

# Agenda Report

December 14, 2020

**TO:** Honorable Mayor and City Council  
**FROM:** Planning & Community Development Department  
**SUBJECT: HISTORIC PRESERVATION ORDINANCE AMENDMENTS**

**RECOMMENDATION:**

It is recommended that the City Council:

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

**HISTORIC PRESERVATION COMMISSION RECOMMENDATION:**

On August 4, 2020, the Historic Preservation Commission held a public hearing to review the proposed amendments and adopted CEQA and Zoning Code Text Amendment findings with the following recommendations:

1. Demolition of garages should be changed from a minor project to a major project.
2. In all cases where documentary, pictorial or physical evidence is mentioned, language should be included to allow use of a similar building designed by the same builder or architect as evidence.
3. In all cases where reports from a qualified professional are required,

language should be included requiring the preparation of the reports to be managed by the City and paid for by the applicant, to ensure that the reports are objective and unbiased.

4. The process for rescinding or amending a Conservation Plan should be simplified to eliminate the requirement for written support from a majority of property owners in the district and, instead, require public notification of required public hearings to be sent to all property owners in the district.
5. The Zoning Administrator should be the review authority for the proposed new incentive regarding alternative front lot line determination.
6. An additional incentive allowing tandem parking by right when converting a historic residential building to a non-residential use should be included.
7. Staff should continue to explore monetary fines for violations of the Historic Preservation Ordinance, to their maximum extent allowed by law.
8. Staff should continue to pursue enhancements to the Occupancy Inspection Program to ensure that new property owners are informed of historical designations upon purchase of historically designated properties.
9. Section 17.62.030.A (“Review of applications for Certificate of Appropriateness”) should remain in its current location and “Certificate of Appropriateness” should be removed from the title, as there are provisions within this section that apply to other review processes identified in the Historic Preservation Ordinance.
10. A reference to the Zoning Code Glossary should be included in section 17.62.030 and the Glossary definitions that are currently listed under the term “historic preservation” should remain in their current location and the definitions should be reviewed to align with other Zoning Code Glossary definitions.

A brief analysis of the HPC’s recommendations are discussed in the appropriate location by topic area.

#### **PLANNING COMMISSION RECOMMENDATION:**

On September 23, 2020, the Historic Preservation Commission held a public hearing to review the proposed amendments, including responses to the HPC’s comments listed above, and adopted CEQA and Zoning Code Text Amendment findings as recommended by staff, with no additional recommendations. In response to public comments, staff verbally clarified certain amendments and those clarifications have been incorporated into this report.

#### **EXECUTIVE SUMMARY:**

In late 2019, the City Council directed staff to update the City’s Historic Preservation Ordinance (HPO) to address public concerns and ensure that it reflects best practices in historic preservation. Since then, staff has comprehensively reviewed the City’s existing

HPO as well as approximately 40 HPO's in other communities throughout the State, engaged in an outreach effort to solicit public comments on the proposed Ordinance amendments including a dedicated webpage to the project, a virtual community meeting, and public hearings before the Historic Preservation Commission and the Planning Commission. This report outlines all of the amendments that are proposed in response to these efforts and includes new policies, codification of existing policies and technical corrections and clarifications.

## **BACKGROUND:**

### **Existing Ordinance**

The existing Historic Preservation Ordinance (primarily Ch. 17.62 P.M.C., in addition to other sections throughout the Zoning Code) regulates evaluation, designation, and protection of historic resources, and was last amended in 2009 and 2007, and prior to that, in 2005 in conjunction with the adoption of a new Zoning Code. The 2005 version of the ordinance is substantially the same as the November 2002 version, which was a complete rewrite of the City's original Historic Preservation Ordinance (HPO) from the 1970s. The existing HPO and other historic preservation-related sections of the Zoning Code are included in Attachment A for reference. The current ordinance provides for designation of five categories of historic resources: historic monuments, landmarks, landmark districts, historic signs, and landmark trees. It also has regulatory procedures to review demolitions and alterations affecting designated and eligible historic properties including properties in Pasadena that are listed in, or eligible for listing in, the National Register of Historic Places. It also authorizes the Historic Preservation Commission (HPC) to review and forward recommendations to the City Council (CC) on environmental impact reports (EIRs), zone changes, and other land-use entitlements; and to advise the Design Commission (DC) or Director on changes to City-owned historic resources.

