

Introduced by: _____

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF PASADENA AMENDING VARIOUS PROVISIONS OF TITLE 17 (ZONING CODE) OF THE PASADENA MUNICIPAL CODE RELATED TO HISTORIC PRESERVATION

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

“Summary

This proposed ordinance amends Chapter 17.62 and section 17.22.050.C of Title 17 (Zoning Code) of the Pasadena Municipal Code related to Historic Preservation.

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

SECTION 2. Pasadena Municipal Code, Title 17, Article 2, Chapter 17.22, Section 17.22.050.C – Restoration of a porte cochère, is amended as follows:
“C. **Restoration of a porte cochère.** A porte cochère may be rebuilt or restored if evidence is provided to the City that the residence originally had a porte cochère. The porte cochère shall meet all building requirements. The ~~Historic Preservation Commission Director~~ shall review such requests in landmark districts or for designated landmarks. ~~The Zoning Administrator shall review all other such requests.~~”

SECTION 3. Pasadena Municipal Code, Title 17, Article 6, Chapter 17.62, Section 17.62.020, Table 5 – REVIEW AUTHORITIES – POWERS AND DUTIES, is amended as follows:

TABLE 6-5 - REVIEW AUTHORITIES - POWERS AND DUTIES

Review Authority	Powers and Duties
Director	1. Approve/disapprove applications for Certificates of Appropriateness for minor projects affecting designated historic resources and approve/disapprove major projects (except demolition) affecting historic resources eligible for designation.

2. Approve/disapprove applications for relief from the replacement Building Permit requirement.
3. Approve/disapprove applications for Historic Resource Economic Hardship Waiver.
4. Approve/disapprove requests to exceed allowable height for accessory structures in compliance with Section 17.50.250.E.1.f and porte cochere restoration in compliance with Section 17.55.050.C.
5. Review applications for designation of historic monuments, landmarks, landmark trees, or historic signs and either prepare a recommendation of approval to the Historic Preservation Commission or determine that the nominated resource does not meet the criteria for designation.
6. Conduct initial review of landmark district eligibility and boundaries and determine potential eligibility. Conduct informational workshop for affected property owners when new eligible landmark districts are identified.
7. Conduct historic resource evaluations.
8. Determine if a property is contributing or non-contributing to a historic or landmark district or to a district eligible for designation.
9. For public projects, review minor projects affecting City-owned historic resources.
10. Conduct design review for projects requiring both design review by the Director as specified in Table 6-2 and Table 6-3 and a Certificate of Appropriateness pursuant to this chapter (after consulting with and receiving advice from the Historic Preservation Commission).
11. Review applications to rescind or amend a landmark district or conservation plan and either prepare a recommendation of

Historic
Preservation
Commission

- approval to the Historic Preservation Commission or disapprove the applications.
12. Approve/disapprove applications to extend time limits for correction of violations of this Chapter.
 13. Approve/disapprove applications to waive the two-car covered parking requirement.
 14. Approve/disapprove requests to waive development standards for multi-family residential projects involving preservation of historic resources through the design review process in accordance with the design review thresholds in Table 6-3.
 15. Approve/disapprove requests for alternative lot line determination (Zoning Administrator).
 16. Approve/disapprove applications for Historic Property Contract, based on administrative guidelines approved by the City Manager.
 17. Provide advisory comments to the applicable review authority for projects that require a Zoning entitlement.
1. Review applications for designations of historic monuments, landmarks, historic signs, and landmark trees and either forward a recommendation to the Council to approve the applications or deny the applications.
 2. Review applications for designations of landmark districts and either forward a recommendation of approval to the Council or deny the applications.
 3. Outside of the CD zoning district, approve/disapprove, applications for Certificates of Appropriateness for major projects affecting historic resources and approve, disapprove or delay demolition projects affecting historic resources eligible for designation.

	<ol style="list-style-type: none"> 4. For public projects, forward recommendations to the Design Commission/Council on proposals for major projects affecting historic resources. 5. Review appeals of decisions of the Director in compliance with this Chapter. Call for review decisions of the Director in compliance with this Chapter, and conduct such review. 6. Provide advisory comments to the design review authority for projects requiring both an application for a Certificate of Appropriateness and an application for Design Review. 7. Provide advisory comments to the applicable review authority for major projects that require a Zoning entitlement. 87. Review applications to rescind or amend a landmark district or conservation plan and recommend approval to the Council or disapprove the applications.
Hearing Officer	<ol style="list-style-type: none"> 1. Approve/disapprove applications for Variances for Historic Resources.
Design Commission	<ol style="list-style-type: none"> 1. In the CD zoning district, approve/disapprove Design Review applications for projects meeting the design review thresholds in Section 17.61.030. 2. In the CD zoning district, review appeals of Relief from the Replacement Building Permit Requirement decisions of the Director; call for review such decisions of the Director, and conduct such review. 3. As specified in Table 6-2 and Table 6-3, review major projects affecting City-owned historic resources (after consulting with and receiving advice from the Historic Preservation Commission). 4. Conduct design review for projects requiring both design review by the Design Commission as specified in Table 6-2 and Table 6-3 and a Certificate of Appropriateness pursuant to

