

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY OF PASADENA AMENDING
CHAPTERS 2.75, 17.52 AND 17.92 OF THE PASADENA MUNICIPAL
CODE RELATING TO HISTORIC PRESERVATION**

The People of the City of Pasadena ordain as follows:

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

The approved summary of this ordinance reads as follows:

“SUMMARY

The purpose of this ordinance is to update, clarify and simplify the current sections of the Pasadena Municipal Code that govern the activities of the City’s historic preservation program.

This ordinance changes the name of the commission charged with carrying out the provisions of the historic preservation program from “Cultural Heritage Commission” to “Historic Preservation Commission.” This ordinance reorganizes the provisions in the Municipal Code relating to historic preservation by maintaining the general administrative provisions relating to the Historic Preservation Commission (the “Commission”) such as membership and qualifications in Title 2 (Administration) of the Municipal Code and relocating the designation criteria for each type of historic resource, regulatory procedures, and enforcement and penalties to Title 17 (Zoning) of the Municipal Code.

A new definition section is added. The ordinance also adds a new classification system that features three levels of historic designation, including objective criteria for each type of historic resource. Under this amendment to the Municipal Code the commission will now have

the authority to deny demolition or alterations to the most significant historic properties, rather than merely delaying such projects. The ordinance also explicitly authorizes staff-level review for minor actions.

This ordinance removes the previous Municipal Code provisions which allowed individual property owners to file written objections to the nomination for historic designation.

This ordinance shall take effect thirty days after its publication by title and summary.”

SECTION 2. Chapter 2.75 of Title 2 of the Pasadena Municipal Code is amended to read, in its entirety:

“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.”

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.”

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.

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.

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.

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.

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.

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.

2.70.070 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.

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.

2.75.090 Annual Report.

The commission shall submit an annual report and work plan to the city council no later than October 31st of each year. Attendance records of members shall be included as part of the annual report.

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.

2.75.120 Fees.

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

SECTION 3. Chapter 17.52 of Title 17 of the Pasadena Municipal Code is amended to read, in its entirety:

“Chapter 17.52

HISTORIC PRESERVATION

Sections:

- 17.52.010 Definitions.
- 17.52.020 Review Bodies - Powers and Duties.
- 17.52.030 General Procedures.
- 17.52.040 Criteria for Designation of Historic Resources.
- 17.52.050 Procedures for Designating Historic Monuments, Landmarks and Historic Signs.
- 17.52.060 Procedure for Designating Historic Monuments, Landmarks and Historic Signs.
- 17.52.070 Procedure for Designating Landmark Districts.
- 17.52.080 Historic Easements on Facades.
- 17.52.090 Demolition, Relocation or Alteration of a Historic Resource.
- 17.52.100 Replacement Building Permit Requirement.
- 17.52.110 Notification of Changes to City-Owned Historic Resources.
- 17.52.120 Regulations and Penalties for Demolition of a Historic Resource Without a Demolition Permit.
- 17.52.130 Regulations and Penalties for Alteration of a Historic Resource Without a Required Permit.
- 17.52.140 Incentives for Preserving Historic Resources
- 17.52.150 Violations.
- 17.52.160 Public Safety Exception

17.52.10 Definitions.

Unless it is plainly evident from the content that a different meaning is intended, certain words and phrases used in this chapter are defined as follows:

ADVERSE EFFECT (also SIGNIFICANT ADVERSE EFFECT) shall mean an activity or action that has the potential to diminish the significance of a historic resource.

ALTERATION/SUBSTANTIAL ALTERATION (also ALTER) shall mean any physical modification or change to the exterior of a building, structure, site object or designated interior that may have a negative effect on significant features of a historic resource and requires a building permit under Title 14 of this code or does not require a building permit but may have a significant adverse effect on character-defining features of a historic resource. Alteration shall also include construction of additions, but shall not include ordinary maintenance and repairs.

ENVIRONMENTAL SETTING shall mean the entire parcel 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 and physically and/or visually. Environmental setting includes, but is not limited to, accessory structures and buildings, walkways and driveways, vegetation (including trees, gardens, lawns), walls, fences, gateways, rocks and open space.

ARCHITECTURAL ATTRIBUTES shall mean the design and/or construction technique and elements or combination of elements that are the character defining features of a building.

CALIFORNIA ENVIRONMENTAL QUALITY ACT shall mean the State Statute codified in the California Public Resources Code §21000 et seq.

CALIFORNIA REGISTER OF HISTORICAL RESOURCES (also CALIFORNIA REGISTER) shall mean the State Statute codified in the California Public Resources Code §5020.1 et seq.

