

Historic Preservation Workshop

CITY OF LAGUNA BEACH

JUNE 16, 2016



Format of Tonight's Meeting

- Presentation from City Staff 6:00 - 6:30 p.m.
- Greg Pfost, Director of Community Development
 - Martina Caron, Senior Planner/Heritage Committee Liaison
 - Kathy Jenson – City Attorney (Rutan and Tucker, LLP)
 - Question from the Committee to staff 6:30 to 7:00 p.m.
- Public Comment 7:00 to 8:00 p.m.
 - Name and address for minutes
 - (limited in time 2 mins/TBD)
- Committee Discussion 8:00 - 9:00 p.m.
 - Public Hearing is Closed

Tonight's Workshop

- To review and take Heritage Committee and community comments on the revised draft of the Historic Preservation Ordinance.
- Heritage Committee comments and recommendations will be compiled into a written memo to the Planning Commission.
- Memo to be reviewed by the Heritage Committee on **July 7TH, at 6:00 p.m.** in the City Council Chambers for final review.

Tentative Additional Review Dates:

Ordinance Review:

July, 7, 2016 - Heritage Committee Workshop to finalize PC recommendations

August 11, 2016 - Design Review Board Review (PC recommendation memo prepared)

September 7 or 21, 2016 - Planning Commission Review

October 4, 18 or November 1, 2016 (dependent on completion by PC and extent of recommended changes) – City Council Review

Draft Historic Inventory Review/Property Rating Review:

August /September Review or draft ratings (Specific Date TBD)

All homeowners of structures listed on the draft ordinance will be noticed

Recap of Past Workshops

September 15, 2015:	Historic Preservation Educational Workshop and CEQA
October 19, 2015:	Historic Incentive Workshop
November 11, 2015:	Historic Incentive/Rating Workshop
January 1, 2016:	Historic Re-evaluation/Opt-Out Workshop
March 1, 2016:	C-rated Structures and the Structure of Merit Program
March 21, 2016:	Historic Review Processes

Past workshop information: <http://lagunabeachcity.net/cityhall/cd/preserve/historicresources.htm>

Historic Preservation Educational Workshop

September 15, 2015

Current Historic Preservation Program

- General Plan Policies
- Current rating system/state rating system
- Current Historic Preservation Ordinance
- Current historic project processing
- What the current ordinance is missing

Jan Ostashay, Historic Consultant

- Historic Inventory Survey process

Kathy Jenson – City Attorney (Rutan and Tucker)

- California Environmental Quality Act (CEQA) Overview
- Why CEQA is important
- Memo from the City Attorney (dated 9/15/15) focused on an opt-out provision and CEQA.

Outcome:

To hold public workshops with the Heritage Committee on each specific topics included in the Historic Preservation Ordinance.

Historic Resources Element

Includes three main Goals (summary):

1. Preserve and enhance buildings and structures of historic significance in Laguna Beach.
2. Expand program practices that encourage an appreciation of history and historic preservation in Laguna Beach.
3. Promote community awareness of local history and historic architecture and enhance recognition of the City's historic role as an important art colony and seaside resort.

Historic Preservation Ordinance LBMC §25.45

Purpose:

- To provide a tool for implementing the Historic Resources Element.
- To promote voluntary implementation and provide incentives for adding to and modifying historic structures while ensuring preservation of the original architectural integrity of the structure.
- Consistency with the California Environmental Quality Act (CEQA)

Historic Incentive Workshop

October 19, 2015

- Current Historic Preservation Incentives were presented
- Committee strongly recommended additional incentives to be included
- Three categories:
 - Financial
 - Development Standards
 - Processing

Financial Incentives

City pays for all historic reports/assessments

Mills Act for all Historic Properties

Free City Parking Passes

City Historic Preservation Fund/grants/scholarships

First 4 street sweeping tickets waived

Sell or transfer their density bonus

Free historic plaques.

Development Standard Incentives

Relaxed parking standards for historic properties, for example detached garages can be converted to 1 bedroom studios with alternative parking arrangements.

Relaxed building department requirements which would allow for single pane windows

Density Bonuses in more zones

Structure of Merit Incentives

Sliding scale of incentives for smaller lots

Re-establishment of a historic use

Processing Incentives

Same incentives for all historic properties/no historic levels

Historic Counter Planner/Window/Education programs for the public

On-staff historian/part time historian

Window vendor list/ list of preferred suppliers

Expedited plan check/processing

Historic Rating Workshop

November 11, 2015

City Staff Presentation Topics:

- Current City and State Criteria
- Evaluation Criteria needed to identify a Historic Property

Committee Comments:

- Staff Preservation Planner
- Local process/review preferred over historic assessments/consultant reports
- Identify that a home that is more than 45 years old on every Real Property Report (RPR)
- Rating Category Alternatives
- Provide a process for a “quick look” by the Heritage Committee. Is it historic, is it not?
- Provide restrictions for demolition of a C-rated property
- C-rated structures are important to the streetscape
- Make the process more voluntary for C-rated structures
- City Wide Inventory

Historic Re-evaluation/Opt-Out Workshop

January 1, 2016

City Staff and City Attorney Presentation Topics:

- How the California Environmental Quality Act (CEQA) relates to Historic Properties
- How an opt-out provision will not affect the historic significance of a home
- Current and future process to re-evaluate a structure's historic rating

Committee Comments:

- An opt-out provision was somewhat meaningless if it is not done in conjunction with a historic evaluation.
- Preservation is very important
- Opportunity to enhance Design Review processes
- City to subsidize historic assessments
- Increase need for disclosure
- Incentives to remain as historic resource

C-rated Structures /Structure of Merit Program

March 1, 2016:

Staff Presentation Topics:

- Current Rating System
- State Rating System
- Presentation of the Structure of Merit program for C-rated Structures
- Identified some of the Issues with C-rated structures under CEQA review
 - The architectural style and design is held to the strict Secretary of the Interior's Standards (SOIS) for preservation, rehabilitation, restoration, and reconstruction.
 - Limited Local Flexibility
 - Simple changes like door and window changes must be "in-kind" or a historic assessment would be required if they were changed.