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

## **Public Outreach & Amendment Process**

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

## **SUMMARY OF PROPOSED AMENDMENTS:**

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

### **New Policies:**

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

<b>1. CATEGORY 2 REVIEW PROCEDURES</b> <b>Affected Current Code Section: 17.62.090.E.2</b>
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**Current Ordinance Provision:** The current Ordinance requires submittal of an application for a Certificate of Appropriateness (COA) for demolition and major projects affecting certain eligible, undesignated historic resources.

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

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

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

<b>2. PROCESS TO EVALUATE PROPERTIES FOR POTENTIAL HISTORICAL SIGNIFICANCE</b> <b>Affected Current Code Section: None</b>
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**Current Ordinance Provision:** As noted above, Category 2 review procedures in the current HPO require a COA for demolition and major alteration of eligible, undesignated historic resources. Currently, staff informally conducts historic resource evaluations as a Director's determination, which may be appealed to the Board of Zoning Appeals.

**Issue to be addressed:** The current HPO does not contain requirements and procedures for evaluating properties for potential historical significance. In addition, the HPC, which was created to oversee historic preservation issues in the City, is not currently the designated appeal body for determinations issued by the Director, including historic resource evaluations. As the City does not have a comprehensive survey of historic resources, it is in the best interest of property owners to have an opportunity to obtain an official determination of historical significance in order to be able to know the review process that may apply to a proposed demolition or major alteration project. In addition, creation of an evaluation process will ensure that potential historic resources are identified and protected in furtherance of General Plan policies promoting historic preservation.

**Proposed Amendment:** Establish a clear procedure for evaluating properties for potential historical significance, which would require an evaluation when demolition or major alteration of a building, site, structure or object over 45 years of age is proposed. Exemptions would include properties evaluated within the last 5 years and cases where a project requires CEQA documentation and a historical evaluation is performed as part of the CEQA process. Voluntary evaluations requested by a property owner should also be accepted as they can provide important information in advance of planning for future development or as part of a property sale. At staff's discretion, evaluations may be prepared by staff or by a qualified professional consultant that is managed by staff and paid for by the applicant. Evaluations would follow professional standards and established methodology in the document "Instructions for Recording Historical Resources" published in March 1995 by the California Office of Historic Preservation (OHP) and National Register Bulletin 15: "How to Apply the National Register Criteria for Evaluation." If an eligible landmark district is identified in an evaluation, property owners within the district would be notified and an informational meeting held to inform property owners of the effects of the determination. Evaluations would be appealable to, or able to be called for review by, the HPC.

<b>3. LIST OF MAJOR &amp; MINOR PROJECTS</b> <b>Affected Current Code Section: 17.80.020.H "Historic Preservation" 20 &amp; 21</b>
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**Current Ordinance Provision:** The current definitions of "Project, Major" and "Project, Minor" in the Zoning Code glossary determine whether a COA is required

for a project as well as the review authority in cases where a COA is required.

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

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

In addition, some language in these definitions is unclear, repetitious or incomplete. Finally, staff has found that the existing classification of front yard fences as a major project, requiring a public hearing in designated districts, is unduly burdensome on property owners and should instead be classified as a minor project requiring review by the Director, as is the case in the review procedures included in the three Conservation Plans for the Bungalow Heaven, Garfield Heights and Banbury Oaks Landmark Districts (see proposed amendment #7 for further explanation of Conservation Plans).