CATEGORY 1 HISTORIC RESOURCE shall mean a historic resource that is designated a historic monument, landmark or historic sign, a property listed in the National Register

(individually listed or a building in a listed district), a contributing building in a designated landmark district or a non-contributing building in a landmark district if the district designation ordinance specifies such review, and a work of Greene and Greene (including a significant fixture).

CATEGORY 2 HISTORIC RESOURCE shall mean a historic resource not in category 1 but documented in an intensive-level survey completed since 1990 on an inventory form authorized by the State of California Office of Historic Preservation and that has been evaluated with a National Register status code of any 2, 3 or 4 level or 5S1 or 5D1, or in a special historic resources study that is completed using professional evaluation standards and has been adopted by the commission.

CATEGORY 3 HISTORIC RESOURCE shall mean a historic resource not in category 1 or 2 but located within a historic resource planning area identified in the 1993 city-wide reconnaissance survey or a subsequent survey that updates the 1993 survey or any historic resource that the planning director determines to meet criteria for designation as a category 1 historic resource.

CERTIFIED LOCAL GOVERNMENT shall mean the program authorized by the National Historic Preservation Act of 1966 (16 U.S.C. Section 470 et seq.) and the subsequent participatory agreement between the city and the State of California Office of Historic Preservation.

CONTRIBUTING PROPERTY shall mean a property within a designated landmark district or historic district listed in the National Register that has characteristics and features that

relate to the historic context and historic significance of the district and that has been specified in the designation or listing as contributing.

DEMOLITION shall mean the complete destruction or removal of a building, structure or object, removal of more than 50 percent of perimeter walls or removal of any portion of a structural wall of a street-facing elevation of a building that may have an adverse affect on the significance of a property.

DEMOLITION BY NEGLECT shall mean the failure to provide ordinary and necessary maintenance and repair to a historic resource, whether such neglect is willful or unintentional or by design, by the owner or any party in possession of such property, which results in one or both of the following conditions:

1. 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 this code.
2. The deterioration of exterior walls, roof, chimneys, doors, windows, porches, structural or ornamental architectural elements, or foundations, which could result in permanent damage and loss of a historic resource's architectural and/or historic significance.

ECONOMIC HARDSHIP VARIANCE shall mean a variance granted to a property owner or applicant by the commission or director that approves 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. Such agreement may include provisions that maintain as much as is possible of the historic integrity of the property.

FIXTURE shall mean 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 such attachment methods as rope, glass or leather if such 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.

HISTORIC CONTEXT shall mean a broad pattern of historical development in a community or its region, that may be represented by historic resources.

HISTORIC DISTRICT shall mean a district that is listed in the National Register of Historic Places.

HISTORIC RESOURCE shall mean a building, structure, site, object, landscape, sign or district that is significant in American history, architecture, engineering, archeology or culture and is either designated or eligible for designation under city, state or national significance criteria.

HISTORIC RESOURCE PLANNING AREA (ALSO HRPA) shall mean a grouping of historic resources identified in the 1993 city-wide reconnaissance survey as may be amended as an area that merits further study for identifying properties that may be eligible for landmark or National Register district or individual designation.

NATIONAL REGISTER OF HISTORIC PLACES (also NATIONAL REGISTER) shall mean the official inventory of districts, sites, buildings, 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).

NON-CONTRIBUTING PROPERTY shall mean a property located in the boundaries of a landmark district or district that is listed in the National Register and that lacks architectural attributes relating to the historic context and historic significance of the district, and specified in the designation or listing as non-contributing.

PRIMARY BUILDING OR STRUCTURE shall mean a building or structure that houses the primary use on a property or parcel. It shall not include accessory buildings such as garages, pool houses or sheds.

PROJECT (MAJOR) shall mean:

1. Any demolition or relocation of a building, 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.
2. Any undertaking requiring a permit that significantly alters or changes the street-facing elevation or side elevations of a historic resource, including but not limited to, changes to windows and doors or their openings, application of new exterior wall material that changes the design, texture or appearance, addition of dormers and other architectural features.
3. Any addition of square footage to the street-facing elevation or addition of square footage to a side or rear elevation (if visible from the public right-of-way), unless the addition on the side or rear elevation is less than 200 square feet.
4. Front yard fences and walls in a historic or landmark district.
5. Any undertaking determined major by the director of planning and development.

