



PLANNING & COMMUNITY DEVELOPMENT DEPARTMENT

STAFF REPORT

DATE: AUGUST 4, 2020

TO: HISTORIC PRESERVATION COMMISSION

FROM: DAVID M. REYES, DIRECTOR OF PLANNING & COMMUNITY DEVELOPMENT DEPARTMENT

SUBJECT: HISTORIC PRESERVATION ORDINANCE AMENDMENTS

RECOMMENDATION:

1. Find that the proposed project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15308, Class 8, of the CEQA guidelines pertaining to actions by regulatory agencies for the protection of the environment. The proposed amendments generally strengthen and clarify existing regulations that apply to the protection of historical resources;
2. Find that the proposed Zoning Code Text Amendments are in conformance with the goals, policies, and objectives of the General Plan;
3. Find that the proposed Zoning Code Text Amendments would not be detrimental to the public interest, health, safety, convenience, or general welfare of the City; and, therefore,
4. Recommend that the City Council approve the proposed Zoning Code Text Amendments to the Historic Preservation Ordinance as specified in this report.

BACKGROUND:

Existing Ordinance

The existing Historic Preservation Ordinance (primarily Ch. 17.62 P.M.C., in addition to other sections throughout the Zoning Code) regulates evaluation, designation, and protection of historic resources, and was last amended in 2009 and 2007, and prior to that, in 2005 in conjunction with the adoption of a new Zoning Code. The 2005 version of the ordinance is substantially the same as the November 2002 version, which was a complete rewrite of the City's original Historic Preservation Ordinance (HPO) from the 1970s. The current ordinance provides for designation of five categories of historic resources: historic monuments, landmarks, landmark districts, historic signs, and landmark trees. It also has

regulatory procedures to review demolitions and alterations affecting designated and eligible historic properties including properties in Pasadena that are listed in, or eligible for, listing in the National Register of Historic Places. It also authorizes the Historic Preservation Commission (HPC) to review and forward recommendations to the City Council (CC) on environmental impact reports (EIRs), zone changes, and other land-use entitlements; and to advise the Design Commission (DC) on changes to historically significant, City-owned properties. The existing HPO and other historic preservation-related sections of the Zoning Code are included in Attachment A for reference.

Since the most recent amendments to the HPO in 2009, several major issues have come to light, including the treatment of proposed demolition of, and major alterations to, eligible undesignated historic resources, the need for a defined process to conduct historic resource evaluations, the types of projects that require a Certificate of Appropriateness, and unclear and inappropriate violation procedures. In administering the HPO over this time, staff has also identified a number of more minor technical issues and clarifications that need to be made to the HPO, as well as situations where the HPO language does not match or clearly outline current procedures. In response to the most recent major issues, the City Council adopted an Interim Urgency Ordinance in 2019 that prohibits demolition and major projects affecting eligible, undesignated historic resources and directed staff to embark on a process to amend the City's HPO to address concerns that have been raised by the community and to ensure that the HPO reflects current best practices in historic preservation.

Public Outreach & Amendment Process

Staff has comprehensively reviewed the City's existing HPO as well as approximately 40 HPO's in other communities throughout the State and engaged in an outreach effort that included direct email to neighborhood representatives (including Council-appointed landmark & historic district representatives), Pasadena Heritage, City Council members and liaisons, the members of the HPC and Planning Commission (PC), as well as posting of notices on the City's social media accounts. Announcements have directed interested parties to a web page dedicated to this effort on the City's website, including creation of an email list to allow for direct email notifications of public hearings as they are scheduled. Other opportunities for public notification and engagement thus far have included a workshop on October 15, 2019 before the HPC to obtain feedback on three primary potential HPO amendments (historic resource evaluations, Category 2 review procedures and Variances for Historic Resources) and a virtual public workshop on July 1, 2020. Staff has received a number of public comments that have helped inform the staff recommendations in this report. Copies of the correspondence are included in Attachment B. Subsequent to this hearing, the public will continue to have opportunity to participate in public hearings before the Planning Commission and the City Council.

SUMMARY OF PROPOSED AMENDMENTS:

Staff proposes amendments to the HPO within three general categories: new policies, codification of existing policies, and technical corrections. The proposed amendments in these categories are described in greater detail below:

New Policies:

The intent of these recommended amendments is to address community concerns and implement best practices in historic preservation, as follows:

CATEGORY 2 REVIEW PROCEDURES **Affected Current Code Section: 17.62.090.E.2**

Current Ordinance Provision: The current Ordinance requires submittal of an application for a Certificate of Appropriateness (COA) for demolition and major projects affecting certain eligible, undesignated historic resources.

Issues to be addressed: For projects found to be inconsistent with design guidelines, the review authority may only delay issuance of COA for up to 180 days, but cannot disapprove the COA. At the end of the delay period, the COA must be issued and the demolition or major alteration may proceed. In addition, major alterations affecting contributing properties to eligible landmark districts do not require a COA. Staff finds that these procedures do not adequately protect historic resources, they create inconsistent policy and do not align with California Environmental Quality Act (CEQA) requirements, which consider both designated and eligible historic resources equally.