	<p>this chapter (after consulting with and receiving advice from the Historic Preservation Commission).</p> <p>5. Review requests to waive development standards for multi-family residential projects involving preservation of historic resources through the design review process in accordance with the design review thresholds in Table 6-3.</p>
Planning Commission	<ol style="list-style-type: none"> 1. Recommend to Council approval/disapproval of landmark district zoning map amendments. 2. Review applications to rescind or amend a landmark district or conservation plan and forward a recommend to the Council.
Council	<ol style="list-style-type: none"> 1. Approve/disapprove designations of landmarks, historic monuments, historic signs, landmark trees, and landmark districts. 2. Review appeals of decisions in compliance with this Chapter of the Director, Historic Preservation Commission, and Design Commission. Call for review decisions of the Director, Historic Preservation Commission, and Design Commission in compliance with this chapter, and conduct such review as specified in <u>Chapter 17.72</u>. 3. Approve/disapprove applications to rescind or amend a landmark district or conservation plan.

SECTION 4. Pasadena Municipal Code, Title 17, Article 6, Chapter 17.62, Section 17.62.030.U.2, Definitions, Project (Major), is amended as follows:

"2. Any undertaking that significantly alters or changes the street-facing or primary elevation of a historic resource, including changes to ~~materials or muntin patterning~~ two or more design features of windows (such as framing materials, muntin patterning, operation type or trim/sill conditions), ~~and changes to doors or changes to the sizes of their window or door 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.”

SECTION 5. Pasadena Municipal Code, Title 17, Article 6, Chapter 17.62, Section 17.62.030.V.2, Definitions, Project (Minor), is amended as follows:

“2. 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, like-for-like replacement windows and doors, or changing one window design feature (such as framing materials, muntin patterning, operation type or trim/sill conditions), ~~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.”

SECTION 6. Pasadena Municipal Code, Title 17, Article 6, Chapter 17.62, Section 17.62.040.G: Landmark districts, subsection 1 is amended as follows:

“1. A landmark district shall include all landmark districts previously designated ~~before adoption of this Chapter in 2002~~ as such and any grouping of contiguous properties that also meet the following criteria:

a. Within its boundaries, a minimum of 60 percent of the properties qualify as contributing;

b. A simple majority (51%) of property owners support the designation at the time of designation by the City Council; and

c. The grouping represents a significant and distinguishable entity of Citywide importance that is united historically by past events or aesthetically by plan or development (as required by 17.62.040.A) and represents one or more of a defined historic, cultural, development and/or architectural context(s) (e.g., 1991 Citywide historic context, as amended, historic context prepared in an intensive-level survey or historic context prepared specifically for the nominated landmark district.) The City Council finds and declares that this provision is declaratory of existing law.”

SECTION 7. Pasadena Municipal Code, Title 17, Article 6, Chapter 17.62, Section 17.62.050.A., Application for designation of an historic monument, landmark, historic sign, or landmark tree, subsections 4 and 5 are amended as follows:

“4. ~~If the Director determines that the property is not eligible for designation,~~ The

applicant and/or property owner, pursuant to Chapter 17.72 (Appeals), may appeal the Director's determination~~decision~~ to the Historic Preservation Commission or the Historic Preservation Commission or the City Council may call the ~~decision~~determination for review, and, if appealed or called for review, the Historic Preservation Commission shall review the nomination at a public hearing noticed and conducted in compliance with Chapter 17.76 (Public Hearings).

5. If the Director determines that the property is eligible for designation, and that determination is not appealed or called for review, the Director shall prepare a designation report within 45 days of the determination of eligibility, which shall establish in the record that the property meets the applicable criteria, and schedule a public hearing before the Historic Preservation Commission."

SECTION 8. Pasadena Municipal Code, Title 17, Article 6, Chapter 17.62, Section 17.62.050.B, Review of designation applications, is amended as follows:

"B. Review of designation applications.

