

Agenda Report

February 25, 2013

TO: Honorable Mayor and City Council

FROM: Planning & Community Development Department

SUBJECT: AMENDMENT TO PMC CHAPTER 2.75 - TO ALLOW HISTORIC DISTRICTS LISTED IN THE NATIONAL REGISTER OF HISTORIC PLACES TO HAVE A VOTING REPRESENTATIVE ON THE HISTORIC PRESERVATION COMMISSION

RECOMMENDATION:

It is recommended that the City Council:

1. Find that the proposed code amendment is exempt from the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Section 15061(b)(3) (General Rule);
2. Direct the City Clerk to file a Notice of Exemption with the County Recorder;
3. Find that the proposed amendment is in conformance with the goals, policies, and objectives of the General Plan;
4. Find that the proposed amendment would not be detrimental to the public interest, health, safety, convenience, or general welfare of the City;
5. Approve the proposed amendment to PMC Chapter 2.75 to allow historic districts listed in the National Register of Historic Places to have a voting representative on the Historic Preservation Commission; and
6. Direct the City Attorney's office to prepare an ordinance codifying this amendment and return within 60 days for first reading.

HISTORIC PRESERVATION COMMISSION RECOMMENDATION:

At a public meeting on November 5, 2012, the Historic Preservation Commission recommended that the City Council approve the proposed amendment to PMC Chapter 2.75 to allow historic districts listed in the National Register of Historic Places to have a voting representative on the Historic Preservation Commission.

EXECUTIVE SUMMARY:

Currently, PMC 2.75 allows for each landmark district to be represented on the Historic Preservation Commission by a resident of the district (nominated by the neighborhood association of the applicable landmark district). This representative is not considered a full Commission member, but he or she may participate in those issues and items that are applicable to the representative's district and shall have equal voting rights on such issues and items.

PMC 2.75 is does not include language that allows historic districts listed in the National Register of Historic Places to have the same representation. However, under the City's Historic Preservation Ordinance (PMC 17.62), projects affecting all historic resources in both landmark districts and historic districts listed in the National Register are reviewed by the Commission under the same review procedures. In order to give landmark districts and historic districts equal standing, staff recommends that the text of PMC 2.75.030 (Membership—Appointment and Terms) be modified by a code amendment to include historic district representation.

The City's Zoning Code defines "landmark district" as: A grouping of properties that meets the criteria of Section 17.62.040F (local landmark districts) and is so designated by the City Council. The Zoning Code defines a "historic district" as: A district listed in the National Register of Historic Places. In order to include historic district representation, the term "historic district" will be added after every reference to "landmark district" in PMC §2.75.030.

BACKGROUND:

Landmark and Historic Districts and Review Procedures

The City has 18 City-designated landmark districts and 18 historic districts listed in the National Register of Historic Places (Attachment D). The criteria for listing of a historic district in the National Register are very similar, but slightly more restrictive, than the criteria used for designation of a City landmark district. National Register Historic Districts typically require a higher percentage of contributing properties (e.g., houses or buildings that retain their historic and/or architectural integrity) than City landmark districts.

The applicable design guidelines for projects in National Register Historic Districts and City landmark districts are the Secretary of the Interior's Standards for Rehabilitation (published by the National Park Service); and the City's 2002 Design Guidelines for Historic Districts in the City of Pasadena, which are based on the Secretary of the Interior's Standards for Rehabilitation. The Commission reviews major projects (e.g., demolitions, substantial new construction, and new designations) at a noticed public hearing. The Director (Design & Historic Preservation staff) reviews minor projects (e.g., minor additions and alterations).

PMC Chapter 2.75 establishes the Historic Preservation Commission and its purpose, membership, qualifications, duties and other rules and regulations. Section 2.75.030.B of this chapter allows for City landmark district representatives to be appointed to the Historic Preservation Commission to participate in and vote on “issues and items that are applicable to the representative’s district.” This section applies only to landmark districts and not historic districts listed in the National Register.

The Historic Preservation Commission is currently made up of nine regular members. If a project is located in a City landmark district then a representative of that district participates in the commission discussion with equal voting rights for that one item. The representative of each City landmark district is not considered a commission member. Each City landmark district nominates their representative. There are currently 18 City landmark districts.