Proposed Amendments: Allow COA's to be disapproved if found to be inconsistent with the required findings for approval of a COA. In addition, require a COA for major alterations to contributing properties in eligible, undesignated landmark districts.

In conjunction with this amendment, the current Ordinance section that establishes interim protections for historic resources while designation is pending (PMC 17.62.050.D) would no longer be necessary and staff recommends that it be deleted in its entirety.

PROCESS TO EVALUATE PROPERTIES FOR POTENTIAL HISTORICAL SIGNIFICANCE **Affected Current Code Section: None**

Current Ordinance Provision: As noted above, Category 2 review procedures in the current HPO require a COA for demolition and major alteration of eligible, undesignated historic resources. Currently, staff informally conducts historic resource evaluations as a Director's determination, which may be appealed to the Board of Zoning Appeals.

Issue to be addressed: The current HPO does not contain requirements and procedures for evaluating properties for potential historical significance. In addition, the HPC, which was created to oversee historic preservation issues in the City, is not currently the designated appeal body for determinations issued by the Director, including historic resource evaluations. As the City does not have a comprehensive survey of historic resources, it is in the best interest of property owners to have an opportunity to obtain an

official determination of historical significance in order to be able to know which process may apply to a proposed demolition or major alteration project. In addition, creation of an evaluation process will ensure that potential historic resources are identified and protected in furtherance of General Plan policies promoting historic preservation.

Proposed Amendment: Establish a clear procedure for evaluating properties for potential historical significance, which would require an evaluation when demolition or major alteration of a building, site, structure or object over 45 years of age is proposed. Exemptions would include properties evaluated within the last 5 years and cases where a project requires CEQA documentation and a historical evaluation is performed as part of the CEQA process. Voluntary evaluations requested by a property owner should also be accepted, such as prior to a property sale. At staff's discretion, evaluations may be prepared by staff or a qualified professional consultant managed by staff and paid for by the applicant. Evaluations would follow established methodology in the document "Instructions for Recording Historical Resources" published in March 1995 by the California Office of Historic Preservation (OHP). If an eligible landmark district is identified in an evaluation, property owners within the district would be notified and an informational meeting held to inform property owners of the effects of the determination. Evaluations would be appealable to, or able to be called for review by, the HPC.

LIST OF MAJOR & MINOR PROJECTS

Affected Current Code Section: 17.80.020.H "Historic Preservation" 20 & 21

Current Ordinance Provision: The current definitions of "Project, Major" and "Project, Minor" in the Zoning Code glossary determine whether a COA is required for a project as well as the review authority in cases where a COA is required.

Issues to be addressed: Over time, it has been found that certain projects have the potential to substantially impact historic resources or neighborhoods, but are either not included in the definitions of major or minor projects (and therefore do not require a COA) or are only listed as minor projects, which means that for eligible, undesignated historic resources, a COA is not required. These projects include:

1. Like-for-like replacement of a substantial amount of exterior cladding (i.e., stripping a substantial portion of a building to studs).
2. Construction of an accessory structure in front of a primary structure (a rare occurrence, but currently allowed in Hillside Districts).
3. Replacement of windows with different materials and/or with a different muntin pattern than the existing windows.
4. Work required as part of a recorded Historic Property Contract (Mills Act) that would otherwise not require a COA (including interior work).
5. Additions of less than 200 square feet on the front elevation (currently listed as a Minor Project).
6. New front yard retaining walls.
7. Painting of masonry.

In addition, some language in these definitions is unclear, repetitious or incomplete. Finally, staff recommends that front yard fences be changed to a minor project, as is the case in the review procedures included in the three Conservation Plans for the Bungalow Heaven, Garfield Heights and Banbury Oaks Landmark Districts.

Proposed Amendments: Revise the lists of major and minor projects to the following:

Project (Major). Includes, but is not limited to, any of the following:

- a. Any demolition or relocation of a historic resource, or removal of a character-defining feature of a historic resource. This includes character-defining interior or exterior fixtures designed by the firm of Greene and Greene and interior character-defining features of designated historic monuments, as specified in the designation report.
- b. Any undertaking that significantly alters or changes the street-facing or primary elevation of a historic resource, including changes to materials or muntin patterning of windows and doors or to the sizes of their openings, the application of new exterior wall cladding or coating which changes the appearance, design, or texture of a property, and the addition of dormers and other architectural features.
- c. Any addition of square footage to a primary building elevation.
- d. Construction of a new primary structure in a designated or eligible landmark or historic district.
- e. Demolition of a non-contributing resource in a designated landmark or historic district.
- f. Any addition of a height greater than that of the existing building, if the addition is visible from the street.
- g. Substantial removal or replacement (i.e., generally more than 50%) of exterior cladding on a street-facing (including corner side) or primary elevation.
- h. Any undertaking determined major by the Director.

