

Agenda Report

February 28, 2022

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 modify 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;
4. Approve the proposed Zoning Code Text Amendments to the Historic Preservation Ordinance as specified in this report; and
5. Direct the City Attorney to prepare an ordinance within 60 days amending Title 17 of the Pasadena Municipal Code (Zoning Code), Chapter 17.62 (Historic Preservation) and Section 17.22.050.C (Restoration of a porte cochere).

HISTORIC PRESERVATION COMMISSION RECOMMENDATION:

The Historic Preservation Commission (HPC) conducted a public hearing on December 7, 2021 regarding these amendments and adopted the staff recommendation with the exception of two recommendations related to modifying the review of window replacements, along with the additional recommendation that historic resources surveys be expedited as soon as possible to identify eligible historic resources and districts.

PLANNING COMMISSION RECOMMENDATION:

On January 12, 2022, the Planning Commission held a public hearing to review the proposed amendments and adopted CEQA and Zoning Code Text Amendment findings with the following recommendations (with staff's responses):

1. The City should notify property owners within landmark districts identified in future surveys that their properties are in potential landmark districts.

As future surveys are conducted, staff will notify property owners that their properties are in potential landmark districts and will provide information on the effects of landmark district designation.

2. The City should pursue a city wide survey starting calendar year 2022.

Staff is currently exploring the scope and cost of a citywide survey and will be including a request for funding to begin the work in the FY2022 budget cycle if the work is directed by the Council. Staff is also exploring additional funding opportunities such as CLG grants.

3. To explore the possibility of extending the proposed 180-day delay period for proposed demolitions in eligible landmark districts by an additional 180 days if the neighborhood is actively pursuing landmark district designation and petition signatures.

Staff is in agreement with this recommendation and will propose a methodology for achieving this in the proposed ordinance.

4. Remove the proposed amendments regarding windows.

The proposed amendments were to classify changes to two or more of an original window's design features, other than opening size, to a major project, which would trigger a Historic Resource Evaluation (HRE) for undesignated properties and HPC review for designated properties. Window changes affecting less than two of an original window's design features would not trigger a HRE for undesignated properties and would require staff review for designated properties.

Staff is not in agreement with this recommendation for the following reasons:

- *The additional processing time associated with HREs and HPC reviews and the use of staff resources to process the applications;*
- *The HPC retains authority to call staff decisions for review should they have concern with a staff level decision;*

BACKGROUND:

In April 2021, a series of amendments to the Historic Preservation Ordinance (HPO) became effective. The intent of these amendments was to address public concerns and ensure that the Ordinance reflects the best practices in historic preservation. Since they became effective in April, staff has identified an implementation concern with the new Ordinance, as well as a few minor clean-up items that staff recommends be addressed with a series of targeted amendments to the Ordinance. The intended effect of the amendments is to return the establishment of landmark districts to a neighborhood-driven process.

IMPLEMENTATION CONCERNS WITH RECENT HPO AMENDMENTS:

Process for and Effects of Identification of Eligible Landmark Districts

Pre-2021 Ordinance:

- a. **Identification Process:** Prior to the amendments to the HPO becoming effective in April 2021, eligible landmark districts were identified without a defined/codified process, typically upon request by a property owner or in conjunction with a historic resources survey conducted by the City. When a new eligible landmark district was identified, a community meeting would be held to inform property owners of the effects of landmark district designation prior to proponents of the designation submitting a formal application to designate the district. The formal application for designation of a landmark district required proponents to demonstrate that a majority of the property owners within the district boundaries support in writing the designation of the landmark district.
- b. **Effects of Landmark District Eligibility Determination:** Within eligible landmark districts, a Certificate of Appropriateness (COA) was required for proposed demolitions of contributing structures only (i.e., major projects that did not meet the definition of demolition did not require a COA). The HPC was the review authority for these applications and could delay demolitions for up to 180 days, but could not deny them.

The pre-2021 HPO did not require evaluation of neighborhoods for landmark district eligibility in response to a proposed demolition or major alteration project on a single property and, when eligible landmark districts were identified in response to a property owner request or a survey, the properties within the identified landmark districts were not subjected to a COA process for proposed alterations and COAs were required for demolition but could not be denied.

Revised 2021 Ordinance:

- a. Identification Process: The revised Ordinance established a procedure to require a Historic Resource Evaluation (HRE) when a demolition or a major project affecting a building 45 years of age or older is proposed. Through the HRE process, staff is now required to evaluate whether the building is eligible for either individual historical designation or for designation as a contributing structure to an eligible landmark or historic district.

In addition, the revised HPO also further defined the landmark district designation process in cases where a property owner or neighborhood association wishes to designate their neighborhood as a landmark district. A formal “eligibility review” phase was defined as the first step in the designation process, which results in staff issuing a formal decision as to whether the neighborhood qualifies for designation as a landmark district, and defining the eligible district boundaries.

If staff identifies a new eligible landmark or historic district through either of these processes, all property owners in the newly identified district are required be notified and a community meeting is required to be held to inform property owners in the district of the effects of the eligibility determination and of future landmark district designation, if that were to be pursued. Any property owner in the district boundary may appeal the eligibility determination to the HPC, and the HPC’s decision may be appealed to the City Council.