This code amendment would give the National Register historic districts the same level of participation as the local City landmark districts. Similar to the City landmark districts the representative would not be considered a commissioner and when the discussion and vote regarding the particular historic district is complete the representative would step down and the Commission would continue the meeting with its nine regular members. There are currently 18 National Register historic districts.

Existing National Register Districts

With approval of the code amendment, each historic district listed in the National Register of Historic Places would be allowed to have a representative participate in Commission meetings and vote on items related to the district they represent. The National Register historic districts are listed below and also depicted in a map included in Attachment D:

Arroyo Terrace	Marguerita Lane	Pasadena Playhouse
Bristol-Cypress	New Fair Oaks	Pegfair Estates
Bungalow Heaven	Old Pasadena	Poppy Peak
Civic Center Financial	Orange Heights-Barnhart	Prospect
Ford Place	Pasadena Arroyo Parks & Recreation	Raymond-Summit
Lower Arroyo Seco	Pasadena Civic Center	South Marengo

ENVIRONMENTAL REVIEW:

The proposed action is a change to the municipal code to allow historic districts listed in the National Register of Historic Places to have a voting representative on the Historic Preservation Commission. This action has been determined to be exempt from the CEQA process pursuant to State CEQA Guidelines Section 15061(b)(3), the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question, such as extending an existing contract, may have a significant effect on the environment, the activity is not subject to CEQA.

This action does not have the potential to for causing a significant effect on the environment and is therefore exempt from CEQA per Section 15061(b)(3) (General Rule).

FISCAL IMPACT:


There is no fiscal impact to the City as a result of this action.

Respectfully submitted,




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Approved by:



MICHAEL J. BECK
City Manager

Attachments:

- A. Draft Text Amendment – PMC 2.75
- B. Existing PMC 2.75
- C. Zoning Code Excerpt – Definition of “Landmark District” and “Historic District”
- D. Map of Historic Districts Listed in the National Register of Historic Places

ATTACHMENT A

Draft Text Amendment – PMC 2.75

Introduced by: _____

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY OF PASADENA AMENDING MEMBERSHIP—
APPOINTMENT AND TERMS--OF TITLE 2.75 (HISTORIC PRESERVATION
COMMISSION), INCLUDING**

The People of the City of Pasadena ordain as follows:

SECTION 1. This ordinance, due to its length and corresponding cost of publication, will be published by title and summary as permitted in Section 508 of the Pasadena City Charter.

The approved summary of this ordinance is as follows:

“Summary

“Ordinance No. _____ amends various provisions of Title 2.75 (Historic Preservation Commission):

Ordinance No. _____ shall take effect 30 days from its publication.”

SECTION 2. Pasadena Municipal Code, Title 2, Article III, Chapter 2.75, Section 2.75.030 is amended to read as follows:

2.75.030 - Membership—Appointment and terms.

- A. The commission shall consist of 9 members, who shall be appointed as follows:
1. Each of the 7 councilmembers and the mayor shall nominate 1 member for a total of 8 members.
 2. The mayor shall nominate the remaining 1 member from persons recommended by the 7 councilmembers.
 3. All nominations are subject to ratification by the city council:
- B. Each landmark and historic district may be represented on the commission by a resident of the district that may be nominated by the neighborhood association of the applicable

landmark and historic district, however, a landmark and historic district shall not be required to have a representative. Representatives of each landmark and historic district are not considered commission members and shall participate in only those issues and items that are applicable to the representative's district and shall have equal voting rights only on such issues and items. If no neighborhood association exists within the landmark and historic district, any resident property owner of such district may apply to the city council. If more than 1 neighborhood association exists within the landmark and historic district, such associations shall jointly nominate the member; and if the associations cannot agree, each association shall nominate 1 person and the mayor shall select the nominee. Appointment of all landmark and historic district representatives is subject to ratification by the city council. The landmark and historic district representatives shall be subject to the provisions of this section in the same manner as other commission members.

- C. Members shall be appointed for a term of 3 years, and shall serve no more than 2 consecutive terms. A term of less than 1 year shall not be considered a full term. Terms expire on June 30th of the applicable years. A member shall continue in office for the term for which he/she was appointed or until his/her successor is appointed. No member who has served 2 consecutive terms shall be eligible for reappointment to the commission prior to the passage of a 2-year interval.
- D. If a member ceases to reside in the city prior to the expiration of a term, or a landmark and historic district representative ceases to reside or own property within the applicable landmark and historic district, the member or representative may complete the term only upon approval by city council pursuant to Section 2.45.020
- E. Any member of the commission may be removed by the city council at its pleasure.