Project (Minor). Includes, but is not limited to, any of the following:

- a. Any demolition or removal of non-character-defining exterior features of a historic resource, including additions, windows, doors, and exterior siding material that is non-original or otherwise lacking in historic integrity.
- b. Any undertaking requiring a permit that does not change substantially the exterior character-defining features of a historic resource, including re-roofing in a different material that replicates the existing or original roofing, in-kind replacement of deteriorated exterior features, replacement windows and doors matching the size, design and materials of the existing or original windows and doors and additions on secondary elevations that are not in the same building plane as the primary elevation.
- c. Any undertaking to the environmental setting of an individually designated historic resource if the environmental setting is significant to the historic resource and has been defined as significant in the designation report for the historic resource or subsequently determined to be significant by evaluation.
- d. In designated districts, demolition and alteration of garages and other accessory structures built within the period of significance on both contributing and noncontributing properties and new construction of such structures on any designated historic property (districts and individual properties).
- e. Any undertaking not requiring a permit that materially alters character-defining features of a historic resource or that may have an adverse effect on the significance of a historic resource, including resurfacing exterior finishes (e.g., plaster cement in a radically different texture), or cleaning or painting of masonry.
- f. Substantial alterations to non-contributing buildings. For non-contributing

buildings that could be rehabilitated to become contributing based on physical, documentary or pictorial evidence, minor alterations including, but not limited to, one-story rear additions, replacement windows and doors, replacement garage doors, new siding or wall cladding or new dormers are considered minor projects. For non-contributing buildings built outside the period of significance or for which no physical, documentary or pictorial evidence of the original design exists or can be reasonably found through research or investigation, these types of minor projects are exempt from review.

- g. Fences, walls, retaining walls and driveway gates in a historic or landmark district (including those on non-contributing properties).
- h. Work not meeting the definitions above that is required as part of an executed Historic Property Contract, as determined by the Director.
- i. Any undertaking determined minor by the Director.

EXEMPTIONS FROM CERTIFICATE OF APPROPRIATENESS REQUIREMENT
Affected Current Code Section: 17.62.090.A

Current Ordinance Provision: The current HPO exempts from the COA requirement projects approved for demolition or major alteration through another entitlement process (e.g., Conditional Use Permit, Variance, Hillside Development Permit, etc.) that is subject to CEQA.

Issues to be addressed: Pursuant to the state CEQA Guidelines, in order for a project to result in a significant adverse effect on a historic resource, the project must cause the resource to no longer convey its significance. While this threshold is appropriate to adequately evaluate the impacts of demolition, it is possible that major alterations proposed in conjunction with another land use entitlement could be inconsistent with the Secretary of the Interior's Standards ("the Standards") but not to the extent that the resource would no longer convey its significance. As such, major alterations that do not result in a significant environmental impact under CEQA could occur without adequate review for consistency with the Standards, thereby violating the HPO, creating a major inconsistency.

Proposed Amendments: Retain the existing exception for demolition only and create a separate COA exemption for properties proposed for a major alteration through another entitlement process. Staff recommends that a COA not be required for major alteration projects approved through another entitlement process, if they are approved with a finding of consistency with the Standards, or adoption of a Class 31 exemption from CEQA, which also signifies consistency with the Standards. In practice, these projects would require evaluation by Design & Historic Preservation staff or a qualified professional in a similar manner as required for a COA.

FINDINGS FOR DEMOLITION OF HISTORIC RESOURCES
Affected Current Code Section: 17.62.090.E.4

Current Ordinance Provision: The current HPO establishes three findings for demolition of a historic resource, one of which must be affirmatively made, in addition to the standard COA approval findings, in order for the review authority to approve a demolition.

Issues to be Addressed: The findings do not require a determination regarding the ability for damage to be repaired, nor do they require documentation by professionals experienced in the field of historic preservation. Staff finds that these omissions could result in inadequate exploration of alternatives to demolition.

Proposed Amendments: Require that the finding regarding severe structural damage also state that such damage is unable to be repaired and require evidence from at least two qualified professionals (see proposed new definition of “qualified professional” on page 17 of this report).

CRITERIA FOR RESCISSION OF OR AMENDMENT TO A LANDMARK DISTRICT OR CONSERVATION PLAN
Affected Current Code Section 17.62.070.H

Current Ordinance Provision: The current HPO includes a procedure to rescind a landmark district or conservation plan, amend the boundaries of a landmark district or amend the provisions of a conservation plan. The HPO also provides criteria under which to evaluate the addition of properties to a landmark district.

Issues to be addressed: The HPO provides a process for rescinding a landmark district or conservation plan, amending the boundaries of a landmark district (which could include both adding or removing properties), or amending the provisions of a conservation plan but does not include criteria for all of these potential changes. In addition, the criteria for adding properties to a landmark district do not require the added properties to represent the same historic context(s) as the original landmark district. Although rare, in order to be able to process such requests, criteria should be established for evaluating them.

Proposed Amendments: Add the following criteria for rescinding a landmark district (similar to existing criteria for rescinding an individual designation):

- New information compromises the significance of the district; or
- Demolition, relocation or alteration of contributing properties or subsequent determinations of non-contributing status has resulted in the district having fewer than 60% contributing properties within its boundaries.