- b. Effects of Landmark District Eligibility Determination: In addition to the evaluation process outlined above, the HPO was also amended to require a COA for demolitions and major projects in eligible landmark districts and to allow the review authority to deny such applications if the findings for approval could not be made. In addition, the definition of “major project” was modified to include changing original windows to a new material (such as from wood to vinyl) or to windows with a different muntin (grid) pattern.

The revised HPO now requires evaluation of properties for Landmark district eligibility in response to a proposed demolition or major alteration of a single property and requires COAs for such projects, which may be denied.

Since the HPO amendments became effective in April 2021, staff has processed 92 applications for Historic Resource Evaluation, with 64 additional applications pending. Of those that have been completed, eight were determined to be individually eligible for historical designation, three were determined to be contributing to a previously identified landmark district and two resulted in the identification of new landmark districts (South Catalina Avenue and Pasadena Estates). The determinations for both of the newly identified districts have been appealed by multiple property owners within their boundaries. All other properties that were evaluated were determined to be either

ineligible for any designation or non-contributing to previously identified landmark districts. Of the pending evaluations, at least two others have resulted in the identification of new landmark districts; however, staff has not taken final action on these applications pending the result of this amendment process.

Implementation Concerns:

As outlined above, prior to the April 2021 HPO amendments, the establishment of landmark districts was a process initiated and proposed by property owners in a neighborhood and, as such, was a tool that could be implemented by the neighborhood to impose regulations on itself to protect its historic character. The identification of new eligible landmark districts had little effect on property owners' development rights in that only demolition projects required a COA, which could not be denied. As a result of the recent amendments, the City is now required to evaluate properties for landmark district eligibility when a property owner proposes a demolition or major alteration to a building over 45 years of age and, if a new landmark district is identified in that process, landmark district regulations would then be imposed on property owners that may not desire to have them imposed upon them.

Due to the high likelihood of opposition by at least one property owner in a newly identified landmark district, it is highly likely that most, if not all, determinations of landmark district eligibility would be appealed to the HPC and City Council, potentially resulting in public animosity toward the City's historic preservation efforts.

In addition, relatively routine window replacement projects now require a HRE, which could then result in the identification of a new landmark district and imposition of regulations that are not supported by property owners.

Proposed Ordinance Amendments:

Staff recommends that a series of clean-up amendments be adopted to return the landmark district process to a neighborhood-driven process. While this would relax restrictions that are now currently in place for eligible, undesignated landmark districts, staff finds that it is more important for historic preservation efforts to be embraced by a majority of property owners in a neighborhood rather than having historic preservation regulations forced upon them by the City. Staff further recommends that existing HRE procedures and effects remain for individually eligible historic resources and for previously identified historic districts (i.e., those eligible for listing in the National Register of Historic Places) and any historic districts that may be identified in the future through a City-conducted historic resources survey. This would ensure that protections remain in place for the most significant undesignated historic resources in the City.

Staff recommends the following amendments to address these related issues:

1. Limit the HRE requirement to evaluations for individual eligibility only and not landmark or historic district eligibility.
2. Specify that Category 2 COA review procedures apply to historic resources eligible for individual designation at any level, or to contributing structures in eligible National Register historic districts identified through a past or future historic resources survey.
3. Add a Category 3 to the COA review procedures, which would apply to eligible landmark districts that have been formally determined eligible following the completion of the eligibility review phase of the landmark district designation process, or through a future City historic resources survey. The review procedures should require a COA for proposed demolition of contributing structures only, which could be delayed for up to 360 days to allow for the exploration of alternatives to demolition, but could not be denied.
4. If the above measures are adopted, eligible landmark districts would no longer be subject to COA requirements for major projects, and demolitions could not be denied; therefore, interim protections for landmark districts that are pending designation should be reinstated. In the previous HPO, these protections would come into effect after the HPC had recommended approval of the designation of a landmark district and would require a COA for demolitions and major projects, which could be denied if the approval findings could not be made. At this stage of the landmark district designation process, the applicants are required to demonstrate that a majority of property owners support the designation; therefore, the additional regulations that would be implemented at that time would be the result of the neighborhood's efforts and not an imposition of unwanted regulations by the City.
5. Specify that a combination of two or more changes to an original window's design features (material, muntin pattern, operation type or trim/sill conditions) constitutes a major project. Changes to original opening sizes should continue to be considered a major project, independent of the design features noted above.
6. Specify that window replacement is a minor project unless two or more changes to the original window's design features are proposed.
7. In conjunction with the landmark district designation process outlined in Zoning Code Section 17.62.070, require appeals of landmark district eligibility (i.e., the first phase of the landmark district designation process) to include arguments and evidence that the identified landmark district is not eligible for designation. This would ensure that appeals of landmark

district eligibility determinations are not filed due to property owners' general opposition to landmark district designation. An owner that is opposed to landmark district designation would have multiple opportunities to raise their objections during the formal review phase of the designation process, if a sufficient number of property owner signatures in support of the designation is achieved and an application for the formal review phase is submitted.

