHS	Affordable Housing Subcommittee	LAFCO	Local Agency Formation Commission
APN	Assessor's Parcel Number	LD-S	Land Division
APCD	Air Pollution Control District (Ventura County)	LI	Light Industrial Zone
AQMP	Air Quality Management Plan	MH	Mobile Home Zone
AVCC	Association of Ventura County Cities	MOW	Meals on Wheels
AWA	Association of Water Agencies of Ventura Co.	NC	Neighborhood Council
BP	Business Park Zone	OS	Open Space Zone
CA	City Attorney's Office	PD	Police Department
CAC	Cultural Arts Center	PD-S	Planned Development Permit
CC	Civic Center Zone	PMP	Property Maintenance Program
CD-S	Cluster Development Permit	PSC	Public Services Center
CEV	Council on Economic Vitality	PW	Public Works Department
CI	Commercial Industrial Zone	RCC	Regional Commercial Center Zone
CIC	Capital Improvement Charge	RE	Residential Estate Zone
CIWMP	California Integrated Waste Management Plan	RH	Residential High Density Zone
CM	City Manager's Office	RL	Residential Low Density Zone
CMP	Congestion Management Program	RM	Residential Medium Density Zone
CN	Commercial Neighborhood Zone	RMod	Residential Moderate Density Zone
CO	Commercial Office Zone	RVH	Residential Very High Density Zone
COA	Council on Aging	RVL	Residential Very Low Density Zone
CPD	Commercial Planned Development Zone	SB	Senate Bill
CPI	Consumer Price Index	SCAG	Southern California Association of Govts.
CPP	Countywide Planning Program	(SP)	Specific Plan Suffix
CR	Commercial Recreation Zone	SVMC	Simi Valley Municipal Code
CS	Community Services Department	TAP	Trash Abatement Program
CUP-S	Conditional Use Permit (formerly SUP-S)	TARP	Teen Assistance and Resource Program
DARE	Drug Abuse Resistance Education	TE	Time Extension
DEA	Drug Enforcement Administration	TP-S	Tentative Parcel Map
DSB	Development Services Building	USDC	United States District Court
EDU	Equivalent Dwelling Unit	VCMC	Ventura County Municipal Court
EIR	Environmental Impact Report	VCOG	Ventura Council of Governments
ES	Environmental Services Department	VCSC	Ventura County Superior Court
FEMA	Federal Emergency Management Agency	VCTC	Ventura County Transportation Commission
FTA	Federal Transit Administration	VISTA	Ventura Intercity Service Transit Authority
FY	Fiscal Year	WCAB	Workers' Compensation Appeals Board
GI	General Industrial Zone	YES	Youth Employment Service
GPA	General Plan Amendment	YC	Youth Council

If any interested individual has a disability that may require accommodation to participate in this meeting, please contact the City Clerk's Office at (805) 583-6720. Upon advance notification of the need for accommodation, reasonable arrangements will be made to provide accessibility to the meeting.

Copies of the staff reports or other written documentation relating to each item of business referred to on this agenda are on file in the Office of the City Clerk between the hours of 8:00 a.m. and 5:00 p.m. Copies of these materials are available at cost. The time within which judicial review must be sought for administrative decisions is governed by California Code of Civil Procedure Section 1094.6. If you have questions regarding any agenda item, please contact the City Clerk's Office at (805) 583-6720.



Agenda

Item: 6A

Date: 10-12-2009

CITY OF SIMI VALLEY MEMORANDUM

October 12, 2009

TO: City Council

FROM: City Clerk's Office

SUBJECT: SECOND READING OF ORDINANCE NO. 1150 AMENDING TITLE 2, CHAPTER 3, ARTICLE 5 OF THE SIMI VALLEY MUNICIPAL CODE, THE "CULTURAL HERITAGE ORDINANCE"

RECOMMENDATION

It is recommended that the City Council adopt Ordinance No. 1150.

BACKGROUND

The attached Ordinance amending Title 2, Chapter 3, Article 5 of the Simi Valley Municipal Code, the "Cultural Heritage Ordinance" was introduced for first reading at the City Council meeting of September 14, 2009 without modification.