Add the following criteria for removing properties from a landmark district:

- Within the boundaries of the remaining landmark district, a minimum of 60 percent of the properties still qualify as contributing; and
- The amended boundaries of the district comply with the National Register of Historic Places Bulletin #21: "Defining Boundaries for National Register Properties;" and
- A simple majority (51%) of property owners within the existing district boundaries support in writing the removal of the specified property properties at the time of review by the City Council.

Add the following criteria for amending a Conservation Plan (similar to criteria for amending the Zoning Code):

- A simple majority (51%) of property owners within the district boundaries

- support in writing the proposed amendments; and
- The proposed amendments are consistent with the purposes of the Historic Preservation Ordinance; and
- The proposed amendments are in conformance with the goals, policies, and objectives of the General Plan; and
- The proposed amendments would not be detrimental to the public interest, health, safety, convenience, or general welfare of the City.

Require a simple majority of property owner support for rescinding a Conservation Plan.

Note: A public comment suggests that the process for amending a Conservation Plan, which currently requires the same process as is required to create a landmark district (including demonstration of majority property owner support), be simplified as part of these amendments. Staff does not agree with this suggestion, as it has the potential to create significant review process changes for a large number of property owners without adequate notification and without clearly demonstrating that property owners in the district support those changes.

APPEALS AND CALLS FOR REVIEW IN LANDMARK DISTRICTS WITH CONSERVATION PLANS

Affected Current Code Section: 17.62.030.A.8

Current Ordinance Provision: The first three landmark districts that were adopted by the City Council (Bungalow Heaven, Garfield Heights & Banbury Oaks) included Conservation Plans that establish review procedures for demolitions and alterations within those districts. The Conservation plans were reviewed and approved by the City Council as part of their designations and were part of the public review process for those districts. The current HPO states that where there is a conflict between a Conservation Plan and the HPO, the Conservation Plan prevails.

Issue to be addressed: The Bungalow Heaven Conservation Plan states that any decision by staff may be appealed by the applicant to the HPC and that any decision of the HPC may be appealed by the applicant to the CC. All three Conservation Plans state that staff decisions may not be called for review by the HPC. This is a violation of standard due process and conflicts with Chapter 17.72 of the Zoning Code, which allows anyone to appeal a staff or HPC decision (not just the applicant) and also allows the HPC to call staff decisions for review.

Proposed Amendment: Allow appeals and calls for review to follow the provisions of Chapter 17.72, with all other conflicts remaining in favor of the Conservation Plan.

INCENTIVES FOR PRESERVING HISTORIC RESOURCES

Affected Current Code Sections: 17.62.130 & others

Current Ordinance Provision: The current HPO includes a number of incentives available for preserving historic resources including the Historic Property Contract (Mills Act) program, waiver of the 2-car covered parking requirement, fee reductions, Variances for Historic Resources, etc. Variances for Historic Resources are currently limited to designated historic resources and only apply to relocation and adaptive use projects.

Issues to be addressed: Incorporate additional incentives into the HPO, or remove limitations on existing incentives to further promote historic preservation as a positive activity in which to engage.

Proposed Amendments: Expand the Variance for Historic Resources process to eligible, undesignated properties (with a provision requiring designation if approved) and allow for any project involving a historic resource.

Incorporate references to existing incentives in other sections of the Zoning Code into the Ordinance. Allow the Director rather than the HPC to approve accessory structure height modifications when necessary to ensure compatibility with primary historic structure.

Add the following new incentives:

- Create a process to allow for an alternative front lot line determination for historic resources on corner lots.
- Allow by-right parking reductions for projects involving conversion of a historic resource to a new use (e.g., no additional parking required for adapting to residential use a historic building within ½ mile of a major transit stop, 25% reduction when converting a historic building to a non-residential use) consistent with various other state laws affecting parking for historic resources.

MINIMUM MAINTENANCE REQUIREMENTS

Affected Current Code Section: No current Code section

Current Ordinance Provision: The current HPO includes penalties for demolition by neglect, but does not currently include minimum maintenance requirements.

Issue to be addressed: Demolition by neglect is an extremely deteriorated condition that is extremely rare in Pasadena. To ensure that historical properties do not reach this state, staff finds that minimum maintenance standards should be established.

Proposed Amendments: Add a Section to the HPO requiring historical properties to be maintained free from the following defects, subject to violation procedures discussed below:

- Façades that pose a risk of falling and injuring members of the public or property;
- Deteriorated or inadequate foundation, defective or deteriorated flooring or floor supports, deteriorated walls or other vertical structural supports;
- Members of ceilings, roofs, ceiling and roof supports or other horizontal members which sag, split or buckle due to defective material or deterioration;
- Deteriorated or ineffective waterproofing of exterior walls, roofs, foundations or floors, including broken windows or doors;
- Defective or insufficient weather protection for exterior wall covering, including lack of paint or other protective covering;
- Any fault or defect in the building which renders it not properly watertight or structurally unsafe; and
- Any other building defects or neglect as determined by the Director.

PENALTIES FOR VIOLATIONS OF THE HISTORIC PRESERVATION ORDINANCE
Affected Current Code Section: 17.62.120

Current Ordinance Provision: The current HPO includes penalties for demolition or alteration of a historic resource without a building permit as well as separate penalties for demolition or alteration without a COA.