ATTACHMENT B

Existing PMC 2.75 (complete copy)

Chapter 2.75 - HISTORIC PRESERVATION COMMISSION*

Sections:

- 2.75.010 - Short title.
- 2.75.020 - Establishment.
- 2.75.025 - Purpose.
- 2.75.030 - Membership—Appointment and terms.
- 2.75.040 - Qualifications.
- 2.75.045 - Duties.
- 2.75.050 - Absences and vacancies.
- 2.75.060 - Election of officers.
- 2.75.070 - Meetings—Records.
- 2.75.080 - Rules and regulations.
- 2.75.090 - Annual report.
- 2.75.100 - Disclosure requirements.
- 2.75.120 - Fees.

2.75.010 - Short title.

This chapter shall be known as the "Historic Preservation Commission Ordinance."

(Ord. 6915 § 2 (part), 2002)

2.75.020 - Establishment.

There is created and established a commission of the city to be known as the "Historic Preservation Commission" and hereinafter called "commission."

(Ord. 6915 § 2 (part), 2002)

2.75.025 - Purpose.

The purpose of the commission is to:

- A.
 - Implement the historic preservation goals, policies and programs of the comprehensive general plan;
- B.

- Protect, enhance and perpetuate historic resources that represent or reflect distinctive and important elements of the city's cultural, social, economic, political, archaeological and architectural history;
- C.
- Stabilize and improve property values, and enhance the visual and aesthetic character and environmental amenities of the city's historic areas;
- D.
- Recognize the city's historic resources as economic assets;
- E.
- Provide educational programs to promote and encourage restoration, rehabilitation and maintenance of existing historic resources for the culture, education, enjoyment and economic welfare of the city's residents and visitors, and to conserve reuseable material and energy resources;
- F.
- Foster civic pride in the beauty and noble accomplishments of the past by promoting private stewardship of historic resources that represent these accomplishments;
- G.
- Promote the city as a destination for tourists and as a desirable location for business;
- H.
- Ensure that the rights of the owners of historic resources and owners of properties adjacent to historic resources are safeguarded;
- I.
- Fulfill the city's responsibilities as a certified local government under federal preservation laws; and
- J.
- Fulfill the city's responsibilities for Federal Section 106 reviews and for the California Environmental Quality Act.

(Ord. 6915 § 2 (part), 2002)

2.75.030 - Membership—Appointment and terms.

- A.
- The commission shall consist of 9 members, who shall be appointed as follows:
1.
Each of the 7 councilmembers and the mayor shall nominate 1 member for a total of 8 members.
 - 2.

The mayor shall nominate the remaining 1 member from persons recommended by the 7 councilmembers.

3.

All nominations are subject to ratification by the city council:

B.

Each landmark district may be represented on the commission by a resident of the district that may be nominated by the neighborhood association of the applicable landmark district, however, a landmark district shall not be required to have a representative. Representatives of each landmark district are not considered commission members and shall participate in only those issues and items that are applicable to the representative's district and shall have equal voting rights only on such issues and items. If no neighborhood association exists within the landmark district, any resident property owner of such district may apply to the city council. If more than 1 neighborhood association exists within the landmark district, such associations shall jointly nominate the member; and if the associations cannot agree, each association shall nominate 1 person and the mayor shall select the nominee. Appointment of all landmark district representatives is subject to ratification by the city council. The landmark district representatives shall be subject to the provisions of this section in the same manner as other commission members.

C.

Members shall be appointed for a term of 3 years, and shall serve no more than 2 consecutive terms. A term of less than 1 year shall not be considered a full term. Terms expire on June 30th of the applicable years. A member shall continue in office for the term for which he/she was appointed or until his/her successor is appointed. No member who has served 2 consecutive terms shall be eligible for reappointment to the commission prior to the passage of a 2-year interval.

D.

If a member ceases to reside in the city prior to the expiration of a term, or a landmark district representative ceases to reside or own property within the applicable landmark district, the member or representative may complete the term only upon approval by city council pursuant to Section 2.45.020

E.

Any member of the commission may be removed by the city council at its pleasure.

(Ord. 6815 § 2 (part), 2002)

2.75.040 - Qualifications.