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SIMI VALLEY AMENDING TITLE 2, CHAPTER 3, ARTICLE 5 OF THE SIMI VALLEY MUNICIPAL CODE, THE "CULTURAL HERITAGE ORDINANCE"

WHEREAS, the City of Simi Valley's Cultural Heritage Ordinance, adopted in 1982, sets forth regulations pertaining to designating a site or building historical; and

WHEREAS, the City desires to amend its Cultural Heritage Ordinance to be consistent with State Office of Historical Preservation regulations; and

WHEREAS, pursuant to the provisions of Section 15331 of the California Environmental Quality Act, the project is exempt from CEQA and a Notice of Exemption was prepared.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SIMI VALLEY DOES ORDAIN AS FOLLOWS:

SECTION 1. Title 2, Chapter 3, Article 5 of the Simi Valley Municipal Code, the "Cultural Heritage Ordinance," attached hereto as Exhibit A, is hereby amended.

SECTION 2. The City Clerk shall cause this ordinance or a summary hereof to be published in a newspaper of general circulation, published in the County of Ventura and circulated in the City, and if applicable, to be posted, in accordance with Section 36933 of the California Government Code; shall certify to the adoption of this ordinance and shall cause a certified copy of this ordinance, together with proof of publication, to be filed in the Office of the Clerk of this City.

SECTION 3. This ordinance shall go into effect and be in full force and effect at 12:01 a.m. on the thirty-first (31st) day after its passage.


PASSED and ADOPTED this

Attest:

Assistant City Clerk

Paul Miller, Mayor of the City of Simi Valley, California

Approved as to Form:


Tracy M. Noonan, City Attorney

Approved as to Content:


Mike Sedell, City Manager

Peter Lyons, Director
Department of Environmental Services

Title 2, Chapter 3, Article 5, "Cultural Heritage" of the Simi Valley Municipal Code is hereby amended to read as follows:

2-3.501. Title.

This article shall be known as and may be cited as the "Cultural Heritage Ordinance".

2-3.502. Purpose.

The purpose of this article is to promote the general welfare of the City by providing cultural, educational, historic, architectural, aesthetic, social, and economic benefits through the preservation and protection of landmarks, historic districts, sites of merit, and points of historical interest, as defined in this article, be they of public or private ownership, and having a special historical or aesthetic character or interest; or relocating or recreating an historic landmark, historic district, site of merit, or point of historical interest for the use, education, and view of the general public; all of this in order to make the citizens of Simi Valley, and visitors and tourists to the City, mindful of the rich historic, cultural, and natural heritage within the City.

2-3.503. Applicability.

The Cultural Heritage Ordinance shall have force and effect in the incorporated areas of the City. Any landmark, historic district, site of merit, or point of historical interest (hereafter referred to as "Cultural Heritage Sites") designated under the provisions of Article 5 of Chapter 3 of Division 1 of the Ventura County Ordinance Code or under the provisions of this article, existing within the City as of the effective date of this Ordinance, shall retain its declared status and shall hereafter be governed by all the applicable rules and regulations of this article. At any time in the future, if the territory upon which an officially declared Cultural Heritage Site is situated is annexed to the City, such Cultural Heritage Site shall retain its declared status and shall thereafter be governed by all the applicable rules and regulations of this article.

2-3.504. Definitions.

For the purposes of this article, unless otherwise apparent from the context, certain words and phrases used in this article are defined as follows:

- (a) "Addition" shall mean any extension or increase in the height, width, or total square footage of an object, building, structure, site, area, or place.
- (b) "Administrative Certificate of Appropriateness" shall mean a Certificate of Appropriateness issued by the designee of the Board for certain minor projects, under the supervision of the Board, which would not require a public hearing [refer to Section 2-3.509.(g)].
- (c) "Alteration" shall mean any change, addition, or modification in the physical configuration, occupancy, or use of an object, building, structure, site, area, or place.
- (d) "Board" shall mean the Cultural Heritage Board of the City.

(e) "Certificate of Appropriateness" shall mean an authorization issued by the Board, or its designee, in accordance with criteria adopted by the Board, which indicates that the proposed subdivision, rezoning, maintenance, acquisition, stabilization, preservation, reconstruction, protection, alteration, restoration, rehabilitation, remodeling, addition, change of use, demolition, relocation, change, or other project affecting a designated Cultural Heritage Site will not adversely affect the characteristics that justify its designation as a Cultural Heritage Site.

(f) "Cultural Heritage Site" shall mean any improvement, natural feature, site, or historic district that meets the legal requirements stipulated in this article to have it recommended by the Cultural Heritage Board of the City and subsequently designated by the Simi Valley City Council as a landmark, historic district, site of merit, or point of historical interest.