Issues to be addressed: Current penalties are confusing, difficult to administer, and inappropriately affect the surrounding neighborhood. In addition, other City codes incorporate penalties for performing work without a building permit; the HPO should focus on creating penalties that would apply to violations of the HPO only (i.e., demolition or alteration without a COA, including projects that obtain a COA but perform work not included in the approved COA project scope) and should allow for reasonable review and, if determined to be inappropriate, correction of the changes that were made. Other penalties could be established to further deter work being initiated without obtaining a COA.

Proposed Amendments:

Remove from the HPO penalties for conducting work without a building permit. Simplify the penalties for demolition or alteration of a historic resource without a COA, as follows:

- Violators are guilty of a misdemeanor and subject to the provisions of Chapter 17.78 and any other PMC sections or laws referenced therein.
- A stop-work order may be issued for work conducted in violation of the HPO.
- An after-the-fact COA application shall be submitted for review, which may require reconstruction/ restoration of the prior or original condition or, in the case of demolition by neglect, stabilization work determined to be necessary as a result of the COA process.
- Institute time limits on bringing the project into compliance (e.g., 30 days from COA approval to apply for a building permit, 12 months from stop-work order issuance to complete corrective work), with ability to apply for an extension from the Director.
- Ineligibility for incentives for a period of five years.
- Potential monetary fines.

Note: Public comments have been submitted that suggest that the City should adopt more punitive measures to address violations of the HPO such as monetary fines; barring contractors and architects from working in the City for a period after a violation occurs; and submitting formal complaints to certifying agencies for contractors, architects and realtors.

In general, staff finds that the violation procedures described above are sufficient to address the few instances where violations occur. The City may report repeat violators and may also assess fines and fees for violations under existing City Codes. In addition, requiring a project to stop and restore altered features results in significant costs to property owners and contractors that violate the HPO, either knowingly or unknowingly. Staff also researched other cities' ordinances and the proposed modifications are modeled after provisions found in other cities. To ensure that new buyers of historical properties are aware of historical designations and their effects, staff will work with the Pasadena-Foothill Association of Realtors to develop appropriate disclosure forms to ensure that historical designations and their effects are disclosed to buyers; however, due to the resources that would be necessary to ensure enforcement of such disclosures, staff does not recommend

inclusion of such a requirement in the HPO.

REVIEW AUTHORITY FOR APPLICATIONS FOR RELIEF FROM THE REPLACEMENT BUILDING PERMIT REQUIREMENT
Affected Current Code Section: 17.62.100.B

Current Ordinance Provision: The current HPO requires issuance of a building permit for a replacement project before a primary structure (historic or non-historic) may be demolished and allows applicants to apply for relief from this requirement. The HPC reviews applications for designated or eligible historic resources and staff reviews applications for non-historic structures.

Issues to be Addressed: Because this process relates to when a structure may be demolished (i.e., before or after issuance of a building permit for a replacement project) and not whether a structure that is designated historic or eligible for historic designation may be demolished, HPC review is not necessary. In addition, in the last 15 years, staff is only aware of one such request for a historic structure (Desiderio Army Reserve Center).

Proposed Amendment: Change the review authority for all applications for Relief from the Replacement Building Permit to staff. HPC would retain authority to call such decisions for review.

VIEWS FROM PRIVATE STREETS IN DESIGNATED OR ELIGIBLE LANDMARK OR HISTORIC DISTRICTS
Affected Current Code Section: 17.62.030.A.5

Current Ordinance Provision: The current HPO limits reviews of modifications to properties in landmark and historic districts to those that are visible from public streets.

Issue to be Addressed: Many designated or eligible landmark or historic districts include private streets, which are accessible to the public but not maintained by the City. Some districts are almost entirely visible from private streets only. In these districts, modifications affecting publicly visible building exteriors could be made without a COA, which could result in the loss of historic resources.

Proposed Amendment: Require a COA for projects that are visible from private streets.

Codify and Define Existing Procedures:

The intent of these recommended amendments is to ensure that existing procedures in the HPO are clear and understandable to the general public and clearly reflect current practices, as follows:

DESIGNATION CATEGORY FOR GREENE & GREENE STRUCTURES
Affected Current Code Section: No current Code Section

Current Ordinance Provision: The current HPO states that proposed changes to works of Greene & Greene, including interior fixtures, require a COA. Staff separately records works of Greene & Greene in our database to differentiate them from other designated historic resources.

Issue to be addressed: The HPO does not clearly state that works of Greene & Greene are considered designated historic resources.

Proposed Amendment: Create a separate designation category for works of Greene & Greene that clearly states that all buildings, structures, objects and interior fixtures designed by the firm or by Charles or Henry Greene separately are automatically designated and exempt from designation procedures in the HPO.

CRITERIA FOR DESIGNATION OF HISTORIC MONUMENTS AND LANDMARKS
Affected Current Code Sections: 17.62.040.B&C

Current Ordinance Provision: The current HPO includes criteria for the designation of historic monuments and landmarks.