PROJECT (MINOR) shall mean:

1. Any demolition or removal of insignificant exterior features of a historic resource, including additions, replacement windows and later siding material.
2. Any undertaking requiring a permit that does not change the exterior character-defining features of a historic resource, including, but not limited to, re-roofing if the re-roofing material has a similar appearance to the existing or original roofing material and the existing roofing material is infeasible to repair; replacement of windows and doors if they match the existing or original windows and doors and the existing doors and windows are infeasible to repair.
3. Any undertaking to the environmental setting of a category 1 historic resource that is individually designated as a landmark or historic monument or individually listed in the National Register if such environmental setting is significant to the historic resource and has been defined as significant in the designation report for such historic resource.
4. Demolition and alteration of garages and other accessory structures.
5. Any addition of less than 200 square feet on side or rear elevations that are visible from the public right-of-way.
6. Any undertaking not requiring a permit that materially alters significant features of a historic resource or that may have an adverse effect on the significance of a historic resource, including but not limited to replacement of windows and doors in existing openings, exterior wall surface re-stucco, or abrasive cleaning of masonry.
7. Any undertaking determined minor by the director of planning and development.

SECRETARY OF THE INTERIOR'S STANDARDS FOR REHABILITATION (also SECRETARY'S STANDARDS) shall mean the *Secretary of the Interior's Standards for Rehabilitating Historic Buildings*, issued by the U.S. Department of the Interior, National Park Service (36 CFR Part 67) and the publications of the National Park Service, Preservation Assistance Division, *Guidelines for Rehabilitating Historic Buildings* (1992, N.P.S.) and *The Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings* (1995, N.P.S.), and any subsequent publication on the Secretary's Standards by the N.P.S.

SECTION 106 shall mean the regulations of U.S. Code of Federal Regulations at 36 CFR Part 800.

STATE HISTORICAL BUILDING CODE shall mean Part 8 of Title 24 (California Building Standards Code) of the California Code of Regulations.

17.52.020 Review Bodies - Powers and Duties

<p>Historic Preservation Commission</p>	<p>Recommend to City Council designations of landmarks and historic monuments.</p> <p>Recommend to Planning Commission and City Council designations of landmark districts.</p> <p>Approve/deny applications for demolition, relocation, alteration, and new construction (outside of CD zone) affecting category 1 historic resources and demolition affecting category 2 and 3 historic resources.</p> <p>Forward recommendations to the Design Commission/City Council on proposals for major projects involving demolition, alteration and relocation of City-owned historic resources.</p> <p>Review appeals of decisions of Director of</p>
---	---

	<p>Planning and Development.</p> <p>Approve/deny applications for relief from the replacement building permit requirement.</p> <p>Review appeals of penalties for demolition without required approvals.</p>
Design Commission	<p>Approve/deny applications for alteration, demolition and new construction affecting historic resources and relief from the replacement building permit requirement in the CD zone.</p> <p>Recommend to City Council proposals for demolition, relocation and alteration that affect City-owned historic resources.</p>
Planning Commission	<p>Recommend to City Council approval/denial of designations of landmark districts (zoning overlay).</p>
City Council	<p>Approve/deny designations of landmarks, historic monuments and landmark districts.</p> <p>Call for review/appeals of decision of Historic Preservation Commission.</p>
Director of Planning and Development	<p>Approve/deny applications for minor projects affecting category 1 historic resources and approve/delay major (except demolition) and minor projects affecting category 2 and category 3 historic resources.</p>

17.52.030 General Procedures

Applications to the commission for alterations, additions, relocations, demolitions and new construction and applications for relief from the replacement building requirement under this title shall be processed according to the standard review procedure of section 17.92.090 of this code. Such reviews by the commission are limited to areas outside of the central district.

The Design Commission shall review applications for alterations, additions, relocations, demolitions and new construction and relief from the replacement building permit requirement in the central district.

The director of planning and development shall specify the application requirements for designation of historic resources and for reviews of projects to construct, alter, relocate, and demolish.

17.52.40 Criteria for Designation of Historic Resources.

A. Historic monument.

A historic monument shall include all historic resources previously designated as historic treasures prior to adoption of this ordinance, historic resources that are listed in the National Register at the state-wide or national level of significance (including National Historic Landmarks) and any historic resource that is significant at a regional, state or national level, and is an exemplary representation of a particular type of historic resource and meets one or more of the following criteria:

1. It is associated with events that have made a significant contribution to the broad patterns of the history of the region, state or nation.
2. It is associated with the lives of persons who are significant in the history of the region, state or nation.
3. It is exceptional in the embodiment of the distinctive characteristics of a historic resource property type, period, architectural style or method of construction, or that is an exceptional representation of the work of an architect, designer, engineer, or builder whose work is significant to the region, state or nation, or that

possesses high artistic values that are of regional, state-wide or national significance.

4. It has yielded, or may be likely to yield, information important in prehistory or history of the region, state or nation.

A historic monument designation may include significant public or semi-public interior spaces and features.

When considering an application for designation of a historic monument the commission shall apply the criteria according to National Register of Historic Places Bulletins (National Park Service) for evaluating historic properties.