(g) "Defacement" shall mean any change, disfiguration, or distortion in the appearance of an object, building, structure, site, area, or place.

(h) "Demolition" shall mean action resulting in the partial or total destruction of an object, building, structure, site, area, or place.

(i) "Historic district" shall mean any geographically definable area, urban or rural, possessing a significant concentration, linkage, or continuity of sites which are unified by past events or aesthetically by plan or physical development.

(j) "Historical resource" shall mean any historical, cultural, or natural feature which is or has been at one time contained within or situated on real property, including, but not limited to, any:

- (1) Building, structure, ruins, or foundation;
- (2) Route or trail;
- (3) Site or place, for example, cave, oak grove, cemetery, burial ground, camp or village area, significant tree, or other plant life;
- (4) Natural configuration, traditional landscape horizon, or geographic or geological formation or feature; and
- (5) Traditional, historic, or legendary names of any of the objects set forth in subsection (1) through (4) of this subsection which are of:
 - (i) Particular historic, cultural, scenic, or aesthetic significance to the City in which the broad cultural, political, economic, and/or social history of the nation, State, or community is reflected or exemplified;
 - (ii) Or which are identified with historic personages or with important events in the main currents of national, State, or local history;
 - (iii) Or which show evidence of the habitation, activity, or culture of prehistoric man;
 - (iv) Or which embody the distinguishing characteristics of an architectural-type specimen inherently valuable for a study of a period, style, or method of construction;

(v) Or which present a work of a master builder, designer, artist, or architect whose individual genius influenced his age;

(vi) Or which are imbued with traditional or legendary lore.

(k) "Landmark" shall mean any historical resource which receives official designation by the City Council as provided in SVMC Section 2-3.508 of this article or which has been so declared under the provisions of Article 5 of Chapter 3 of Division 1 of the Ventura County Ordinance Code.

(l) "Point of historical interest" shall mean any real property that:

(1) Is the site of a building, structure, or object which no longer exists but was associated with historic events or important person or embodied a distinctive character or architectural style; or

(2) Contains an object which has historic significance but has been altered to the extent that the integrity of the original workmanship, materials, or style has been substantially compromised; or

(3) Is the site of an historic event which has no distinguishable characteristics other than that an historic event occurred there, and the site is not of sufficient historic significance to justify the establishment of an historic landmark, such as:

(i) Buildings, structures, ruins, or foundations;

(ii) Routes or trails;

(iii) Sites or places, for example, caves, oak groves, cemeteries, burial grounds, camps or village areas, significant trees, or other plant life;

(iv) Natural configurations, traditional landscape horizons, or geographic or geological formations or features; and

(v) Traditional, historic, or legendary names or any of the objects set forth in subsections (i) through (iv) of this subsection which are of:

(aa) Particular historic, cultural, scenic, or aesthetic significance to the City in which the broad cultural, political, economic, or social history of the nation, State, or community is reflected or exemplified;

(ab) Or which are identified with historic personages or with important events in the main currents of national, State, or local history;

(ac) Or which show evidence of the habitation, activity, or culture of prehistoric man;

(ad) Or which embody the distinguishing characteristics of an architectural type specimen inherently valuable for a study of a period, style, or method of construction;

(ae) Or which present a work of a master builder, designer, artist, or architect whose individual genius influenced his age;

(af) Or which are imbued with traditional or legendary lore.

(m) "Removal" shall mean any change in the location or siting of an object, building, structure, site, area, or place.

(n) "Sites of Merit" shall mean sites of historical, architectural, community, or aesthetic merit which have not been designated as landmarks, historic districts, or points of historical interest, but which are deserving of special recognition.

2-3.505. Cultural Heritage Board: Establishment: Members: Terms.

There is hereby established in the City a Cultural Heritage Board, the membership and term of each member being as follows:

(a) *Appointees*. Five (5) members and two (2) alternates shall be appointed by the Mayor upon the approval of the City Council.

(b) *Terms of appointments*. Terms shall be for four (4) years.

In lieu of such method of appointment, and as a substitute procedure therefore, the City Council may designate the Ventura County Cultural Heritage Board to act as the Board for the City with all of the authority provided such Board by this article.

2-3.506. Cultural Heritage Board: Functions.