Issue to be addressed: Generally, historic monuments are resources that are significant at the regional, state or national level and landmarks are significant at the City level; however, there is overlap in the current HPO language, which often causes confusion for staff and applicants.

Proposed Amendments: Amend the criteria for designation of historic monuments to clearly state that they must be significant at the regional, state or national level and amend the criteria for designation of landmarks to clearly state that they must be significant at the City level.

PROCESS & CRITERIA FOR DESIGNATING LANDMARK DISTRICTS
Affected Current Code Sections: 17.62.040.f & 17.62.070

Current Ordinance Provision: The current HPO establishes a procedure for designating landmark districts, including application requirements and hearings before the HPC, PC and CC. The HPO also requires submittal of a petition demonstrating majority support of affected property owners and states that designation of a landmark district is effectuated by a Declaration of Designation executed by the Mayor.

Issues to be addressed: Other steps currently required as a matter of course are not

specified in the language of the HPO, including initial staff review of eligibility/boundaries and staff hosting an informational meeting with affected property owners prior to the proponents canvassing for support signatures. In addition, the HPO does not clearly state that majority property owner support is a requirement for the designation of a landmark district, that the PC hearing requires public notice and that a landmark district is created by a Zoning Map Amendment and adoption of a Zone Change Ordinance rather than a Mayoral Declaration. Finally, the responsibilities of each of the Commissions are not clearly stated, a requirement for an inventory of contributing and non-contributing properties is not included, a requirement for a legal description is no longer applicable and it is not stated that upon the effective date of the Zone Change Ordinance, Section 17.28.080 (LD Landmark Overlay District) applies to the properties within the district boundaries.

Proposed Amendments: Amend the procedures and criteria to address the issues noted above. With respect to Commission responsibilities, the HPC's responsibility should be to determine whether the district meets the criteria for designation, and the PC's responsibilities should be to certify the petition of property owner support (already stated in the HPO) and to determine consistency with the findings for a Zoning Map Amendment in Section 17.74.070.B.

MODIFICATION OF CONTRIBUTING/NON-CONTRIBUTING STATUS AFTER LANDMARK DISTRICT DESIGNATION

Affected Current Code Section: 17.62.020 – Table 6-5

Current Ordinance Provision: The current HPO gives the Director the authority to determine contributing (C) and non-contributing (NC) status of properties in landmark districts. See below for proposed modifications to the existing codified definitions of C/NC properties.

Issue to be addressed: No clear procedure or criteria are established for requests to change C/NC status. The procedure that is followed currently, but is not outlined in the Ordinance, involves a determination by staff, which may be appealed to or called for review by the HPC.

Proposed Amendments: Establish a clear procedure and findings for requests to modify C/NC status. Similar to designation of an individual resource, requests to modify C/NC status should be allowed to be submitted by any property owner within the district boundary or by a neighborhood association associated with the district, with notification to the property owner within 10 days of receipt of an application submitted by someone other than the owner. The findings that should be required to change from C to NC should be as follows (similar to findings to remove a designation):

- New information indicates that the property does not qualify as a contributing structure; or
- The property was not constructed during the period of significance of the district or does not represent the historic context(s) under which the district was designated.

The findings that should be required to change a property from NC to C should be as follows:

- New information indicates that the property qualifies as a contributing structure; or

- The property has been restored to its original exterior appearance, as viewed from the street, based on documentary, pictorial or physical evidence.

Note: Public comments have been received that suggest that the HPO should include provisions to require restoration of NC properties that are NC due to alterations, or to create an additional “Altered Contributor” designation. The current HPO already requires a COA for major alterations to all NC properties and for minor alterations to NC properties that could be restored to become contributing. The City cannot force the owner of a NC property to restore previous alterations that have been made, particularly when evidence of the original condition is lacking; however, the City does incentivize restoration of NC properties by allowing owners to apply for the Historic Property Contract (Mills Act) program, provided that the work plan included in the application will result in the building becoming a C property. As such, staff finds that existing HPO provisions and incentives satisfactorily address this issue. It should also be noted that the three landmark districts with Conservation Plans have less stringent COA review thresholds for NC properties than those contained in the HPO and, therefore, these procedures do not apply in those districts (although the Mills Act incentive applies to all designated properties and districts).

PROCESS FOR DESIGNATING INDIVIDUAL HISTORIC RESOURCES & RESCINDING AN INDIVIDUAL DESIGNATION
Affected Current Code Sections: 17.62.050 & 17.62.060.C

Current Ordinance Provision: The current HPO sets forth a process for designating individual historic resources.

Issues to be Addressed: Certain aspects of the current HPO language are unclear or incorrect as listed below.

Proposed Amendments: Clarify that the section applies to designation of individual historic resources.

Indicate that the Director makes an initial determination upon submittal of a complete application (not necessarily within 30 days as currently stated) and that a determination that a property is not eligible for designation shall be final unless appealed to or called for review by the HPC or CC.

Reference appeal and call for review procedures in Chapter 17.72.

Remove the requirement that a legal description of the property be included in the designation report.