B. Landmark

A landmark shall include all properties previously designated a landmark prior to adoption of this ordinance and any historic resource that is of a local level of significance and meets one or more of the criteria 1, 2, 3 or 4 listed below in this subsection. A landmark may be the best representation in the city of a type of historic resource or it may be one of several historic resources in the city that have common architectural attributes that represent a particular type of historic resource. A landmark shall meet one or more of the following criteria:

1. It is associated with events that have made a significant contribution to the broad patterns of the history of the city.
2. It is associated with the lives of persons who are significant in the history of the city.
3. It embodies the distinctive characteristics of a locally significant historic resource property type, architectural style, period, or method of construction, or that

represents the work of an architect, designer, engineer, or builder who is locally significant, or that possesses high artistic values that are locally significant.

4. It has yielded, or may be likely to yield, information important locally in prehistory or history.

When considering an application for designation of a landmark, the commission shall apply these criteria according to National Register of Historic Places Bulletins (National Park Service) for evaluating historic properties.

C. Historic Signs

A historic sign shall include all signs in the sign inventory as of the date of adoption of this ordinance and any sign subsequently designated historically significant by the commission and sign meets criterion 3 in paragraph A or B above.

All other regulations relating to signs shall comply with Chapter 17.72 of this Code.

D. Landmark District

A landmark district shall include all landmark districts previously designated prior to adoption of this ordinance and any grouping of contiguous properties with architectural attributes that contribute to the significance of the grouping and that also meet the following criteria:

1. Within its boundaries, a minimum of 60 percent of the properties shall qualify as contributing.
2. The grouping represents a significant and distinguishable entity of city-wide importance and one or more of a defined historic, cultural, development and/or architectural context(s) (1991 city-wide historic context, as amended, historic

context prepared in an intensive-level survey or historic context prepared specifically for the nominated landmark district).

When considering applications to designate a landmark district, the commission shall apply the above criteria according to applicable National Register of Historic Places Bulletins for evaluating historic properties.

17.52.050 Procedures for Designating Historic Monuments and Landmarks

A. An application for the nomination of a landmark, or historic monument shall be submitted by a property owner, a member of the city council, a member of the commission or by any interested person who resides in the city. If the applicant is not the owner of the property, the owner shall be notified within 10 days of submittal of the application by the director of planning and development that an application has been submitted. Within 30 days of submittal of the application for nomination, the director or the director's designee shall determine if the nominated property meets the applicable criteria and is eligible for designation and shall notify the applicant and/or property owner in writing whether or not the property is eligible for designation. If the director determines that the property is not eligible for designation, the applicant and/or property owner may appeal the decision to the commission and the commission shall review the nomination at a noticed public hearing. If the director determines that the property is eligible for designation, within 45 days of the determination of eligibility, the director shall prepare a designation report, which shall establish in the record that the property meets the applicable criteria, and schedule a public hearing before the commission. Where applicable, the report shall include a map of the property with boundaries for the proposed designation and a legal description for the property.

B. The commission shall review the application and designation report and recommend approval or denial of the designation. If the commission recommends approval of the designation, the nomination shall be forwarded to the city clerk and scheduled for a noticed public hearing before the council within 60 days. The city council may approve, modify or deny the designation of a landmark, or historic monument.

C. The designation of a landmark or historic monument shall be approved by a declaration of designation executed by the mayor. Notice of the designation shall be mailed to the owner of record of the designated property. The city clerk shall record the declaration in the office of the county recorder.

17.52.060 Procedure for Rescinding or Amending a Historic Monument or Landmark Designation

A. Rescission of or amendment to a designation of a landmark or historic monument shall follow the same procedure as the procedure for designation of a historic resource. In rescinding the designation of a landmark or historic monument, the city council shall determine that the landmark or historic monument no longer meets the designation criteria due to findings of fact that:

1. New information compromises the significance of the property; or
2. Destruction of the landmark or historic monument through a catastrophic event has rendered the structure a hazard to the public health, safety or welfare; or
3. The landmark or historic monument has been relocated, demolished or removed.

B. Notice of the rescission of or amendment to a designation shall be mailed to the owner of record of the property. The city clerk shall file for removal of the recordation with the office of the county recorder.

17.52.070 Procedure for Designating Landmark Districts

A. The land-use and development regulations applicable in a landmark district (LD) overlay zone shall be as prescribed for the base district with which it is combined; provided that the requirements of the LD zone shall govern where conflicts arise.

B. An application for designation of a landmark district shall be submitted to the director of planning and development by a neighborhood organization or owner(s) of property in the proposed district. The application shall include:

1. Documentation by letter or preliminary petition that a majority of the owners of property in the proposed district support the designation;
2. A map with the boundaries of the proposed district; and
3. An inventory and photographs of all properties in the district including both contributing and non-contributing properties.