The Board shall perform the following functions:

(a) *Inventories*. Undertake a comprehensive survey of the community in search of cultural/historical resources not previously identified; compile and maintain a current list of historical resources, including archeological sites, and designated Cultural Heritage Sites which shall have been declared; and make such listing available to the City Council and the general public;

(b) *Evaluations*. Establish specific criteria for designating Cultural Heritage Sites, and establish additional categories for sites and structures worthy of recognition and protection. Such criteria and additional categories shall be subject to adoption by the City Council; and inspect and investigate any item in the City which the Board has reason to believe should be declared a Cultural Heritage Site;

(c) *Education*. Support educational programs to stimulate public interest in historic preservation; participate in the adaptation of existing Codes, procedures, and planned or adopted programs to reflect historic preservation policies and goals; and aid in the development of new programs, in both the public and private sector, which promote historic preservation;

(d) *Recommendations*. If the conclusion of the Board is that an historical resource does exist, which meets the criteria as established and should be declared as a Cultural Heritage Site, the Board shall make its recommendation to the City Council. Such a recommendation shall include a brief description of the historical, cultural, or natural significance of the proposed historical resource; a statement of the appropriateness or need for the City Council to make an official declaration; and a full legal description of the real property to be considered for such designation;

- (e) *Markers.* Determine which designated Cultural Heritage Sites shall be marked with uniform and aesthetic markers where the City Council has first approved such designation by a majority vote. For those designated Cultural Heritage Sites which receive approval from the City Council for the placement of markers, the Board shall submit recommended wording for the inscriptions on such markers to the City Council for its approval;
- (f) *Zoning.* Recommend to the City Council, if indicated, that a specific landmark, site of merit, point of historical interest, or area be designated an historic district; recommend to the City Council an overlay zone, as defined under "Zone, Overlay" in SVMC Sec. 9-80.020, for historic districts, if indicated; and, for further protection, recommend amending the zoning ordinance to include the overlay zone;
- (g) *State registration.* Recommend to the City Council that an application be made to the State Historical Resources Commission for State registration of historical resources or designated landmarks which have historical significance and which meet State registration criteria and where the registration would assist in preservation. The Board shall determine the appropriate State registration and so advise the City Council; and
- (h) *Amendments.* Recommend to the City Council amendments to this article when circumstances indicate.

2-3.507. Cultural Heritage Board: Powers.

The powers of the Board shall be to:

- (a) *Public hearings.* Conduct public hearings for the purpose of considering potential Cultural Heritage Sites for nomination, or removing previously declared Cultural Heritage Sites, and make subsequent recommendation to the City Council for official designation or removal of status. The property owners of potential or existing Cultural Heritage Sites shall be notified by registered mail of the Board's contemplated action not less than fifteen (15) days prior to the date such hearings are to be held.
- (b) *Preservation of Cultural Heritage Sites.* Take the steps necessary to preserve designated Cultural Heritage Sites not in conflict with the public health, safety, and general welfare. Such steps may include the creation of civic and citizen committees; the establishment of a private fund for the acquisition or restoration of declared Cultural Heritage Sites; the exploration of grant sources to facilitate preservation efforts; and, the recommendation that such declared Cultural Heritage Sites be acquired by a governmental agency where private acquisition is not feasible. All such actions shall be first submitted to and approved by the City Council, except as otherwise provided in this article;
- (c) *Conduct reviews.* Prior to issuance of zoning clearances, building permits, demolition permits, or approval of subdivisions, review all applications for permits, environmental assessments, environmental impact reports, environmental impact statements, and other similar documents as set forth in this article, pertaining to designated Cultural Heritage Sites. The City will forward all such documents to the Cultural Heritage Board for review and comments, prior to approval by the City [also see SVMC Sec. 2-3.509 regarding Certificates of Appropriateness];

- (d) *Approval/Denial of Certificates of Appropriateness.* Approve or deny Certificates of Appropriateness (refer to SVMC Sec. 2-3.509); and
- (e) *Rules and regulations.* Adopt such rules and regulations as are necessary to carry out the purpose and intent of this article.

2-3.508. Declaration and removal of Cultural Heritage Sites.

The authority to declare and remove the designation of Cultural Heritage Sites shall be vested solely in the City Council.

- (a) *Declaration of Cultural Heritage Sites.* The City Council shall make a determination at a public hearing as to the declaration of proposed Cultural Heritage Sites within 90 days from the time the Board adopts a recommendation.