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

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

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

- g. Substantial removal or replacement (i.e., generally more than 50%) of exterior cladding on a street-facing (including corner side) or primary elevation.
- h. Any undertaking determined major by the Director.

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

- a. Any demolition or removal of non-character-defining exterior features of a historic resource, including additions, windows, doors, and exterior siding material that is non-original or otherwise lacking in historic integrity.
- b. Any undertaking requiring a permit that does not change substantially the exterior character-defining features of a historic resource, including re-roofing in a different material that replicates the existing or original roofing, in-kind replacement of deteriorated exterior features, replacement windows and doors matching the size, design and materials of the existing or original windows and doors and additions on secondary elevations that are not in the same building plane as the primary elevation.
- c. Any undertaking to the environmental setting of an individually designated historic resource if the environmental setting is significant to the historic resource and has been defined as significant in the designation report for the historic resource or subsequently determined to be significant by evaluation.
- d. In designated districts, demolition and alteration of garages and other accessory structures built within the period of significance on both contributing and noncontributing properties and new construction of such structures on any designated historic property (districts and individual properties).
- e. Any undertaking not requiring a permit that materially alters character-defining features of a historic resource or that may have an adverse effect on the significance of a historic resource, including resurfacing exterior finishes (e.g., plaster cement in a radically different texture), or cleaning or painting of masonry.
- f. Substantial alterations to non-contributing buildings. For non-contributing buildings that could be rehabilitated to become contributing based on physical, documentary or pictorial evidence or on studying a similar building designed by the same builder or architect, minor alterations including, but not limited to, one-story rear additions, replacement windows and doors, replacement garage doors, new siding or wall cladding or new dormers are considered minor projects. For non-contributing buildings built outside the period of significance or for which no physical, documentary or pictorial evidence of the original design exists or can be reasonably found through research or investigation, or for which no similar building designed by the same builder or architect is found, these types of minor projects are exempt from review.
- g. Fences, walls, retaining walls and driveway gates in a historic or landmark district (including those on non-contributing properties).
- h. Work not meeting the definitions above that is required as part of an executed Historic Property Contract, as determined by the Director.
- i. Any undertaking determined minor by the Director.

### HPC Recommendation

The HPC recommended that demolition of garages be changed from a minor project to a major project, which would require HPC, rather than staff, review of all COA's for garage demolition on designated historic properties. Under this recommendation, a COA would be required for garage demolitions for eligible undesignated properties, where one is currently not required and the new proposed historic resource evaluation procedure outlined in proposed amendment #2, including potential associated costs, would also be required.

Staff disagrees with the HPC's recommendation. Garages are, by design, subordinate accessory structures. As such, they are typically less prominently visible to the public, simpler in design and construction than the primary structure and are often in substantially poorer physical condition than the primary structure on a lot. As such, requests to demolish garages are relatively common and their effects on historic properties or neighborhoods are minimal.

Staff routinely processes these applications on designated properties, applies the required findings for demolition of a historic resource, and these staff level decisions have not been called for review by the HPC, which would indicate that the HPC has found staff's decisions to be appropriate and that there have not been any significant issues with the current process. In addition, with respect to eligible, undesignated historic resources, staff believes that classifying the demolition of garages as a major project and therefore requiring a COA and historic resource evaluation for a proposed garage demolition is unduly burdensome to owners of eligible, undesignated historic properties.

As noted above, the Planning Commission recommended approval of the staff recommendation in this report, to retain garage demolition projects as minor projects.

<p><b>4. EXEMPTIONS FROM CERTIFICATE OF APPROPRIATENESS REQUIREMENT Affected Current Code Section: 17.62.090.A</b></p>
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**Current Ordinance Provision:** The current HPO exempts from the COA requirement projects approved for demolition or major alteration through another entitlement process (e.g., Conditional Use Permit, Variance, Hillside Development Permit, etc.) that is subject to CEQA.