C. Within 60 days of submittal of the application, the director of planning and development shall prepare a designation report, which shall establish in the record that the landmark district meets the applicable criteria, and schedule a noticed public hearing before the commission. The hearing by the commission shall include a workshop for property owners within the boundaries of the district to provide information on the proposed designation and develop a chapter amendment for the city's historic district design guidelines for that district to be adopted and included in the designation ordinance.

D. The commission shall review the application and report and recommend approval or denial of the designation. If the commission finds that the district meets the criteria for designation, the director of planning and development shall submit the application to the planning commission for a zoning map amendment. Application to the planning commission shall occur within one year from the date of submittal of the original application to designate the landmark district. The application for a zoning map amendment for a LD overlay shall include:

1. A petition with signatures of a minimum of 51 percent of the owners of the legal parcels within the boundaries;
2. A map with the boundaries of the proposed district;
3. A legal description of the district; and
4. An inventory of all properties in the district including contributing and non-contributing properties.
5. A chapter amendment to be included in the city's historic district design guidelines.

E. Within 45-days of the application for a zoning map amendment, the planning commission shall review the application at a public hearing and recommend to city council approval or denial of the LD overlay district.

Applications for a zoning map amendment to designate a LD landmark district overlay shall be exempt from all fees for amendments to the zoning map including public notification.

F. Within 30-days of the decision by the planning commission, the director of planning and development shall request that the city clerk schedule a public hearing by the city council and shall submit the following documentation to the city clerk:

1. Recommendations by the commission and the planning commission;
2. A map with the boundaries of the proposed district; and
3. A legal description of the proposed district.

Within 30-days of the receipt of the documentation, the city clerk shall schedule a hearing before the council. The council may approve, modify, or disapprove the application.

The landmark district designation shall be approved by a declaration of designation to be executed by the mayor. The city clerk shall record the declaration in the office of the county recorder. A chapter amendment to the city's historic district design guidelines for the district shall be adopted by resolution.

Rescission of a landmark district overlay and amendments to the boundaries of a landmark district overlay shall follow the above procedures for a landmark district overlay zone.

17.52.080 Historic Easements on Facades.

Historic easements on the facades of buildings designated as landmarks or historic monuments may be acquired by the city through purchase, donation or condemnation. An historic easement would include any easement, restriction, covenant or condition running with the land designed to preserve and maintain the significant features of such landmarks or historic monuments.

17.52.090 Demolition, Relocation or Alteration of a Historic Resource.

A. No person, owner or other entity shall undertake a major or minor project to a category 1, 2 or 3 historic resource as defined below without first obtaining approval according to this chapter.

B. Any person, owner or entity applying for a permit for exterior work that substantially alters, demolishes or relocates a category 1, 2 or 3 historic resource, for work that alters a designated interior or alters or removes a fixture designed by Greene and Greene, or by Charles or Henry Greene, or for new construction in a category 1 historic or landmark district shall submit to the director of planning and development an application for a certificate of appropriateness, plans, specifications and/or other documentation pertaining to the work as required by the director of planning and development. Alterations not requiring a building permit that are specified in a conservation plan or designating ordinance for a category 1 landmark district shall be subject to the same submittal requirements.

C. Any category 1 or category 2 historic resource may, upon request of the applicant for a permit, be subject to the provisions of the California State Historical Building Code where work is required to comply with the Secretary of the Interior's Standards. The building official may apply the California State Historical Building code to any category 3 historic resource upon approval of the director of planning and development.

D. No building permits, unless approved by the commission, shall be issued while a historic monument or landmark designation is pending, except for permits to maintain or stabilize a dangerous condition or for interior work that does not affect the exterior of the building.

1. CATEGORY 1 HISTORIC RESOURCE

If the proposed work is a major or minor project that may affect a category 1 historic resource, the director or the commission as required by this chapter shall render a decision within 30 days of receiving a complete application, provided that the work is not part of a project that

requires an initial study or environmental impact report. The commission may approve, approve with conditions or deny a certificate of appropriateness for the proposed major project or the director may approve, approve with conditions or deny a minor project. Denial of a project shall be based on the following findings:

- (a) The project will cause a significant adverse effect according to section 15331, as amended of the Guidelines for Implementation of the California Environmental Quality Act ,or;
- (b) The project does not comply with the Secretary's Standards or adopted guidelines based on the Secretary's Standards; and

At the time of application for a certificate of appropriateness, an applicant may apply for an economic hardship variance. Such application shall include proof by the owner of the property, of economic hardship. The director may require such documents and/or testimony necessary to substantiate a claim of economic hardship. The approval of an economic hardship variance shall be based on the findings that:

- The owner of the property is qualified as very low or low income; or
- If the certificate of appropriateness is for an income producing property, the property that is the subject of the certificate of appropriateness is not a case of demolition by neglect, and
- If it is determined that the application of the provisions of this Chapter would be a taking, the requirements of this chapter shall be modified pursuant to an economic hardship variance.

