



Planning & Community Development Department

Historic Preservation Ordinance Amendments Public Hearing

City Council
January 11, 2021





Background & Purpose

Planning & Community Development Department

- City Council has directed staff to update the City's Historic Preservation Ordinance.
- Interim Urgency Ordinance in effect temporarily prohibits demolition and major alteration of eligible, undesignated historic resources (recently extended; expires October 29, 2021).
- Purpose of hearing:
 - Provide overview of the amendments proposed by staff following HPC, PC and public workshops and in consideration of public comments received thus far.
 - Receive Council's decision on the proposed amendments.



Process & Timeline

Planning & Community Development Department

- Public workshop (Zoom webinar) – July 1
- HPC hearing –August 4
- PC hearing – September 23
- City Council hearing – January 11
- Adoption of Ordinance –Late January
- Ordinance effective date –Late February



Categories of Amendments

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- Three broad categories of amendments are proposed:
 - > New policies
 - > Codify & define existing procedures
 - > Technical corrections & clarifications



New Policies

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- Intent: Address community concerns and best practices in historic preservation.
- Proposed Amendments:
 - > Allow COA's for eligible, undesignated resources to be disapproved, including contributing properties to eligible landmark districts.
 - > Create process to evaluate potential historical significance.



New Policies (Continued)

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- Proposed Amendments (continued):
 - > Add the following to the list of Major and Minor Projects:
 - Replacement of a substantial amount of exterior cladding (major)
 - Construction of an accessory structure in front of a primary structure (major)
 - Replacement of windows with different materials or a different muntin pattern (major)
 - Anything determined to be major by the Director
 - Work required as part of a Mills Act contract that would otherwise not require a COA (minor)
 - Painting of masonry (minor)

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New Policies (Continued)

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- Proposed Amendments (continued):
 - > Change the list of Major and Minor Projects as follows:
 - Change additions less than 200 square feet on the primary façade to a major project.
 - Change front yard fences to minor project and include new front yard retaining walls.

 - > Modify the exemption from the COA requirement for major projects approved through another entitlement process to require a finding of SOI consistency or Class 31 exemption



New Policies (Continued)

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- Proposed Amendments (continued):
 - > Require that the demolition finding regarding severe structural damage also state that such damage is unable to be repaired and require evidence from at least two qualified professionals.
 - > Create criteria for rescinding a landmark district or Conservation Plan, for removing properties from a landmark district, or amending a Conservation Plan.
 - > Allow appeals and calls for review in districts with Conservation Plans to follow existing Code procedures.

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New Policies (Continued)

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- Proposed Amendments (continued):
 - > Add new incentives for historic properties (alternative front lot line determination & by-right parking reductions and tandem parking).
 - > Establish minimum maintenance requirements.
 - > Change review authority for Relief from the Replacement Building Permit requirement to staff.
 - > Require a COA for projects visible from private streets.



New Policies (Continued)

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- Proposed Amendments (continued):
 - > Revise penalties for violating the HPO:
 - Stop work and require submittal of a COA
 - Restoration of previously existing condition may be required as a result of COA process
 - Institute time limits on bringing project into compliance
 - » 30 days from COA approval to apply for a permit
 - » 12 months from stop work order to complete work
 - Ineligible for incentives for 5 years
 - Potential monetary fines



New Policies (Continued)

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- Proposed Amendments (continued):
 - > Revise design review findings for projects involving historic resources to eliminate references to Central District only.



Codify & Define Existing Procedures

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- Intent: Ensure that existing procedures in the ordinance are clear and understandable to the general public.
- Proposed Amendments:
 - > Create designation category for Greene & Greene structures.
 - > Further define the difference between historic monuments and landmarks.
 - > Eliminate Historic Preservation Easements section.



Codify & Define Existing Procedures

Planning & Community Development Department

- Proposed Amendments:
 - > Further define process for creating landmark districts, as follows:
 - Require initial review by staff & informational meeting with property owners.
 - Clearly state that a majority of property owners must support the designation of the district.
 - Further define the HPC and PC roles in the review process (HPC determine eligibility for designation; PC certify petition and determine consistency with Zoning Map Amendment findings)

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Codify & Define Existing Procedures

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- Proposed Amendments:
 - > Create process and findings for modification of C/NC status after designation of a landmark district.
 - > Clarify process for designating individual resources.



