

PLANNING & COMMUNITY DEVELOPMENT DEPARTMENT

MEMORANDUM

DATE: NOVEMBER 19, 2019

TO: HISTORIC PRESERVATION COMMISSION

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

SUBJECT: HISTORIC PRESERVATION ORDINANCE AMENDMENTS STUDY SESSION

BACKGROUND:

To address recent issues and best practices in historic preservation ordinances, staff recommends a series of targeted amendments to the City's current ordinance. The purpose of this study session is to share information with the Historic Preservation Commission and receive input and direction for further study of these issues. A public hearing will be scheduled in the future to consider a Zoning Code Amendment.

DESCRIPTION OF PROPOSED AMENDMENTS:

Historic Resource Evaluations

1. Current Ordinance: A Certificate of Appropriateness (COA) is required for major alterations to and demolitions of historic resources that are eligible for historic designation ("eligible historic resources").
2. Deficiency: Without a current Citywide historic resources survey, staff, Commissioners, property owners and the public do not have complete knowledge of which properties in the City may contain eligible historic resources.
3. Other Considerations:
 - a. Although both geographically-targeted and resource-specific historic resources surveys have been conducted in the past to identify eligible historic resources, most were conducted more than five years ago and none has been fully comprehensive. The Historic Preservation Ordinance does not include a process for evaluating properties to determine if they contain eligible historic resources and, therefore, require a COA for major alterations or demolition.
 - b. Staff has either conducted preliminary historic resource evaluations or managed evaluations conducted by qualified historic preservation consultants. However, due to lack of a defined evaluation process in the historic preservation ordinance,

any challenges to these determinations fall within the scope of “determinations by the Planning Director” in the Zoning Code and are therefore appealable to the Board of Zoning Appeals and not the Historic Preservation Commission (HPC).

4. Proposed Ordinance Amendment: Create a process for and clarify who can prepare a historic resource evaluation upon applicant request or in response to an application or inquiry about a project that would involve major exterior alterations to or demolition of a building, structure, object or site (including landscapes) that is 45 years of age or older. The determination would be subject to appeal to or call for review by the HPC and further to City Council. Some criteria could include:
 - a. Exemptions may include properties included in a historic resource survey that is not older than 5 years of age or that have been evaluated by the City within 5 years of the submittal of an application to alter or demolish.
 - b. If an evaluation is required due to the proposed work being part of a project subject to the California Environmental Quality Act (CEQA), no additional evaluation would be required, although an applicant could request an evaluation prior to initiating a potential project.
 - c. Evaluation findings would be based on established criteria in the existing ordinance, which is the same as established National Register criteria. Appeals of determinations of eligibility would require the HPC or Council to make a finding that that the preponderance of evidence demonstrates that the resource is not historically significant (consistent with CEQA language).

Category 2 Review Procedures

1. Current Ordinance: A COA is required for proposed major alterations to or demolition of eligible historic resources. For individually eligible properties or properties contributing to historic districts that are eligible for listing in the National Register of Historic Places, staff reviews major alterations; HPC reviews demolitions. Properties contributing to eligible City landmark districts do not require a COA for major alterations; only demolition requires a COA. Minor alterations of eligible historic resources do not require a COA. In all cases under these procedures, staff/HPC may approve or delay the issuance of the COA for up to 180 days to work with the applicant to identify alternatives to the project or to initiate the landmark designation process, but at the end of the delay period, the applicant may proceed with the project as originally proposed.
2. Deficiency: Major alterations or demolitions of eligible historic resources may occur, if property owners are willing to wait 180 days. Major alterations to properties contributing to eligible landmark districts may occur without review. This conflicts with General Plan Land Use Element Guiding Principle #2 and Goal #8 which encourage historic preservation.
3. Other considerations:
 - a. Because the staff/HPC cannot deny these applications, they are not considered discretionary and, therefore, are not subject to CEQA.
 - b. Under CEQA, both designated and eligible historic resources are treated the same. As such, if a major alteration or demolition is proposed in conjunction with a project that is subject to CEQA, extensive environmental documentation would

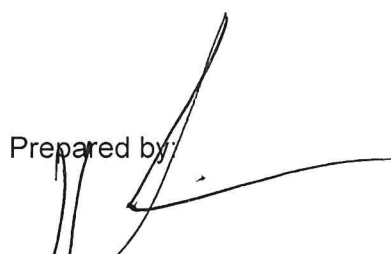
be required and, if adverse impacts are identified, the review authority would be required to adopt a Statement of Overriding Considerations to approve the project.

- c. Current Category 1 Review Procedures in the ordinance apply to designated resources, allow staff or the HPC to deny applications that do not meet the required findings for approval, and are subject to CEQA.
4. Proposed Ordinance Amendment: Modify Category 2 Review Procedures to allow staff/HPC to deny COA applications for major alterations to or demolition of eligible historic resources, including contributors to eligible landmark districts, if the findings for approval cannot be made. If modified as proposed, such applications would be subject to CEQA.

Variations for Historic Resources

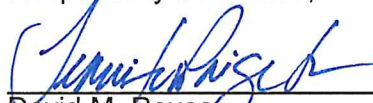
1. Current Ordinance: Applicants may apply for Variations for Historic Resources for projects involving adaptive use or relocation of a designated historic resource.
2. Deficiency: Recent applications have involved eligible, undesignated historic resources and the current process in the ordinance does not apply to these historic resources.
3. Other Consideration: As noted above, under CEQA, designated and undesignated but eligible historic resources are treated the same.
4. Proposed Ordinance Amendment: Allow applications for both designated and eligible historic resources, provided eligible resources would be designated as a condition of Variance approval.

Prepared by:




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Respectfully Submitted,



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