1. At a public hearing, the Historic Preservation Commission shall review the application and designation report and recommend approval of the designation to the Council or disapprove the application. A decision by the Historic Preservation Commission to deny the application shall be final unless appealed to or called for review by the City Council.

2. The applicant and/or property owner, pursuant to Chapter 17.72 (Appeals), may appeal the Historic Preservation Commission's decision to the City Council or the City Council may call the decision for review, and, if appealed or called for review, the City Council shall review the nomination at a public hearing noticed and conducted in compliance with Chapter 17.76 (Public Hearings).

23. Following receipt of a written recommendation of approval from the Historic Preservation Commission, the City Clerk shall schedule a noticed public hearing before the Council within 60 days.

34. The Council may approve, modify, or disapprove the designation of a historic monument, landmark, historic sign, or landmark tree."

SECTION 9. Pasadena Municipal Code, Title 17, Article 6, Chapter 17.62, Section 17.62.070.A, Designating LD Landmark Overlay Districts, is amended to add a

new subsection 6 as follows:

"6. Appeals shall include arguments and evidence that the identified Landmark District is not eligible for designation based on the criteria in 17.62.040.G.1.a or 17.62.040.G.1.c. "

SECTION 10. Pasadena Municipal Code, Title 17, Article 6, Chapter 17.62, Section 17.62.070, Designating LD Landmark Overlay Districts, is amended to add a new subsection G as follows, and to re-letter the subsequent subsections of that section:

"G. Interim Protection for Historic Resources while landmark district designation is pending.

1. After the Historic Preservation Commission issues a recommendation for approval of an application for designation of a landmark district, no person, owner, or other entity shall undertake a major project without first obtaining approval in compliance with the Category 1 review procedures in Section. 17.62.090. These interim provisions shall apply only to contributing properties and structures as determined by the Director. These interim protections do not apply to applications for Two Unit Developments and Urban Lot Splits.

2. If the Council disapproves an application for designation of a landmark district, or modifies the boundaries of a district to exclude a property proposed for designation, the interim protections shall no longer apply to those properties and a Certificate of Appropriateness shall no longer be required."

Subsequent sections to be re-lettered sequentially.

SECTION 11. Pasadena Municipal Code, Title 17, Article 6, Chapter 17.62, Section 17.62.080, Historic Resource Evaluations, is amended as follows:

"A. Applicability. If an applicant proposes demolition or a major project affecting a building, site, object or structure that is 45 years of age or older, submittal of an application for Historic Resource Evaluation is required to determine if the property is eligible for designation as an individual historic resource and, ~~therefore if so~~, the requirements of Section 17.62.090 will apply to the project.

B. Exceptions. A Historic Resource Evaluation is not required if the affected building, site, object or structure has been previously evaluated or surveyed in the last 5

years or if the proposed project is subject to CEQA and a Historic Resource Evaluation is prepared by the City in conjunction with the CEQA process.

C. Preparation. The Director may prepare a Historic Resource Evaluation or may engage a qualified professional architectural historian to prepare it. The costs of professional services shall be borne by the applicant. The evaluation shall follow methodology established in the document "Instructions for Recording Historical Resources" published in March 1995 by the California Office of Historic Preservation, or subsequent updates, and shall determine whether the affected building, site, object or structure meets the criteria for individual listing in the National Register of Historic Places ~~(individually or as a contributing resource to an eligible historic district)~~ or for any of the designation types established in Section 17.62.040, ~~including as a contributing resource to an eligible~~ except landmark districts.

~~**D. Determination of eligible landmark or historic district.** If, as a result of a Historic Resource Evaluation, a new eligible landmark or historic district is identified, the City shall conduct an informational meeting as outlined in Section 17.62.070.B.~~

ED. Appeals and calls for review. The results of a Historic Resource Evaluation may be appealed to, or called for review by the Historic Preservation Commission or City Council following the procedures in Chapter 17.72. ~~In the event that a new landmark or historic district is identified, all property owners within the district boundary shall be notified and may appeal the determination."~~

SECTION 12. Pasadena Municipal Code, Title 17, Article 6, Chapter 17.62, Section 17.62.090, Alteration, Demolition, or Relocation of a Historic Resource, Subsection A, is amended as follows:

"A. Compliance with Section. Unless exempt pursuant to subsection D below, no person, owner, or other entity shall undertake a major or minor project to a designated historic resource or historic resource eligible for designation or new construction in a landmark or historic district as defined in the Category 1, 2 and 3 review procedures in subsection E below without first obtaining approval of an application for Certificate of Appropriateness in compliance with this Section. Proposed projects within the Bungalow Heaven, Garfield Heights and Banbury Oaks Landmark Districts shall be processed in accordance with the review thresholds in the respective

Conservation Plan for those districts, unless rescinded in the future.”