State that a City Council resolution is required, in addition to the stated Mayoral Declaration, for approval of an individual designation and to rescind an individual designation.

ACQUISITION OF HISTORIC PRESERVATION EASEMENTS
Affected Current Code Section: 17.62.080

Current Ordinance Provision: The HPO includes a short section with provisions for acquiring Historic Preservation Easements on facades.

Issue to be addressed: The City does not administer a Historic Preservation Easement program. However, Pasadena Heritage administers a very successful easement program and should continue to be the entity that manages this important incentive for historic properties.

Proposed Amendment: Eliminate this section.

Technical Corrections and Clarifications:

The intent of these recommended amendments is to simplify and streamline the Ordinance as follows:

ELIMINATE REDUNDANT LANGUAGE AND ENSURE CONSISTENT, UNDERSTANDABLE AND GRAMMATICALLY CORRECT LANGUAGE THROUGHOUT
Affected Current Code Sections: Multiple

Current Ordinance Provision: This item applies to multiple provisions.

Issues to be addressed: The current HPO includes some sections that are repetitious with other Code sections or State law (e.g., appeal procedures, review timing, submittal requirements, review process for City-owned historic resources, etc.) as well as language that is unclear, doesn't utilize consistent terminology, or is grammatically incorrect.

Proposed Amendments: Replace repetitious language with references to other Code sections. Review language to ensure that it is clear, correct and utilizes consistent terminology, particularly with respect to terms that are defined in the Code. Examples include consistent use of such terms as "Certificate of Appropriateness," "review authority," "historic monument," "historic resource," "character-defining feature," "LD Landmark Overlay District," etc.

CLARIFY DUTIES OF REVIEW AUTHORITIES
Affected Current Code Section 17.62.020 – Table 6-5

Current Ordinance Provision: The HPO includes Table 6-5 which summarizes the duties of the Director, HPC, PC, DC and CC with respect to administering the HPO.

Issue to be addressed: Certain existing procedures, as well as new procedures likely to be established in these amendments, are not listed in Table 6-5.

Proposed Amendments: Amend Table 6-5 to list all duties of each of the listed review authorities.

RELOCATE AND IMPROVE GLOSSARY OF TECHNICAL HISTORIC PRESERVATION TERMS

Affected Current Code Section: 17.80.020.H “Historic Preservation”

Current Ordinance Provision: The Zoning Code glossary includes a list of technical historic preservation terms that are used in the HPO.

Issue(s) to be addressed: The location of the glossary within the Zoning Code is difficult to find, includes some terms that are not used in the HPO or are defined elsewhere and excludes other terms that are used in the HPO or glossary and should be defined. In addition, some definitions require clarification.

Proposed Amendments: Relocate the list of technical historic preservation terms from the glossary to the HPO.

Remove the following terms:

- Adverse effect/ Significant Adverse Effect - This is defined in the CEQA Guidelines and is referenced as such in HPO.
- Historic Resource Planning Area – Term not used in HPO.
- Historically Significant Structure or Site – Term not used in HPO (“historic resource” is used throughout and remains defined in the glossary).

Add the following new terms:

- Adaptive Use/ Reuse: The process of reusing an existing building for a purpose other than that for which it was originally built or designed.
- Building: A structure created principally to shelter any form of human activity. Examples include, but are not limited to, houses, churches, offices, municipal buildings, stores, restaurants, theaters, etc.
- Character-Defining Features: The physical elements and characteristics of a historic resource that lend the resource its authenticity and significance. Character-defining features can include, but are not limited to, a property’s setting and site plan, overall form and massing, architectural style, materials, finishes, openings and decorative detailing.
- Conservation Plan: A plan adopted by the City Council for each of the City’s first three designated landmark districts: Bungalow Heaven, Garfield Heights and Banbury Oaks.
- Cultural Landscape: A geographic area, including both cultural and natural resources and the wildlife or domestic animals therein, associated with a historic event, activity, or person, or exhibiting other cultural or aesthetic values. These include historic sites, historic designed landscapes, historic vernacular landscapes and ethnographic landscapes as defined by the National Park Service in Preservation Brief 36.
- Primary elevation: The front façade(s) of a building. Typically the primary elevation faces a public street; however, other factors may determine the primary elevation of a building, including, but not limited to, the position of the main entry and windows, façade ornamentation, etc. Multiple facades of a building may be designated as primary elevations, at the discretion of the Director.
- Secondary elevation: The facades of a building other than the primary elevation.
- Integrity: The ability of a property to convey its historical significance. A property

would typically possess several of the following seven aspects of integrity, as defined in National Register Bulletin 15, to convey its significance: Location, Design, Setting, Materials, Workmanship, Feeling and Association.

- **Object:** A construction that is primarily artistic in nature or is relatively small in scale and simply constructed. Examples include, but are not limited to, fountains, mile markers, monuments, sculptures, statuary, etc.
- **Qualified professional:** A person whose profession or occupation meets or exceeds the Secretary of the Interior's Professional Qualifications as defined by the National Park Service (36 CFR 61).
- **Site:** The location of a significant event, occupation or activity, or a building or structure, whether standing or vanished, where the location itself possesses historic or cultural value. A site may also include a cultural landscape. Examples include, but are not limited to, cemeteries, designed or vernacular cultural landscapes, natural features, ruins of a building or structure, etc.
- **Structure:** Those functional constructions made for purposes other than creating human shelter. Examples include, but are not limited to, bandstands, bridges, fences, walls, roads, etc.