A.

All members shall be residents of the city; provided however, that a person nominated by a council member need not reside in the council member's district.

B.

All members shall be conversant with Pasadena's historical, architectural and cultural heritage and have special interest, knowledge, or training in fields closely related to historic preservation, such as architecture, history, landscape architecture, architectural history, planning, archaeology, urban design, geography, real estate, law, finance, building trades or related areas.

C.

If possible, the city council shall appoint at least three members of the commission who are professionals in the fields or disciplines of architecture, landscape architecture, history, architectural history, urban planning, American studies, geography, or archaeology or other historic preservation-related disciplines to the extent that such professionals are available in the community.

(Ord. 6915 § 2 (part), 2002)

2.75.045 - Duties.

The commission shall have the following duties in addition to those otherwise provided in this chapter:

- (a) Recommend to the city council the designation of historic buildings, sites, structures, objects, interiors, and districts according to procedures and criteria of this chapter;
- (b) Participate in the review of projects affecting city-owned historic resources;
- (c) Identify and document historic resources through surveys and other research projects;
- (d) Recommend to the city council appropriate legislation for protection of historic resources, funding of historic preservation projects and incentives to support these activities;
- (e) Review and make recommendations on environmental reports, zone changes, master development plans, planned developments and other land use entitlements as requested by the director of planning and development and as they are applicable to historic resources in the city;
- (f) Implement historic preservation goals and policies in the land-use element of the General Plan and participate in amendments to goals, policies, and principles affecting historic resources;
- (g)

Participate in educational programs on historic architecture and historic preservation topics;

(h)

Administer the review of applications for projects for alterations, additions, relocations and demolitions of historic resources according to the procedures of this chapter;

(i)

Assign, at its discretion, duties for administration of this title to the director of planning and development.

(Ord. 0915 § 2 (part). 2002)

2.75.050 - Absences and vacancies.

In the event a member has 3 consecutive unexcused absences from meetings of the commission, the city council may declare the office of such member vacant. The staff to the commission shall advise the city clerk of any member with 3 consecutive unexcused absences. The chair of the commission may excuse absences.

Vacancies, whether scheduled or unscheduled, shall be filled by the person who nominated the member to the vacant office, or by his/her successor, in the same manner as set forth in Section 2.75.030.

(Ord. 0915 § 2 (part). 2002)

2.75.060 - Election of officers.

At the first meeting of the commission, and thereafter at its first meeting in July of each subsequent year, the members shall elect a chair and a vice chair. In the absence or disability of the chair and vice chair, the commission may designate a temporary chair.

(Ord. 0915 § 2 (part). 2002)

2.75.070 - Meetings—Records.

The commission shall meet at least once a month and all its meetings shall be held in accordance with the Ralph M. Brown Act and shall be open to the public except as provided by law. Special meetings may be called by the chair or a majority of the commission.

A quorum shall be a majority of the commission seats filled by the city council. A seat is deemed to be filled after a nominee has been sworn in by the city clerk. No action of the commission shall be valid without the affirmative vote of at least three members.

The commission shall keep a record, which shall be available for public inspection of all of its resolutions, proceedings and other actions.

(Ord. 6915 § 2 (part), 2002)

2.75.080 - Rules and regulations.

The commission shall adopt and amend, rules and regulations for the conduct of the commission's business consistent with this chapter. Such rules and regulations shall be submitted to the city council and shall not become effective until approved and ordered filed by the council.

(Ord. 6915 § 2 (part), 2002)

2.75.090 - Annual report.

The commission shall submit an annual report and workplan to the city council no later than September 1st of each year. Attendance records of members shall be included as part of the annual report.

(Ord. 9930 § 7, 2003; Ord. 6915 § 2 (part), 2002)

2.75.100 - Disclosure requirements.

Members of the commission shall be required to file annual statements of economic interest pursuant to the city's conflict of interest code.

(Ord. 6915 § 2 (part), 2002)

2.75.120 - Fees.

The city council shall by resolution prescribe fees for all applications, reviews and appeals authorized by this chapter.

(Ord. 6915 § 2 (part), 2002)

Attachment C

Zoning Code Excerpt – Definition of “Landmark District” and “Historic District”

facing elevation of a structure that may have an adverse affect on the significance of a property.