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

**Proposed Amendments:** Retain the existing exception for demolition only and create a separate COA exemption for properties proposed for a major alteration through another entitlement process. Staff recommends that a COA not be required for major alteration projects approved through another entitlement process, if they are approved with a finding of consistency with the Standards, or adoption of a Class 31 exemption from CEQA, which also signifies consistency with the Standards. These projects would require advisory review by the Director or the Historic Preservation Commission, based on the COA review thresholds and the scope of the project.

<b>5. FINDINGS FOR DEMOLITION OF HISTORIC RESOURCES</b> <b>Affected Current Code Section: 17.62.090.E.4</b>
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**Current Ordinance Provision:** The current HPO establishes three findings for demolition of a historic resource, of which only one must be affirmatively made, in addition to the standard COA approval findings, in order for the review authority to approve a demolition.

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

**Proposed Amendments:** Require that the existing finding regarding severe structural damage also state that such damage is unable to be repaired and require evidence from at least two qualified professionals (see proposed new definition of "qualified professional" in proposed amendment #22), which would be managed by the City and paid for by the applicant in order to ensure that the analysis is objective and unbiased.

<b>6. CRITERIA FOR RESCISSION OF OR AMENDMENT TO A LANDMARK DISTRICT OR CONSERVATION PLAN</b> <b>Affected Current Code Section 17.62.070.H</b>
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**Current Ordinance Provision:** The current HPO includes a procedure to rescind a landmark district or conservation plan, amend the boundaries of a landmark district or amend the provisions of a conservation plan. The HPO also provides criteria under which to evaluate the addition of properties to a landmark district.

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

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

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

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

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

Add the following criteria for amending a Conservation Plan (similar to criteria for amending the Zoning Code), eliminate the requirement for written support from a majority of property owners in the district and require notification of all associated public hearings to all property owners within the affected landmark district:

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

Because rescission of a Conservation Plan would result in the elimination of conflicts between the rescinded Conservation Plan and the HPO, and full authority of the HPO to apply to the affected district, staff finds that no criteria are necessary for these requests. As with all other public hearings, the review authority would receive and consider all public comments received through the public hearing process, before making a determination of whether or not the proposed Conservation Plan rescission is appropriate and supported by a majority of property owners within the district boundaries.

#### Discussion:

Public comments have been received expressing concern about the recommended finding requiring amendments to Conservation Plans to not create further inconsistencies between the Conservation Plan and the HPO. As described under amendment #7 below, Conservation Plans for the City's first three landmark districts were created before a comprehensive HPO, with detailed COA requirements for projects in landmark districts, was adopted. From staff's perspective, these plans are outdated and, in some cases, such as the review requirements for non-contributing structures, inconsistent with certain best practices in historic preservation. However, because the plans were adopted when the districts were created, the HPO recognizes their continued authority to apply to projects in those districts.

In general, staff finds that the regulations that apply to the City's landmark districts are best applied uniformly in a fair and consistent manner and that there would be no special or unique situations where specific regulations are needed for one landmark district that would not apply to all others. Therefore, this finding is recommended to ensure that any amendments that may be proposed to a Conservation Plan would bring the Conservation Plan closer in alignment with the adopted HPO, rather than creating further inconsistencies.

<b>7. APPEALS AND CALLS FOR REVIEW IN LANDMARK DISTRICTS WITH CONSERVATION PLANS</b> <b>Affected Current Code Section: 17.62.030.A.8</b>
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**Current Ordinance Provision:** The first three landmark districts that were adopted by the City Council (Bungalow Heaven, Garfield Heights & Banbury Oaks) include Conservation Plans that establish review procedures for demolitions and alterations within those districts. The Conservation Plans were reviewed and approved by the City Council as part of their designations and were part of the public review process for those districts. The current HPO states that where there is a conflict between a Conservation Plan and the HPO, the Conservation Plan prevails.