Technical Corrections/ Clarifications

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- Intent: Simplify and streamline the ordinance
- 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.
 - > Ensure Table 6-5 lists all duties of all review authorities



Technical Corrections/ Clarifications

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- Proposed Amendments (continued):
 - > Relocate glossary to HPO, remove unused terms, add certain new terms and revise certain existing terms.
 - > Relocate General Procedures section to COA section
 - > Relocate Historic Building Code section to Incentives
 - > Move Economic Hardship provisions to separate section, rename, and state that COA findings are not required if Economic Hardship is approved.



Technical Corrections/ Clarifications

Planning & Community Development Department

- Proposed Amendments:
 - > Clearly state that all resources designated prior to 2002 HPO are still designated.
 - > Change review authority for Historic Signs to Council (same as other historic designations)

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Zoning Code Text Amendment Findings

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



Staff Recommendation

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- Find that the proposed amendments are exempt from CEQA, Class 8
- Affirmatively make the findings for the Zoning Code Text Amendments as outlined in the staff report.
- Approve the proposed Zoning Code Text Amendments to the Historic Preservation Ordinance as specified in the staff report.



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Cladding Removal Discussion

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- **Current HPO (not proposed to change):**
 - > Replacement or covering of any amount of cladding with a new materials is a major project
 - > Replacement of any amount of cladding to match existing is a minor project
- **Proposed Amendment**
 - > Substantial removal of cladding, regardless of replacement material, would be a major project
- **Public Comment**
 - > Define substantial removal as 25% on primary or street façade and 50% on entire building



Cladding Removal Discussion

Planning & Community Development Department

- **Staff Concerns with Proposed Definition**
 - > Potential overburdensome process for relatively small amount of cladding replacement
 - > Potential to encourage work without permits or proposals that are close to, but do not meet or exceed the threshold.
- **Conclusion**
 - > Because different amounts of cladding removal could have different effects on different building facades, retaining the language proposed by staff would allow staff to assess the effects of proposed cladding removal projects and require a Certificate of Appropriateness if it finds it to be substantial



Conservation Plan Amendment Discussion

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- **Current HPO**
 - > Amendments to Conservation Plans go through the same process as establishment of a Landmark District, but no criteria for evaluating them are established.
- **Proposed Amendment**
 - > Establish review criteria, one of which would be that amendments do not create further inconsistencies with the HPO



Conservation Plan Amendment Discussion

Planning & Community Development Department

- **Public Comment**
 - > Amendments that are inconsistent with the HPO should be allowed in order to tailor requirements to a particular district's needs or try new things.
- **Staff Concerns**
 - > Conservation Plans outdated and in some instances inconsistent with best practices
 - > Historic Preservation regulations should be applied uniformly



Conservation Plan Amendment Discussion

Planning & Community Development Department

- **Staff-Recommended Alternative**
 - > If Council is inclined to agree with the public comment, staff recommends that language requires any amendments that may be approved that are inconsistent with the HPO to be approved on a trial basis and subject to periodic review to determine the effects of the new regulations.
 - > Depending on the effects, Council could allow the trial to continue to further study the effects at a later time, repeal if found to be detrimental, or consider whether to incorporate into the HPO if found to be successful.



Mansionization Discussion

Planning & Community Development Department

- **Public Comment**
 - > Staff analysis doesn't address the potential for mansionization projects in Landmark Districts.
 - > During mansionization review process, public comment suggested that the neighborhood compatibility requirement be extended to Landmark Districts.
- **Proposed Neighborhood Compatibility Requirement (Separate Mansionization Process)**
 - > Additions or new construction evaluated to determine if it exceeds 35% of median size of all houses within 500' radius. CUP required to exceed.



Mansionization Discussion

Planning & Community Development Department

- **Staff Concerns with Applying Neighborhood Compatibility to Landmark Districts**
 - > Existing COA process required for all additions visible from the street, and all new houses, regardless of size and is therefore more restrictive and better suited to ensure both size and design compatibility.
 - > If Neighborhood Compatibility were to be applied to LDs, requests to exceed would not be reviewed by HPC or DHP staff.
 - > Example project cited by the public would have complied with Neighborhood Compatibility and would not have required a CUP (but did require a COA).