If the property owner objects to the designation of his property as a Cultural Heritage Site, such objection shall be filed with the City Clerk prior to the time the City Council makes a determination at a public hearing to declare or not declare the property a Cultural Heritage Site. This time period shall not exceed ninety (90) days, during which time the property owner shall be prohibited from the defacement, demolition, alteration, removal of, or addition to the proposed Cultural Heritage Site. Notices of such hearings shall be published once in a newspaper of general circulation in the City and posted in a conspicuous place in the City Hall not less than ten (10) days prior to the date of such hearings.

If the City Council determines that a proposed Cultural Heritage Site should be officially so declared, the property owner shall be prohibited from the defacement, demolition, alteration, removal of, or addition to the declared Cultural Heritage Site without obtaining a Certificate of Appropriateness pursuant to SVMC Section 2-3.509.

- (b) *Removal of Cultural Heritage Sites.* If the Cultural Heritage Site is defaced, demolished, added to, altered, or moved, and the Board determines that the Cultural Heritage Site no longer exists, the Board may recommend to the City Council that the property lose its designation as a Cultural Heritage Site.

If the property owner of the designated Cultural Heritage Site objects to the removal of such status of his property, such objection shall be filed with the City Clerk prior to the time the City Council makes a determination at a public hearing to remove or not remove the Cultural Heritage Site designation from the property. This time period shall not exceed ninety (90) days, during which time the property owner shall be prohibited from the defacement, demolition, alteration, removal or, or addition to the Cultural Heritage Site. Notices of such hearings shall be published once in a newspaper of general circulation in the City and posted in a conspicuous place in the City Hall not less than ten (10) days prior to the date of such hearings.

2-3.509. Certificate of Appropriateness.

- (a) *Applicable sites.* Certificates of Appropriateness will be required for any changes to any designated Cultural Heritage Site (refer to Exemptions, Section 2-3.509.(h)).

(b) *Requirement for a Certificate of Appropriateness.* Unless exempt pursuant to Section 2-3.509.(h), the property owner of a designated Cultural Heritage Site will be prohibited from the alteration, addition, demolition, defacement, or removal of such designated site, without first complying with at least one of the following:

- (1) Obtained a Certificate of Appropriateness; or
- (2) Filed for a Certificate of Appropriateness and waited the time specified in SVMC Section 2-3.509.(e), without any action being taken on the property owner's request for a Certificate of Appropriateness.

(c) *Application materials.* Requests for Certificates of Appropriateness shall be signed by the land owner or their designated agent and filed with the Board for processing. Requests shall include plans and specifications as necessary to evaluate the proposed change(s), and how the proposed change(s) is appropriate for the area. The request must be accompanied by any other information the Board determines is required to make an informed determination on the proposed work according to the standards of review pursuant to SVMC Section 2-3.509.(d). Within 30 days of the application filing date, the Board shall inform the applicant in writing whether the application is complete and has been accepted for processing, or that the application is incomplete and that additional information must be provided to make the application complete. Failure of the Board to respond within 30 days of application submittal with a determination as to completeness shall be deemed a determination that the application is complete. Submittal of the additional Board-requested information shall establish a new 30-day period for a determination of completeness.

(d) *Approval of a Certificate of Appropriateness.* Unless exempt pursuant to Section 2-3.509.(h), in evaluating requests for Certificates of Appropriateness, the Board, at a scheduled public meeting, will consider the existing architectural style, design, arrangement, texture, materials, and any other factors with regard to the site's original distinguishing characteristics. Using the Secretary of the Interior's Standards for Historic Preservation Projects as a guide, the Board will approve a Certificate of Appropriateness for any proposed work only if the Board makes at least one of the following findings:

- (1) The proposed work will not adversely affect the integrity of significant architectural features or the character of historical, architectural, or aesthetic interest or value of the site.
- (2) In the case of construction of a new improvement, addition, building, or structure upon the site, the use, scale and massing, and exterior of such construction will not adversely affect, and will be compatible with, the use and/or exterior of the site.
- (3) Denial of a Certificate of Appropriateness will do one or more of the following:
 - (i) Deprive the property owner of all reasonable use of or economic return on the property;
 - (ii) Result in a hardship due to conditions applicable to the structure or other feature involved; and/or

(iii) Cause damage to the property owner unreasonable in comparison to the benefit conferred to the community.