2. CATEGORY 2 HISTORIC RESOURCE

If the proposed work is a major project that may affect a category 2 historic resource, the director of planning and development shall render a decision within 30 days of a complete submittal provided that the work is not part of a project that requires another discretionary action requiring an initial study or environmental impact report.

If the work is not part of a project that requires another discretionary action and the historic resource has a 2, 3, 4, 5S1 or 5D1 status code, the director shall determine if the proposed major project is:

- (a) A significant adverse effect, or
- (b) Not a significant adverse effect.

If a major project is not a demolition and is not a significant adverse effect, the director shall find that the proposed project is a Class 31 categorical exemption under Section 15331, as amended, of the Guidelines for the Implementation of the California Environmental Quality Act and approve the project. If a project is a significant adverse effect, the director may delay the project for a period up to but not exceeding 180 days. During the delay period, the director may work with the applicant on modifying the design so that it meets the Secretary's Standards, relocating the building to another site or other alternative for preservation. If a project is a significant adverse impact that can be mitigated, the director may approve the major project with conditions that comply with the Secretary of the Interior's Standards and find that the project is a Class 31 categorical exemption.

If a project is a demolition of a Category 2 historic resource, the commission shall review the application at a noticed public hearing. The commission may delay the demolition for a period of up to but not exceeding 180 days.

During the delay period, the commission may work with the applicant on modifying the design so that it meets the Secretary's Standards, relocating the building to another site or other alternative for preservation; or it may proceed with the designation process for a landmark or historic monument.

3. CATEGORY 3 HISTORIC RESOURCE

If the proposed work is a major project that may affect a category 3 historic resource, the director shall render a decision within 30 days of a complete submittal provided that the work is not part of a project that requires an initial study or environmental impact report. In reviewing a major project affecting a category 3 historic resource, the director shall determine if the category 3 historic resource meets a criterion or criteria for designation as a landmark, historic monument or for listing in the California Register or National Register. If the historic resource meets criteria for one of the above designations or listings, the director shall determine if the proposed major project is:

- (a) A significant adverse effect, or
- (b) Not a significant adverse effect.

If a major project is not a demolition and is not a significant adverse effect, the director shall find that the proposed project is a Class 31 categorical exemption under Section 15331, as amended, of the Guidelines for the Implementation of the California Environmental Quality Act and approve the project. If a project is a significant adverse effect, the director may delay the project

for a period up to but not exceeding 180 days. During the delay period, the director may work with the applicant on modifying the design so that it meets the Secretary's Standards, relocating the building to another site or other alternative for preservation. If a project is a significant adverse effect that can be mitigated, the director may approve the major project with conditions that comply with the Secretary of the Interior's Standards and find that the project is a Class 31 categorical exemption.

If a project is a demolition of a Category 3 historic resource, the commission may delay the demolition for a period of up to but not exceeding 180 days.

During the delay period, the commission may work with the applicant on modifying the design so that it meets the Secretary's Standards, relocating the building to another site or other alternative for preservation; or it may proceed with the designation process for a landmark or historic monument.

17.52.100 Replacement Building Permit Requirement.

A. No permit for the demolition of a building or structure that is a primary building or structure on a property may be issued unless a building permit has been issued for construction of a replacement project, building, structure or surface parking lot if the surface parking lot:

1. Will serve as required parking under Chapter 17.68 of this Code for either new construction, substantial alteration or enlargement of an existing structure at a remote location, consistent with the distance requirements of Chapter 17.68 of this Code, and the proposed demolition meets the criteria for relief indicated below; or
2. A parking lot permit has been issued in accordance with § 17.68.020.H for construction of a surface parking lot that will serve the functional needs of a

historic resource that is or qualifies as a category 1 historic resource and the proposed demolition meets the criteria for relief indicated below.

B. An applicant for a demolition permit may apply for and may be granted relief from the requirements of this section by the commission if:

1. The building or structure to be demolished is not or does not qualify as a category 1 historic resource; and
2. The proposed demolition would not result in the demolition of habitable dwelling units or units that have been occupied within the previous twelve months from the date of the application on a property zoned for residential use; *and*
3. The proposed demolition would not result in the disruption of a continuous grouping of architecturally significant buildings or create an inappropriate void in the existing architectural or visual character of the area.