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

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

<b>8. INCENTIVES FOR PRESERVING HISTORIC RESOURCES</b> <b>Affected Current Code Sections: 17.62.130 &amp; others</b>
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**Current Ordinance Provision:** The current HPO includes a number of incentives available for preserving historic resources including the Historic Property Contract (Mills Act) program, waiver of the 2-car covered parking requirement, fee reductions, Variances for Historic Resources, etc. Variances for Historic Resources are currently limited to designated historic resources and only apply to relocation and adaptive use projects.

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

**Proposed Amendments:** Expand the Variance for Historic Resources process to eligible, undesignated properties (with a provision requiring designation if approved) and allow for any project involving a historic resource (not just adaptive use and relocation projects as currently written).

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

Add the following new incentives:

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

<b>9. MINIMUM MAINTENANCE REQUIREMENTS</b> <b>Affected Current Code Section: No current Code section</b>
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**Current Ordinance Provision:** The current HPO includes penalties for demolition by neglect, but does not currently include minimum maintenance requirements for historic resources.

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

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

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

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

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

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

**Proposed Amendments:**

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

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

Discussion:

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

Staff finds that the violation procedures described above are sufficient to address the few instances where violations occur. The City may report repeat violators and may also assess fines and fees for violations under existing City Codes, but such fines may not exceed limitations in state law. In addition, requiring a project to stop and restore altered features results in significant costs to property owners and contractors that violate the HPO, either knowingly or unknowingly. Staff also researched other cities' ordinances and the proposed modifications are consistent

with the provisions found in other cities.

However, to ensure that new buyers of historical properties are aware of historical designations and their effects, Design & Historic Preservation staff will continue to work with Code Compliance staff to pursue administrative enhancements to the Occupancy Inspection Program to ensure that new property owners are informed of historical designations upon purchase of historically designated properties.

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

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

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

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

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

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

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

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

**13. DESIGN REVIEW FINDINGS FOR PROJECTS INVOLVING HISTORIC RESOURCES**  
**Affected Current Code Section: 17.61.030.K.2&4**

**Current Ordinance Provision:** The current HPO states that in cases where a project requires both a COA and design review, as well as for public projects affecting City-owned historic resources, design review is required, with HPC advisory review.

**Issue to be Addressed:** The findings for design review require additional findings to be made for projects affecting historic resources in the Central District; however, it is possible that design review, rather than a COA, could be required for historic resources outside of the Central District.

**Proposed Amendment:** Remove reference to the Central District so that the findings required to be made for historic resources apply to all design review applications involving historic resources rather than just those within the Central District.

**Codify and Define Existing Procedures:**

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

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

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

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

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

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

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

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

causes confusion for staff and applicants.

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

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

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

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

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

**17. MODIFICATION OF CONTRIBUTING/NON-CONTRIBUTING STATUS**  
**AFTER LANDMARK DISTRICT DESIGNATION**  
**Affected Current Code Section: 17.62.020 – Table 6-5**

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

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

called for review by the HPC.

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

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

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

- New information indicates that the property qualifies as a contributing structure; or
- The property has been restored to its original exterior appearance, as viewed from the street, based on documentary, pictorial or physical evidence or by studying a similar building designed by the same builder, architect or pattern book.

#### Discussion:

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

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

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

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

**Proposed Amendments:**

- Clarify that the section applies to designation of individual historic resources.
- Indicate that the Director makes an initial determination upon submittal of a complete application (not necessarily within 30 days as currently stated) and that a determination that a property is not eligible for designation shall be final unless appealed to or called for review by the HPC or CC.
- Reference appeal and call for review procedures in Chapter 17.72.
- Remove the requirement that a legal description of the property be included in the designation report.
- State that a City Council resolution is required, in addition to the stated Mayoral Declaration, for approval of an individual designation and to rescind an individual designation.