7. **Demolition by Neglect.** The failure to provide ordinary and necessary maintenance and repair to a historic resource, whether the neglect is willful or unintentional or by design, by the owner or any party in possession of the property, which results in one or both of the following conditions:
 - a. The severe deterioration of exterior features so as to create or permit a dangerous or unsafe condition to exist, as defined in Title 14 of the Municipal Code.
 - b. The severe deterioration of exterior walls, roof, chimneys, doors, windows, porches, structural or ornamental architectural elements, or foundations, that could result in permanent damage and loss of the architectural and/or historic significance of a historic resource.
8. **Economic Hardship Variance.** A variance granted to a property owner or applicant by the Historic Preservation Commission or Director to approve an application for a Certificate of Appropriateness for a project that due to an economic hardship does not comply with the Secretary of the Interior's Standards. The approval may include provisions to maintain as much as possible of the historic integrity of the property.
9. **Environmental Setting.** The entire lot as of the date of landmark or historic monument designation, on which is located a landmark or historic monument, and to which it relates historically, physically, and/or visually. The environmental setting includes, but is not limited to, accessory structures, driveways, fences, gateways, open space, rocks, vegetation (including gardens, lawns, and trees), walkways, and walls.
10. **Fixture.** A decorative or functional device permanently affixed, or originally permanently affixed, to the site or the interior or exterior of a structure and contributing to its ability to meet the criteria for designation as a landmark or monument. Permanently affixed includes, but is not limited to, attachment by screws, bolts, pegs, nails or glue, and may include the attachment methods as rope, glass or leather if the material is integral to the design of the device. Fixtures include, but are not limited to, lighting devices, murals, built-in furniture and cabinetry, paneling and molding, leaded glass or other decorative windows and decorative hardware.
11. **Historic Context.** A broad pattern of historical development in a community or its region, which may be represented by historic resources.
- 12. **Historic District.** A district listed in the National Register of Historic Places.
13. **Historic Resource.** A district, landscape, object, sign, site, or structure significant in American archeology, architecture, culture, engineering, or history that is either designated or eligible for designation under City, State, or national significance criteria.
14. **Historic Resource Planning Area (also HRP A).** A grouping of historic resources identified in the 1993 Citywide reconnaissance survey (or future update of this survey) as an area that merits further study for identifying properties that may be eligible for landmark designation or listing in the National Register (as a district or individual property).

15. **Historically Significant Structure or Site.** A structure or site listed in the National Register of Historic Places (either individually or as contributing to a district), a property designated as a landmark or monument, a property contributing to a district listed in the National Register of Historic Places or a landmark district, or a property identified in an intensive-level historic resources survey as qualifying for a historic designation (either individually or as part of a district).
- 16. **Landmark District.** A grouping of properties that meets the criteria of Section 17.62.040.F and is so designated by the City Council.
17. **National Register of Historic Places (also National Register).** The official inventory of districts, sites, structures and objects significant in American history, architecture, archeology and culture which is maintained by the Secretary of the Interior under the authority of the Historic Sites Act of 1935 and the National Historic Preservation Act of 1966 as amended (16 U.S.C. 470-470t, 36 C.F.R. Sections 60, 63).
18. **Noncontributing Property.** A property in the boundaries of a landmark district or district listed in the National Register and lacking architectural characteristics relating to the historic context and historic significance of the district, and identified in the designation or listing as noncontributing.
19. **Period of Significance.** Refers to the span of time during which a property or a grouping of properties has attained significance relating to the criteria for designation (e.g., the era when the neighborhood was substantially developed or the end of a certain historical period).
20. **Project (Major).** Includes any of the following:
 - a. Any demolition or relocation of a structure or object, or removal of a significant feature of a historic resource, including significant interior fixtures designed by the firm of Greene and Greene.
 - b. Any undertaking requiring a permit that significantly alters or changes the street-facing elevation or side elevations of a historic resource, including major changes to windows and doors or 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 building elevation that faces a street.
 - d. Front yard fences and walls in a historic or landmark district (excluding retaining walls), including those proposed on non-contributing properties.
 - e. New construction in a designated landmark and or historic district except for accessory structures.
 - f. Demolition of a non-contributing building in a designated landmark or historic district.
 - g. Any addition of a height greater than that of the existing building, if the addition is visible from the street.

Attachment D

Map of Historic Districts Listed in the National Register of Historic Places

Historic Districts Listed in the National Register of Historic Places