17.52.110 Notification of Changes to City-Owned Historic Resources.

The commission shall review projects affecting city-owned category 1 historic resources, including designated public and semi-public interior spaces. The commission shall be notified of a project affecting city-owned category 2 and category 3 historic resources and may forward a recommendation on the project to the design commission.

17.52.120 Regulations and Penalties for Demolition of a Historic Resource Without a Demolition Permit.

A. Demolition, including demolition by neglect, of any category 1 historic resource, including category 1 historic resources within the Central District, without compliance with this

#66384

chapter is expressly declared to be a nuisance, and shall be abated by reconstructing or restoring the property to its condition prior to the performance of work in violation of this chapter, or in the case of demolition by neglect, by completing such work as required to stabilize and arrest further deterioration of the property. The owner of the property, within 30 days of notice from the director of planning and development or the director's designee that demolition has been performed or demolition by neglect has been determined in violation of this chapter, shall stabilize in the case of demolition by neglect, reconstruction or restoration within 1 year of the date of such notice. Upon application to the commission, the time may be extended by the commission if the owner shows the work cannot reasonably be performed within 1 year. If the owner refuses perform the necessary work as described above, then the city may, after a duly noticed public hearing before the commission, cause such stabilization, reconstruction or restoration to be done, and the owner shall reimburse the city for all costs incurred in doing the work. The cost of the work performed by the city shall constitute a lien against the property on which the work is performed. Restoration or reconstruction may only be required when plans or other evidence is available to effect the reconstruction or restoration to the satisfaction of the director of the planning and permitting department.

B. If a category 1 historic resource is demolished without a certificate of appropriateness as required by this chapter or a demolition permit, and is not restored or reconstructed as required by subsection A above, no building or construction-related permits shall be issued, and no permits or use of the property shall be allowed, from the date of demolition for a period of 5 years. If a category 2 or 3 historic resource is demolished without a certificate of appropriateness as required by this chapter or a demolition permit and is not

restored or reconstructed as required by subsection A above, no building or construction-related permits shall be issued for a specified time period, as follows: for 3 years, if the structure was a category 3 historic resource; for 4 years, if the structure was a category 2 historic resource. For purposes of this section, the demolition shall be presumed to have occurred on the date the city has actual knowledge of the demolition. The owner shall have the burden of proving a different date if one is claimed.

C. The director of planning and development shall provide notice by certified mail of the applicability of this section to the owner on the rolls of the tax assessor, and any other person known to have an interest in the property, as soon as practicable after having knowledge that the provisions of this section are applicable to the property. The date the city first had actual knowledge of the demolition shall be stated in the notice.

D. The decision of the director that this section is applicable to property may be appealed by the property owner to the commission, according to the procedures of this chapter. The commission may grant relief from the requirements of this section if the violation of this section was not the demolition of a category 1 historic resource or a category 2 or 3 historic resource that was not one of the following:

- 1 A building or structure eligible for landmark status either individually or as part of a district;
- 2 A building or structure eligible for listing in the National Register of Historic Places or the California Register of Historical Resources, either individually or as part of a listed district or district eligible for listing.

All property subject to the provisions of this section shall be maintained in an orderly state. The owner shall maintain all existing trees and landscaping on the property, and, when appropriate shall sod and seed the property, or otherwise install planting and landscaping materials in a manner satisfactory to the city's director of planning and development. Any new construction on the property after the time period within which building and other development permits may not be issued shall be subject to design review by the commission, if outside the Central District.

17.52.130 Regulations and Penalties for Alteration of a Historic Resource Without a Required Permit.

A. The alteration of a category 1 historic resource without obtaining a required permit, is expressly declared to be a nuisance, and shall be abated by restoring the property to its appearance prior to the performance of the work without the required approval. The owner of the property, within 30 days of notice from the director of planning and development that alteration has been performed in violation of this chapter, shall reconstruct or restore the property as required within 1 year of the date of notice. Upon application to the commission, the time may be extended. All restoration shall be performed in accordance with the Secretary's Standards or applicable guidelines. If the owner refuses to perform the restoration, then the city may after a duly noticed public hearing before the commission cause such reconstruction or restoration to be done and the owner shall reimburse the city for all costs incurred in doing such work. The cost of the work performed by the city shall constitute a lien against the property on which the work is performed. Restoration or reconstruction may only be required when plans or other evidence is

available to the city, from which the prior appearance of the building or structure can be determined.

In the event the appearance of the building or structure prior to the unapproved work cannot be determined, the owner shall obtain all required permits for the alteration. All work authorized by such permits shall comply with the Secretary's Standards or applicable guidelines, and shall be reviewed by the director of planning and development for compliance and in accordance with this chapter. Pursuant to Section 1.24.030 of this code, each day the alteration exists without approval or a valid building permit shall constitute a separate offense.