A Board decision may be appealed to the City Council by any interested person or the City Council within 14 days of the date of the decision.

(e) *Board fails to render a decision on Certificate of Appropriateness request.* If the Board fails to render a decision on a request for a Certificate of Appropriateness within ninety (90) days of submission of a complete Certificate of Appropriateness application, the Certificate of Appropriateness will be deemed approved.

(f) *Non-action after Certificate of Appropriateness approval.* If the property owner has not acted on the Certificate of Appropriateness within one year and 180 days from the Certificate of Appropriateness approval, the Certificate of Appropriateness shall expire.

(g) *Administrative Certificate of Appropriateness.* The Board may delegate administrative authority to its designee for certain very minor projects, under the supervision of the Board, to be processed under an Administrative Certificate of Appropriateness, which would not require a public hearing. Types of work would include basic maintenance and repair or minor rehabilitation that does not involve a change of design, material, appearance, or visibility of character-defining features, including but not limited to:

- (1) In-kind replacement of historically correct architectural features or building elements, such as windows, doors, exterior siding, etc.;
- (2) Fencing, rear yard, of a like kind, unless on a visible side yard;
- (3) Removal of non-historic features;
- (4) Exterior structure paint;
- (5) Patios and patio covers (not enclosed) not visible from the street, of wood or simulated wood;
- (6) Roofing, of a like historic kind;
- (7) Tree removal, unless historically significant.

An administrative decision may be appealed to the City Council by any interested person or the City Council within 14 days of the date of the decision.

(h) *Exemptions from Certificate of Appropriateness.* An exemption shall be granted for in-kind replacement of historically correct site or landscape features that are deteriorated, damaged beyond restoration, or previously removed, including but not limited to:

- (1) Concrete/paving work, same location and design;
- (2) Electrical and plumbing, replacement of which is not visible on the interior or exterior;
- (3) Paint and wall coverings, structure interior only;
- (4) Swimming pool demolition, unless an established historic feature.

The Board or its designee shall determine whether the change or modification qualifies for an exemption.

2-3.510. Standards.

In recommending and declaring any Cultural Heritage Site as worthy of protection under this article, the Board and the City Council shall be subject to the following standards:

- (a) The designated Cultural Heritage Site shall have historic, aesthetic, or special character or interest for the general public and not be limited in interest to a special group of persons.
- (b) The designation of such Cultural Heritage Site shall not require the expenditure by the City of any amount of money not commensurate with the value of the object to be preserved.
- (c) The designation of such Cultural Heritage Site shall not infringe upon the rights of a private owner thereof to make any and all reasonable uses of such Cultural Heritage Site, which are not in conflict with the purpose of this article.

2-3.511. Cooperation.

All boards, commissions, departments, and officers of the City shall cooperate with the Board in carrying out the spirit and intent of this article and shall notify the Board of the discovery of items of historical significance, such as burial grounds, prehistoric artifacts, historic foundations, or points of historical interest, and inform the Board also of the proposed alteration, demolition, or relocation of designated Cultural Heritage Sites; proposed changes of all road and geographical name changes; and all City records of historical significance which are to be disposed of or destroyed.

The Board shall cooperate with all departments and officers of the City, when requested, and shall recommend for their consideration matters covered by this article.