**19. ACQUISITION OF HISTORIC PRESERVATION EASEMENTS**  
**Affected Current Code Section: 17.62.080**

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

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

**Proposed Amendment:** Eliminate this section.

**Technical Corrections and Clarifications:**

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

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

**Current Ordinance Provision:** This item applies to multiple provisions.

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

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

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

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

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

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

**22. RELOCATE AND IMPROVE GLOSSARY OF TECHNICAL HISTORIC PRESERVATION TERMS**  
**Affected Current Code Section: 17.80.020.H "Historic Preservation"**

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

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

**Proposed Amendments:** Relocate from the glossary to the HPO the definitions of

those technical historic preservation terms that are not used elsewhere in the Zoning Code, or that have different definitions when used in the HPO. Retain in the Zoning Code glossary those terms that are used throughout the Zoning Code and have the same definitions in all instances where they are used. For these terms, relocate them so that they are listed alphabetically with all other glossary terms, rather than their current location listed as sub-definitions of the term "historic preservation." Finally, references to some of these definitions will need to be updated and one of the purposes of the LD Landmark Overlay District will need to be revised. See further detail below:

Remove the following terms:

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

Add the following new terms to the HPO:

- Adaptive Use/ Reuse: The process of reusing an existing building for a purpose other than that for which it was originally built or designed.
- Character-Defining Features: The physical elements and characteristics of a historic resource that lend the resource its authenticity and significance. Character-defining features can include, but are not limited to, a property's setting and site plan, overall form and massing, architectural style, materials, finishes, openings and decorative detailing.
- Conservation Plan: A plan adopted by the City Council for each of the City's first three designated landmark districts: Bungalow Heaven, Garfield Heights and Banbury Oaks.
- Cultural Landscape: A geographic area, including both cultural and natural resources and the wildlife or domestic animals therein, associated with a historic event, activity, or person, or exhibiting other cultural or aesthetic values. These include historic sites, historic designed landscapes, historic vernacular landscapes and ethnographic landscapes as defined by the National Park Service in Preservation Brief 36.
- Primary elevation: The front façade(s) of a building. Typically the primary elevation faces a public street; however, other factors may determine the primary elevation of a building, including, but not limited to, the position of the main entry and windows, façade ornamentation, etc. Multiple facades of a building may be designated as primary elevations, at the discretion of the Director.
- Secondary elevation: The facades of a building other than the primary elevation.
- Integrity: The ability of a property to convey its historical significance. A property would typically possess several of the following seven aspects of integrity, as defined in National Register Bulletin 15, to convey its significance: Location, Design, Setting, Materials, Workmanship, Feeling and Association.
- Qualified professional: A person whose profession or occupation meets or exceeds the Secretary of the Interior's Professional Qualifications as defined by the National Park Service (36 CFR 61).

Modify the following existing terms:

- Contributing Property (and Noncontributing Property) – Change as follows:
  - Change “Property” to “Resource.”
  - Modify to recognize that a subsequent determination may be made after designation of a district.
  - Modify to recognize that individually designated or eligible historic resources also include C/NC resources, rather than only districts.
- Demolition – Change as follows:
  - State that each of the three definitions of demolition independently constitutes demolition of a historic resource.
  - Modify to include complete destruction of a site or building (structures and objects currently only listed).
  - Clarify that 50% removal of exterior walls applies to buildings or structures.
  - Clarify that an existing exterior wall that is proposed to become an interior wall is considered a removed wall for purposes of calculating 50% exterior wall removal.
  - Reinstate missing word: “Substantial removal of a structural wall...”
- Demolition by Neglect – Add reference to new Minimum Maintenance Requirements section described previously.
- Environmental Setting – Include National Register listed properties.
- Historic District (and Landmark District) – Modify to include eligible districts.
- Historic Resource – Modify to list the nationally recognized historic resource types (districts, buildings, sites, structures, objects and cultural landscapes) and indicate that the terms “district, building, site, structure and object are used as defined in National Register Bulletin 15 and the term “cultural landscape” is used as defined in Preservation Briefs 36.
- Economic Hardship Variance – Rename to “Historic Resource Economic Hardship Waiver” and replace “variance” with “waiver” in definition text.