17.52.140 Incentives for Preserving Historic Resources.

In order to carry out more effectively and equitably the purposes of this chapter, the city council shall by resolution adopt a program of economic and other incentives to support the preservation, maintenance and appropriate rehabilitation of the city's significant historic resources.

Preservation incentives shall be made available to owners of properties that are individually designated historic monuments or landmarks, or individually listed in the National Register of Historic Places, or properties that are contributing to designated landmark districts, or districts listed in the National Register as follows:

A. A reduction of building permit and construction tax fees to owners of contributing properties that are located within designated landmark districts and districts listed in the National Register for the following projects:

1. Exterior work that includes the restoration, repair or replacement, in kind, of significant architectural features and that complies with the Secretary's Standards.
2. Re-roofing with similar material or repair and replacement of roofing where the roof is a significant architectural feature.
3. Relocation to another site.
4. Work that includes restoration of significant fixtures designed by Greene and Greene or other designated interior spaces and that complies with the Secretary's Standards.
5. Seismic reinforcement that complies with the Secretary's Standards.
6. Structural rehabilitation.

B. For category 1 historic resources, the zoning requirement for 2 covered parking spaces when adding floor area to a residential building shall be waived if an existing 1-car garage contributes to the significance of the property and/or district and it is in good condition or, if deteriorated, it will be returned to good condition as part of the work to add new living space to the residence.

C. Historic variances may be applied to category 1 historic resources that are individually designated as landmarks or historic monuments or listed individually in the National Register.

17.52.150 Violations.

Pursuant to Section 512 of the Charter of the city, and Chapter 1.24 of this code, violation of this chapter may be charged by the city prosecutor as misdemeanors, and be punished accordingly. Such criminal penalties are cumulative and not exclusive to any legal or equitable remedies for the violation.

17.52.160 Public Safety Exception.

Notwithstanding any other provision of this chapter, the director may authorize permits to demolish, relocate, remove or significantly alter a category 1, 2, or 3 historic resource, if such a permit is necessary for the preservation of the health and safety of the public. Approval pursuant to this subsection shall be limited to the work necessary to protect the public.

SECTION 4. Sections 17.92.030 and 17.92.110 of Chapter 17.92 of Title 17 of the Pasadena Municipal Code are amended to read, in their entirety as follows:

17.92.030 Applicability.

The following projects are subject to design review under this chapter, excluding exempted projects identified below. Certain projects for which the director is the decision-maker are subject to call for review by the design commission, as provided in Chapter 17.104. The decision-maker for concept design review, and the commission's opportunity for call for review, are specified in Table 17.92.030. In addition, the commission may delegate other review and approval functions to the director. The extent of design review shall be as prescribed by approved design review guidelines.

A. Central district, CD-1 (Old Pasadena), CD-3 (Civic Center), CD-5 (South Lake Avenue), and CD-6 (Green Street) subdistricts: all projects for new construction, exterior

#66384

alterations, interior alterations which materially affect a structure's appearance from the public right-of-way; and all projects for alterations, additions, relocations, and demolitions of historic sources and applications for relief from the replacement building permit requirement according to the procedures of Chapter 17.52.

B. Central district, all subdistricts except the four included above, and the WGSP-1B, WGSP-1C, WGSP-3 subdistricts of the West Gateway Specific Plan all projects for new construction and exterior alterations, and alterations, additions, relocations, and demolitions of historic resources and applications for relief from the replacement building permit requirement according to the procedures of Chapter 17.52.

17.92.110 Findings.

The following findings must be made prior to approval of a design review application.

A. All Applications.

1. That the project design is consistent with the purposes of this title; and
2. That the project design is consistent with any controlling design guidelines adopted by the city council or the design commission.

B. Structures and Sites Listed as Significant in the City's Architectural and Historical Inventory. In addition to the two above findings, that alterations are consistent with the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings.

SECTION 5. The City Clerk shall certify the adoption of this ordinance and shall cause this ordinance to be published by title and summary only.

SECTION 6. This ordinance shall take effect thirty days after its publication by title and summary.

Signed and approved this _____ day of _____, 2002

Bill Bogaard
Mayor of the City of Pasadena

I HEREBY CERTIFY that the foregoing ordinance was adopted by the City Council of
the City of Pasadena at its meeting held _____, 2002, by the following vote:

AYES:

NOES:

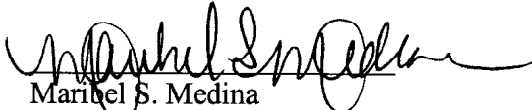
ABSENT:

ABSTAIN:

PUBLISHED:

Jane L. Rodriguez, CMC
City Clerk

APPROVED AS TO FORM:


Maribel S. Medina
Assistant City Attorney