Modify the following existing terms:

- **Contributing Property (and Noncontributing Property)** – Change as follows:
 - Change “Property” to “Resource.”
 - Modify to recognize that a subsequent determination may be made after designation of a district.
 - Modify to recognize that individually designated or eligible historic resources also include C/NC resources, rather than only districts.
- **Demolition** – Change as follows:
 - State that each of the three definitions of demolition independently constitutes demolition of a historic resource.
 - Modify to include complete destruction of a site or building (structures and objects currently only listed).
 - Clarify that 50% removal of exterior walls applies to buildings or structures.
 - Reinstate missing word: “Substantial removal of a structural wall...”
- **Demolition by Neglect** – Add reference to new Minimum Maintenance Requirements section described previously.
- **Environmental Setting** – Include National Register listed properties.
- **Historic District (and Landmark District)** – Modify to include eligible districts.
- **Economic Hardship Variance** – Rename to “Historic Resource Economic Hardship Waiver” and replace “variance” with “waiver” in definition text.

REORGANIZE CERTAIN SECTIONS TO GROUP COMMON IDEAS AND PROCEDURES TOGETHER

Affected Current Code Sections: Multiple

Current Ordinance Provision: The HPO is organized as established in 2002.

Issues to be addressed: Portions of the HPO are inappropriately organized and create gaps between provisions that apply to similar procedures, as outlined below.

Proposed Amendment(s): Relocate General Procedures section (17.62.030) to the

Certificate of Appropriateness section (17.62.090).

Relocate Section 17.62.090.D related to the State Historical Building Code to the incentives section (17.62.130).

Move Economic Hardship Variance Section from Category 1 Review Procedures Section (17.62.090.E.1.d) to a separate section within 17.62.090 and rename to “Historic Resource Economic Hardship Waiver” to avoid confusion with other Variance processes. In conjunction with this change, specify that the findings required for approval of a COA are not required to be made if a Historic Resource Economic Hardship Waiver has been approved and change the review authority for such requests to the Director.

PREVIOUSLY DESIGNATED HISTORIC RESOURCES

Affected Code Sections: 17.62.040.B.1, C.1, D.1 & F.1

Current Ordinance Provision: The HPO states that each designation category includes all previously designated properties/districts, including those listed in the National Register.

Issue to be Addressed: The original 2002 adoption date of the HPO is not clearly indicated, nor is it clear that the newer designation procedures established in the HPO at that time, and subsequently amended, do not apply to these resources.

Proposed Amendments: In each designation category, clearly indicate that all previously designated resources in each category as of the HPO’s original adoption in 2002 are automatically designated and exempt from the designation procedures of the HPO.

REVIEW AUTHORITY FOR DESIGNATION OF HISTORIC SIGNS

Affected Code Section: 17.62.040.D.1

Current Ordinance Provision: The current HPO states that the HPC may designate Historic Signs.

Issue to be Addressed: All other historical designations require CC approval; therefore, designation of Historic Signs should also require CC approval.

Proposed Amendment: Change review authority for designation to CC.

PUBLIC COMMENTS:

Staff has received a number of public comments suggesting certain amendments to the HPO. Comment letters received prior to the preparation of this report are included as Attachment B; any new comment letters received will be provided to the Commission separately.

REQUIRED FINDINGS FOR ZONING CODE TEXT AMENDMENTS:

Pursuant to Section 17.74.040.B, the City Council must make the following findings to approve Zoning Code Text Amendments:

1. The proposed amendment is in conformance with the goals, policies, and objectives of the General Plan; and
2. The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or general welfare of the City.

Staff finds that the proposed amendments would be in conformance with the goals, policies and objectives of the General Plan, specifically Guiding Principle 2, Goal 8 and Policies 6.1 and 8.1-8.10, all of which promote preservation of the City's historic resources. In addition, the proposed amendments would further the protection of the public interest and general welfare by further ensuring preservation of historic resources.

ENVIRONMENTAL DETERMINATION:

The Zoning Code Amendments have been assessed in accordance with the criteria contained in the CEQA Guidelines, and qualify for Categorical Exemption pursuant to Section 15308, Class 8, of the CEQA guidelines pertaining to actions by regulatory agencies for the protection of the environment. The proposed amendments generally strengthen and clarify existing regulations that apply to the protection of historical resources.

CONCLUSION:

Following extensive study of the existing HPO, other cities' HPO's, and public comment, staff has proposed an extensive series of amendments to the HPO, which will strengthen the City's ability to identify and preserve historic resources. Staff recommends that the HPC recommend to the City Council the approval of the recommended amendments.

Respectfully Submitted,



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Attachments:

- A. Current Ordinance & other historic preservation-related sections of the Zoning Code
- B. Written public comments received