Retain the following terms in the Zoning Code glossary, with all others currently under the term “historic preservation” or proposed to be added being relocated to a new section within the HPO, with a preamble indicating that, when used in the HPO, the terms are defined as listed in the HPO, as well as noting that other historic preservation-related definitions may be found in the Zoning Code glossary:

- California Register of Historic Resources (Also California Register)
- Historic District
- Historic Resource
- Landmark District
- National Register of Historic Places (Also National Register)
- Secretary of the Interior’s Standards for Rehabilitation (Also Secretary’s Standards)

Add or update references to the following terms in the specific locations noted:

- In Section 17.61.030, Tables 6-2 and 6-3 (design review thresholds), for Public Projects, change reference location to new HPO section for the definitions of “Major Project” and “Minor Project.”
- In Section 17.61.030.K.3 (design review findings), add reference to new HPO section for the definition of “integrity.”
- In Section 17.61.080.H (Variance for Historic Resources), add reference to new HPO section for the proposed new definition of “adaptive use.”

Modify the following purpose of the LD Landmark Overlay District as listed in Section 17.28.080.A.5 (which would remove the only Zoning Code reference to the term "Conservation Plan" outside of the HPO): "Encourage development tailored to the character and significance of each LD overlay district through a conservation plan that includes goals, objectives, and design criteria," to reflect current practice, which is to encourage development that is consistent with the Secretary of the Interior's Standards and Design Guidelines for Historic Districts.

Discussion:

In the staff report to the HPC, staff had recommended that all historic preservation terms be moved to the HPO, in addition to slight differences in the proposed new and modified terms above. In response to the HPC's concerns about relocating terms that may be used elsewhere in the Zoning Code, staff thoroughly searched the Zoning Code for other uses of historic preservation terms and has modified its previous recommendation as described above. The Planning Commission reviewed this revised proposal and recommended approval of staff's recommendation.

<p><b>23. REORGANIZE CERTAIN SECTIONS TO GROUP COMMON IDEAS AND PROCEDURES TOGETHER</b> <b>Affected Current Code Sections: Multiple</b></p>
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**Current Ordinance Provision:** The HPO is organized as established in 2002.

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

**Proposed Amendment(s):**

- Relocate General Procedures Section (17.62.030) to the Certificate of Appropriateness section (17.62.090). In light of the HPC's suggested to retain this section in its current location due to processes other than the COA process being mentioned, staff reviewed this section and found that the only other process mentioned is related to public hearing notice procedures for applications for Relief from the Replacement Building Permit Requirement. As noted in recommended amendment #11, staff is recommending that the review authority for these applications be changed to staff; therefore, this process would not require a public hearing and the language related to that process would be removed from this section. All other language that would remain in this section is related to the COA process and, therefore, to improve the organization of the HPO, staff recommends that this section be relocated to the COA section.
- Relocate Section 17.62.090.D related to the State Historical Building Code to the incentives section (17.62.130).
- Move Economic Hardship Variance Section from Category 1 Review Procedures Section (17.62.090.E.1.d) to a separate section within 17.62.090 and rename to "Historic Resource Economic Hardship Waiver" to avoid confusion with other Variance processes. In conjunction with this change, specify that the findings required for approval of a COA are not required to be made if a Historic Resource Economic Hardship Waiver has been approved

and change the review authority for such requests to the Director.