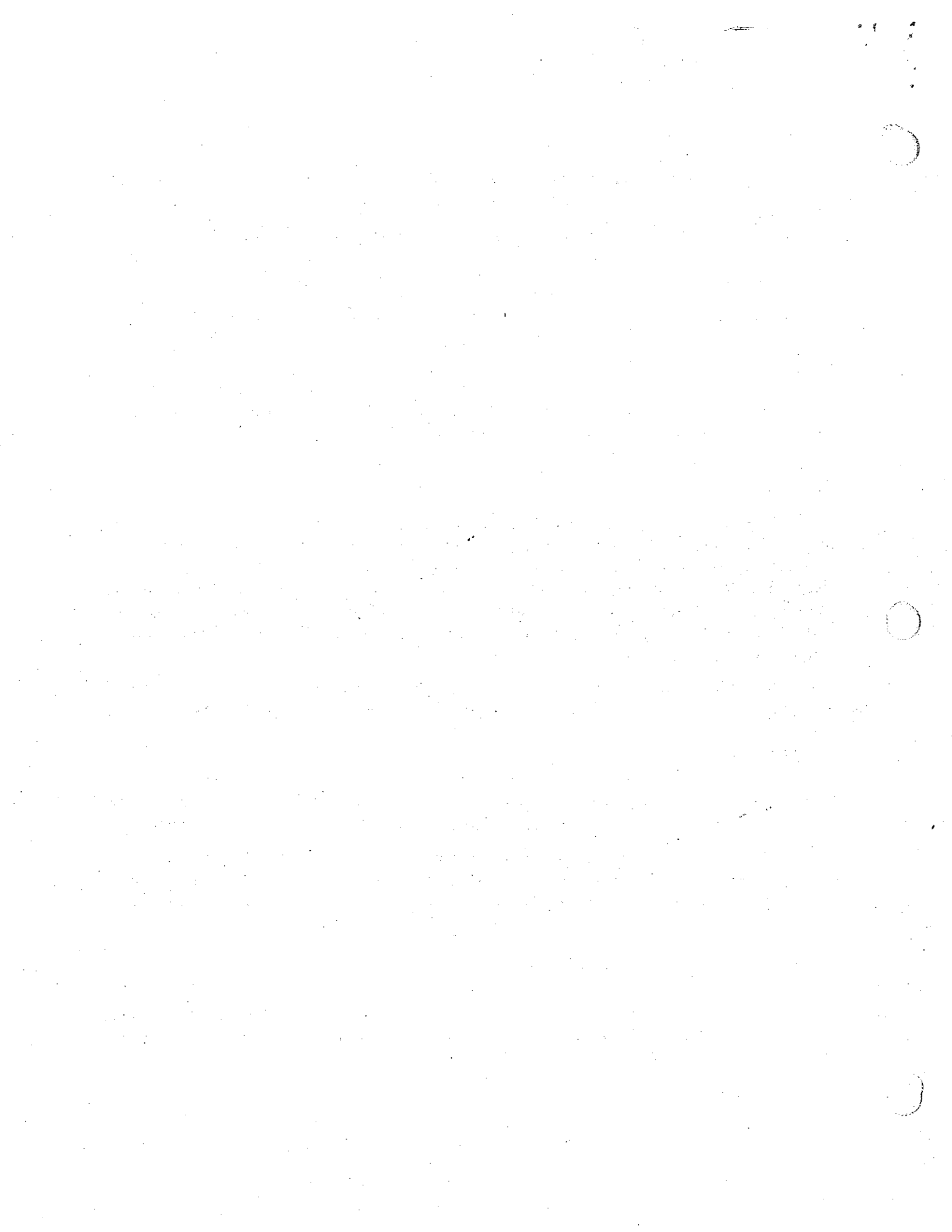
2-3.512. Environmental review.

Any and all actions affecting or having a potential for affecting any historical resource or designated Cultural Heritage Site shall be referred to the Board for review and comment.

Any and all environmental documents prepared for projects in the City pursuant to the California Environmental Quality Act (Sections 21000 et seq. of the Public Resources Code of the State) or the National Environmental Policy Act of 1969 (Pub. L. 91-190, 42 U.S.C. 4321 et seq.) may be referred to the Board for review and comment.

2-3.513. Enforcement: Violations: Penalties.

The City shall have the authority but not the obligation to enforce any provision of this article. Any violation of this article may be prosecuted as a misdemeanor and is punishable as provided in Chapter 2 of Title 1 of this Code.





OCT 12 2009

CITY OF SIMI VALLEY

Home of The Ronald Reagan Presidential Library

October 8, 2009

Kim Hocking
Cultural Heritage Planner – Ventura County
800 S. Victoria Ave., #L-1740
Ventura, CA 93009

Dear Kim:

Enclosed please find a copy of Agenda Item 6A regarding second reading of Ordinance No. 1150 amending Title 2, Chapter 3, Article 5 of the Simi Valley Municipal Code, the “Cultural Heritage Ordinance,” which will be discussed by the City Council of the City of Simi Valley on October 12, 2009. The meeting will be held in the Council Chamber at City Hall, 2929 Tapo Canyon Road, and will begin at 6:30 p.m.

If you have any questions regarding this matter, please contact Monica Dionne, Associate Planner, at 805-583-6342.

Sincerely,

A handwritten signature in cursive script that reads "Sheron Grasso".

Sheron Grasso
Recording Secretary

Enc.