SECTION 13. Pasadena Municipal Code, Title 17, Article 6, Chapter 17.62, Section 17.62.090.D, Exceptions to Certificate of Appropriateness requirement, Subsection 2, is amended as follows:

“2. **Alterations.** A Certificate of Appropriateness for a major or minor project is not required for properties already entitled for alteration through an adopted Master Development Plan, Planned Development, Development Agreement, Adjustment Permit, Use Permit, Variance or similar land use approval, and if a finding of consistency with the Secretary of the Interior's Standards is made, in conjunction with such approval. For ~~proposed major~~all such projects, advisory review by the ~~Historic Preservation Commission~~Director shall be conducted prior to action being taken on the land use approval; ~~for proposed minor projects, staff of the Design and Historic Preservation Section shall conduct this advisory review.~~ The ~~Commission or staff, as applicable,~~Director shall provide comments to the land use approval review authority on compliance of the project with the Secretary of the Interior's Standards, including any recommended conditions of approval that would be necessary to ensure compliance with the Standards.”

SECTION 14. Pasadena Municipal Code, Title 17, Article 6, Chapter 17.62, Section 17.62.090.E, Review procedures for historic resources, Subsection 2, is amended as follows:

“**Category 2 review procedures.** Category 2 review procedures shall apply to an eligible or potentially eligible individual historic resource and to contributing structures to eligible historic districts identified through a past or future historic resources survey.

a. **Demolition.** The Historic Preservation Commission may approve or disapprove an application for Certificate of Appropriateness for the demolition of an eligible historic resource.

b. **Major project.** The Director may approve, approve with conditions, or disapprove an application for Certificate of Appropriateness for a proposed major project, except demolition ~~and new construction on non-contributing properties in eligible landmark or historic districts.~~ This section does not apply to applications for Two

Unit Developments and Urban Lot Splits.”

SECTION 15. Pasadena Municipal Code, Title 17, Article 6, Chapter 17.62, Section 17.62.090.E, Review procedures for historic resources, is amended to add a new subsection 3 as follows and to re-number all subsequent subsections:

“3. **Category 3 review procedures.** Category 3 review procedures shall apply to contributing structures within eligible landmark districts that have completed the eligibility review phase of the landmark district designation process outlined in Section 17.62.070.A and for no more than 365 days following the effective date of the decision.

a. **Demolition.** The Historic Preservation Commission may delay for a period of time not exceeding 365 days following the effective date of the landmark district eligibility review decision an application for Certificate of Appropriateness for demolition of a contributing primary structure to an eligible landmark district. Such applications shall be reviewed at a public hearing conducted in accordance with the procedures in Chapter 17.76.

b. **Efforts during delay.** If an application for Certificate of Appropriateness is delayed pursuant to subsection a above, the Director, Historic Preservation Commission, or subcommittee thereof, shall work diligently with the applicant to identify alternatives to demolition of the structure. If an alternative is identified, the Historic Preservation Commission shall conduct a public hearing to review and issue a decision on the alternative project. The Commission may approve, approve with conditions, or disapprove the proposed alternative project based on the findings required in Section 17.62.090.E.4. The Commission’s decision may be appealed to, or called for review by the City Council following the procedures in Chapter 17.72. The review and decision on an alternative project does not affect the timing of the demolition delay period established pursuant to subsection a above.

c. **Designation during delay.** If the designation of the eligible landmark district becomes effective during the delay period, the demolition shall be automatically denied. The Director shall issue a decision letter documenting the denial of the demolition, which may be appealed to the Historic Preservation Commission or called for review by the Historic Preservation Commission or City Council following the procedures in Chapter 17.72 within 10 days of the effective date of the landmark district designation.

d. End of delay period. If neither an alternative project is approved nor the designation of the landmark district becomes effective prior to the end of the delay period, the demolition shall be automatically considered approved."

SECTION 16. The City Clerk shall certify the adoption of this ordinance and shall cause this ordinance to be published by title and summary.

SECTION 17. This ordinance shall take effect 30 days from its publication.

Signed and approved this _____ day of _____, 2022.

Victor M. Gordo
Mayor of the City of Pasadena

I HEREBY CERTIFY that the foregoing ordinance was adopted by the City Council of the City of Pasadena at its meeting held this _____ day of _____ 2022, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Date Published:

Mark Jomsky
City Clerk

Approved as to form:



Theresa E. Fuentes
Assistant City Attorney