**24. PREVIOUSLY DESIGNATED HISTORIC RESOURCES**  
**Affected Code Sections: 17.62.040.B.1, C.1, D.1 & F.1**

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

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

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

**25. REVIEW AUTHORITY FOR DESIGNATION OF HISTORIC SIGNS**  
**Affected Code Section: 17.62.040.D.1**

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

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

**Proposed Amendment:** Change review authority for designation to CC.

## **REQUIRED FINDINGS FOR ZONING CODE TEXT AMENDMENTS:**

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

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

Staff finds that the proposed amendments would be in conformance with the goals, policies and objectives of the General Plan, specifically the following:

- Guiding Principle 2: Pasadena's historic resources will be preserved. Citywide, new development will be in harmony with and enhance Pasadena's unique character and sense of place. New construction that could affect the integrity of historic resources will be compatible with, and differentiated from, the existing resource.
- Goal 8: **Historic Preservation.** Preservation and enhancement of Pasadena's cultural and historic buildings, landscapes, streets and districts as valued assets and important representations of its past and a source of community identity, and social, ecological, and economic vitality.
- Policy 6.1: **Sense of Place and History.** Require new development and changes to existing development to be located and designed to respect the defining elements of Pasadena's character and history such as its grid street pattern, block scale, public realm, courtyards, paseos, alleys, neighborhoods and districts, building massing and heights, significant architecture, and relationship to the mountains and Arroyo Seco.
- Policy 8.1: **Identify and Protect Historic Resources.** Identify and protect historic resources that represent significant examples of the City's history.
- Policy 8.2: **Historic Designation Support.** Provide assistance and support for applicants applying for designation of a historic resource through a clear, thorough, and equitable process that identifies if monuments, individual or landmark districts, historic signs or landmark trees are eligible for designation based on adopted evaluation criteria.
- Policy 8.3: **Preservation Efforts.** Support preservation and restoration efforts through education, facilitation, and incentive programs.
- Policy 8.4: **Adaptive Reuse.** Encourage sensitive adaptive re-use including continuing the historic use of historic resources to achieve their preservation, sensitive rehabilitation, and continued economic and environmental value.
- Policy 8.5: **Scale and Character of New Construction in a Designated Landmark and Historic Districts.** Promote an architecturally sensitive approach to new construction in Landmark and Historic districts. Demonstrate the proposed project's contextual relationship with land uses and patterns, spatial organization, visual relationships, cultural and historic values, and relationships in height, massing, modulation, and materials.

- **Policy 8.6: Infrastructure and Street Design Compatibility.** Encourage street design, public improvements, and utility infrastructure that preserves and is compatible with historic resources.
- **Policy 8.7: Preservation of Historic Landscapes.** Identify, protect, and maintain cultural and natural resources associated with a historic event, activity, or person or exhibiting other cultural or aesthetic values.
- **Policy 8.8: Evolving Preservation Practices.** Continue to implement practices for historic preservation consistent with community values and conformance with the Secretary of the Interior's Standards for the Treatment of Historic Properties, California Historical Building Code, State laws, and best practices.
- **Policy 8.9: Maintenance.** Support and encourage maintenance and upkeep of historic resources to avoid the need for major rehabilitation and to reduce the risk of demolition, loss through fire, deterioration by neglect, or impacts from natural disasters.
- **Policy 8.10: Enforcement.** Ensure that City enforcement procedures and activities comply with local, State, and Federal historic preservation requirements and fosters the preservation of historic resources.

All of the principles, goals and policies listed above promote preservation of the City's historic resources and support the City's efforts to strengthen and improve its Historic Preservation Ordinance as proposed in this report.

In addition, the proposed amendments would further the protection of the public interest and general welfare by further ensuring preservation of historic resources.

#### **ENVIRONMENTAL ANALYSIS:**

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

**FISCAL IMPACT:**

There is no fiscal impact associated with the adoption of the proposed revisions to the Historic Preservation Ordinance. The proposed amendments relate to existing procedures and would not significantly impact existing staff workload.

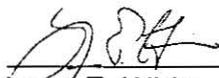
Respectfully submitted,

  
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DAVID M. REYES  
Director of Planning & Community  
Development Department

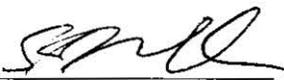
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Attachments (2):

- A. Current Ordinance & other historic preservation-related sections of the Zoning Code
- B. Summary of public comments received during historic preservation ordinance amendment review process