DESCRIPTION OF MINOR CLEAN-UP ITEMS:

Appeal Process for Designation of Individual Historic Resources

Current Ordinance: In response to an application to designate an individual historic resource, an appeal may be filed by the applicant and/or property owner when the Director determines that the resource is not eligible for designation. If the Director determines the resource to be eligible for designation, the application is then, as a matter of course, scheduled for a public hearing before the HPC.

Deficiency: In cases where the applicant is not the property owner, the property owner does not have the ability to appeal the Director's determination that the resource is eligible for designation.

Proposed Ordinance Amendment: Provide for an appeal of both eligibility or ineligibility determinations made during the landmark designation process. For determinations of eligibility, if no appeal is filed, the application would then be scheduled for review by the HPC.

Exception to COA Process for Alteration Projects Requiring Other Zoning Entitlements

Current Ordinance: A COA is not required for major or minor projects that are approved through another entitlement process, such as a Master Development Plan, Variance, Conditional Use Permit, etc. if a finding of consistency with the Secretary of the Interior (SOI)'s Standards is made in conjunction with the approval of the entitlement. Major projects require advisory review by the HPC and minor projects require advisory review by staff, which shall provide comments to the land use approval review authority on compliance of the project with the SOI's Standards.

Deficiency: The intent of the exemption is to streamline the review process and avoid duplicative reviews and multiple hearings. Requiring review by the HPC does not follow this intent because it creates an additional hearing process requirement for Zoning entitlements, which already require hearings before the applicable review authority. City staff is qualified to provide advisory comments to the review authority for any project that may be proposed on a historic property.

Proposed amendment: Change the advisory review authority for major or minor projects requiring Zoning entitlements from the HPC to staff.

Review Authority for Porte Cochere Restoration

Current Ordinance: Based on evidence, if a house originally had a porte cochere that has been removed in the past, it may be restored subject to HPC review.

Deficiency: For other similar, relatively minor processes related to development standard exceptions for historic resources, such as increased height for accessory structures, waiver of the two-car covered parking requirement, etc., the Director is the review authority. Requiring a hearing before the HPC to restore a porte cochere may be unnecessarily onerous to property owners. The HPC is notified of these decisions and can call for review a staff decision.

Proposed amendment: Change the review authority for porte cochere restoration to the Director.

STAFF RECOMMENDATION:

All of the General Plan principles, goals and policies listed on page ten 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. The proposed amendments would further the protection of the public interest and general welfare by ensuring preservation of historic resources and the establishment of landmark districts that are supported by a majority of property owners. As such staff is recommending the following amendments to the Historic Preservation Ordinance as described and outlined in this report:

1. Limit the HRE requirement to evaluations for individual eligibility only and not landmark or historic district eligibility.
2. Specify that Category 2 COA review procedures apply to historic resources eligible for individual designation at any level, or to contributing structures in eligible National Register historic districts identified through a past or future historic resources survey.
3. Add a Category 3 to the COA review procedures, which would apply to eligible landmark districts that have been formally determined eligible following the completion of the eligibility review phase of the landmark district designation process, or through a future City historic resources survey. The review procedures should require a COA for proposed demolition of contributing structures only, which could be delayed for up to 360 days to allow for the exploration of alternatives to demolition, but could not be denied.
4. If the above measures are adopted, eligible landmark districts would no longer be subject to COA requirements for major projects, and demolitions could not be denied; therefore, interim protections for landmark districts that are pending designation should be reinstated. In the previous HPO, these protections would come into effect after the HPC had recommended

approval of the designation of a landmark district and would require a COA for demolitions and major projects, which could be denied if the approval findings could not be made. At this stage of the landmark district designation process, the applicants are required to demonstrate that a majority of property owners support the designation; therefore, the additional regulations that would be implemented at that time would be the result of the neighborhood's efforts and not an imposition of unwanted regulations by the City.

5. Specify that a combination of two or more changes to an original window's design features (material, muntin pattern, operation type or trim/sill conditions) constitutes a major project. Changes to original opening sizes should continue to be considered a major project, independent of the design features noted above.
6. Specify that window replacement is a minor project unless two or more changes to the original window's design features are proposed.
7. In conjunction with the landmark district designation process outlined in Zoning Code Section 17.62.070, require appeals of landmark district eligibility (i.e., the first phase of the landmark district designation process) to include arguments and evidence that the identified landmark district is not eligible for designation. This would ensure that appeals of landmark district eligibility determinations are not filed due to property owners' general opposition to landmark district designation. An owner that is opposed to landmark district designation would have multiple opportunities to raise their objections during the formal review phase of the designation process, if a sufficient number of property owner signatures in support of the designation is achieved and an application for the formal review phase is submitted.
8. Provide for an appeal of both eligibility or ineligibility determinations made during the landmark designation process. For determinations of eligibility, if no appeal is filed, the application would then be scheduled for review by the HPC.
9. Change the advisory review authority for major or minor projects requiring Zoning entitlements from the HPC to staff.
10. Change the review authority for porte cochere restoration to the Director.

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.

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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Attachment (1):

A. Current Historic Preservation Ordinance