



*City
Council
Report*

Item: 9
Category: PUBLIC HEARINGS AND
 INTRODUCTION OF
 ORDINANCES
Meeting Date: February 6, 2018

TITLE: Public Hearing to Consider a City-Initiated Zoning Code Amendment (PLN2017-319) Repealing and Replacing Chapter 21.33 (Historic Preservation Ordinance) of the Zoning Code (Introduction of Ordinance/Roll Call Vote)

RECOMMENDED ACTION

Take a first reading and introduce an Ordinance (Attachment 1), approving a City-initiated Zoning Code Amendment (PLN2017-319) repealing and replacing Chapter 21.33 (Historic Preservation Ordinance) of the Zoning Code.

BACKGROUND

In 1979, the City adopted a Historic Preservation Ordinance which established the Historic Preservation Board, identified review criteria and procedures for designating a Landmark or Historic District, instituted procedures for a change of use or an exterior material change to a Landmark or Historic District property, instituted procedures for demolition of a Landmark, and established a Historic (“H”) Combining District to identify properties to which the Ordinance would apply. In 1980, the Ordinance was updated to include a new section applicable to all Historic Resource Inventory properties. In 2008, the City moved the Ordinance from Section 21.14.020 (H – Historic Preservation Overlay Combining Zoning District) to its own Chapter 21.33. At that time, the Ordinance was updated with new definitions; a defined procedure for formal designation of a historic property; a new interim measure provision to protect structures being considered for formal designation; the addition of Planning Commission review to authorize a change in use in a historic property; and a new incentives section.

The City Council’s Fiscal Year 2016/2017 Workplan included an update of the Historic Preservation Ordinance. Between March 2016 and April 2017, the HPB held several study sessions in addition to their regular monthly meetings to discuss potential improvements to the Historic Preservation Ordinance. On May 16, 2017, staff presented draft recommendations to the City Council for review and comment prior to scheduling any formal public hearings on the matter. The draft ordinance was then revised based on feedback from the City Council (reference the Planning Commission staff report, **Attachment 4**).

On October 25th 2017, the Historic Preservation Board (HPB) held a noticed public hearing to review the draft ordinance. Following public testimony and discussion, the

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HPB unanimously recommended that the Planning Commission recommend that the City Council approve the draft text amendment to Chapter 21.33 (**Attachment 2**). On October 26, 2017 the City received comments on the draft ordinance from the California Office of Historic Preservation. Those comments were reviewed and formally accepted by the HPB on November 15th 2017 and were incorporated into the draft ordinance reviewed by the Planning Commission. On November 28th 2017, the Planning Commission held a noticed public hearing and unanimously recommended approval of the draft ordinance (**Attachment 3**).

DISCUSSION

Proposed Amendments: The proposed revisions to the Historic Preservation Ordinance are intended to be more user friendly, add new definitions for clarity, eliminate unnecessary redundancy, and clarify ambiguities. The proposed changes are briefly summarized below. Additional information, including a brief description of why changes were made to a particular section of the code are provided in **Attachment 5**.

- ❖ Sections 21.33.010, .20, and .30 were updated. Section 21.33.030 also now includes a summary table which identifies the decision making body for permits.
- ❖ Section 21.33.040 clarifies or simplifies existing definitions and now includes several new definitions increasing the total number of definitions from 15 to 27.
- ❖ Section 21.33.050 has been updated in reference to “eligible resources”, specifying that the Ordinance does not apply to those properties.
- ❖ Section 21.33.060 updates the designation and rescission processes by simplifying the designation criteria, requiring a historic analysis report that describes the structure’s historical value, specifying that a property owner must approve of any proposed designation, and clarifying the process for rescinding a designation.
- ❖ Section 21.33.070 eliminates redundancy by consolidating submittal requirements into one section and clarifies the building permit and discretionary permit process.
- ❖ Section 21.33.080 outlines the “Tier 1” process for projects that conform to the Secretary of Interior Standards, eliminates the requirement for a Conditional Use Permit (CUP), and allows the Director to approve qualifying applications that would otherwise be approved by the Director if the home were not historic.
- ❖ Section 21.33.090 outlines the “Tier 2” process for projects that do not conform to the Secretary of Interior Standards or that propose to relocate or demolish a designated historic resource.
- ❖ Sections 21.33.100, .110, .120, .140, and .160 have been updated.
- ❖ Section 21.33.130 highlights the intent of the California Historic Building Code to provide a cost-effective and safe approach to historic preservation.
- ❖ Section 21.33.150 has been amended. Economic incentives, previously codified in section 21.33.160.B are now included in section 21.33.150.A. The Mills Act, previously referred to in section 21.33.160.C is now included in section 21.33.150.A.1. Zoning exceptions, previously titled “historic exceptions” and

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codified in section 21.33.160.B are now included in section 21.33.150.B.2. The draft Ordinance now also includes potential permit fee waivers and general recognition that was not previously included in the Ordinance. This section now also specifies that incentives require approval by the City Council.

- ❖ Section 21.33.170 is a new section regarding severability, consistent with other severability sections in the Municipal Code.

NOTIFICATION

Notice of this public hearing was published in the local newspaper as required by City Code. A written notice was also mailed to all property owners of historic structure(s) that are officially designated on the Historic Resource Inventory and property owners of structure(s) that are listed on the City's Eligible Resource List. Additionally, a copy of the draft ordinance is available on the City website. Staff has not received any correspondence on the proposed amendment as of the writing of this staff report.

ALTERNATIVES

If substantial changes are recommended, the City Council may continue the item, directing staff to return with a revised text amendment as requested.

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Approved by:


 Brian Loventhal, City Manager

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Attachment:

1. Ordinance and Draft Text Amendment
2. HPB Resolution (signed)
3. PC Resolution (signed)
4. PC Staff Report
5. Summary of changes