Committee Comments:

- Concerned about losing oversight and review of C-rated structures
- Majority did not like the Voluntary Structure of Merit program

Historic Review Processes

March 21, 2016

City Staff Presentation Topics:

- Current Review processes (Register only)
- Identified current review for structures listed on the Inventory
- Identified that there is no current review for structures over 45 years of age
- Discussed the Historic Property Types listed in the General Plan

Committee Comments:

- Historic Preservation Planner needed
- Heritage “Quick Look” needed over isolating historic styles
- Mid-century modern should be reviewed as a potential historic structure
- Planners and RPR should disclose historic potential of a home 45 year or older
- Appeal process should be provided

Draft Ordinance Revisions

Main Changes:

1. New incentives and incentives offered to more property categories
2. The introduction/redefinition of the neighborhood property category
3. A review process defined to evaluate properties 45 years or older (pursuant to CEQA)
4. A process to re-evaluate property ratings has been established
5. Appeal processes have been established
6. Definitions section added

Other Recommendations:

Historic Preservation Package:

- Staff planner to be hired with a background in historic preservation
- Increased Heritage Committee Training
- Historic Residential Design Guidelines/Style Guide
- Preferred vendor list
- Historic window at the public counter
- Free Parking Passes for properties on the Historic Register
- Street-sweepings waived

Incentives

Neighborhood Properties (C-rated properties)/Inventory Properties (K-E rated):

- Parking reduction for residential additions less than 50% (no covered parking requirement)
- Setback Flexibility: the ability to build in-line with the existing structures
- Rear Setback Relief: Ability to build within five feet of the rear property line
- Priority Community Development Processing
- City to pay for historic assessments/rating reviews

Registered Properties:

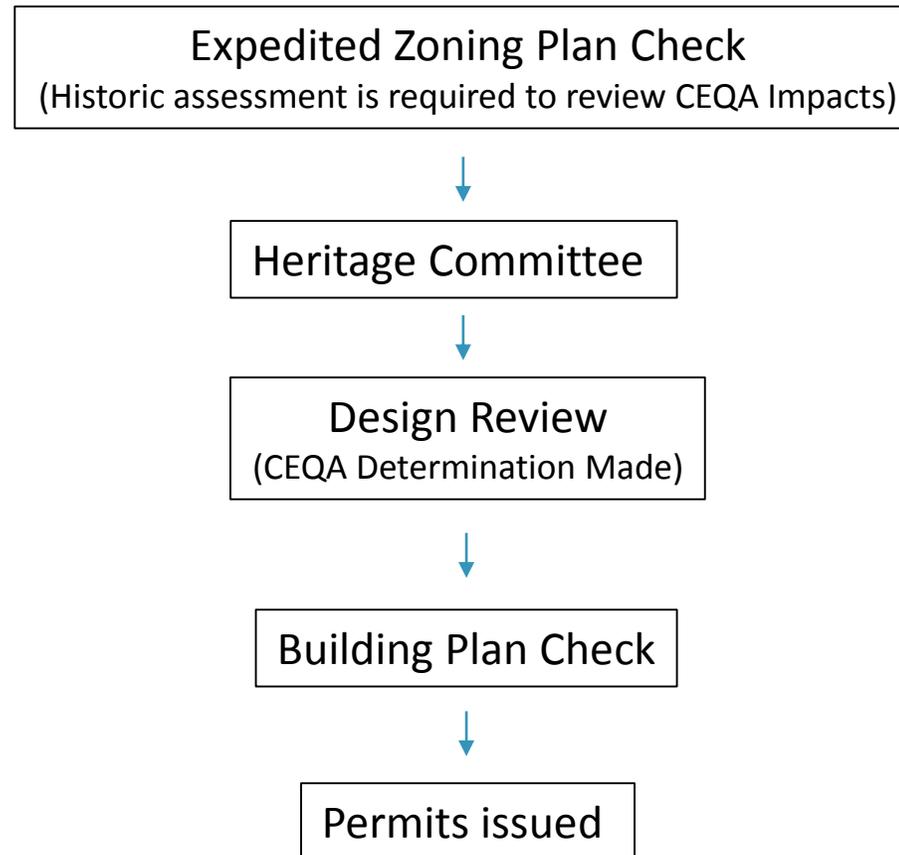
- All listed above
- Commercial structure parking reductions
- Development fee reimbursement
- Non-conforming structure relief and major remodel relief
- Density bonuses expanded to multi-family zones
- Plaques
- Mills Act

Substantial vs. Insubstantial Alterations

- Definitions provided in section 25.45.004:
- “Substantial” means demolition, destruction, relocation, or alteration such that the significance of a historical resource would be impaired.
- “Insubstantial” means exterior modifications that do not result in the physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings. These changes are performed in such a way that the significance of a historical resource is not materially impaired. Examples include:
 - (2) Maintenance, repair, restoration, or in-kind replacement of severely deteriorated architectural features or building components.
 - (6) Replacement of severely damaged or deteriorated windows when the replacement is done in-kind to match the existing materials, type, shape and general appearance. In-kind window replacement is not required for neighborhood properties (“C”-rated structures).
 - (8) Repair or replacement of roofing, when replacement is done in-kind to match the existing in form and general appearance.

Alteration of Historic Register Structures

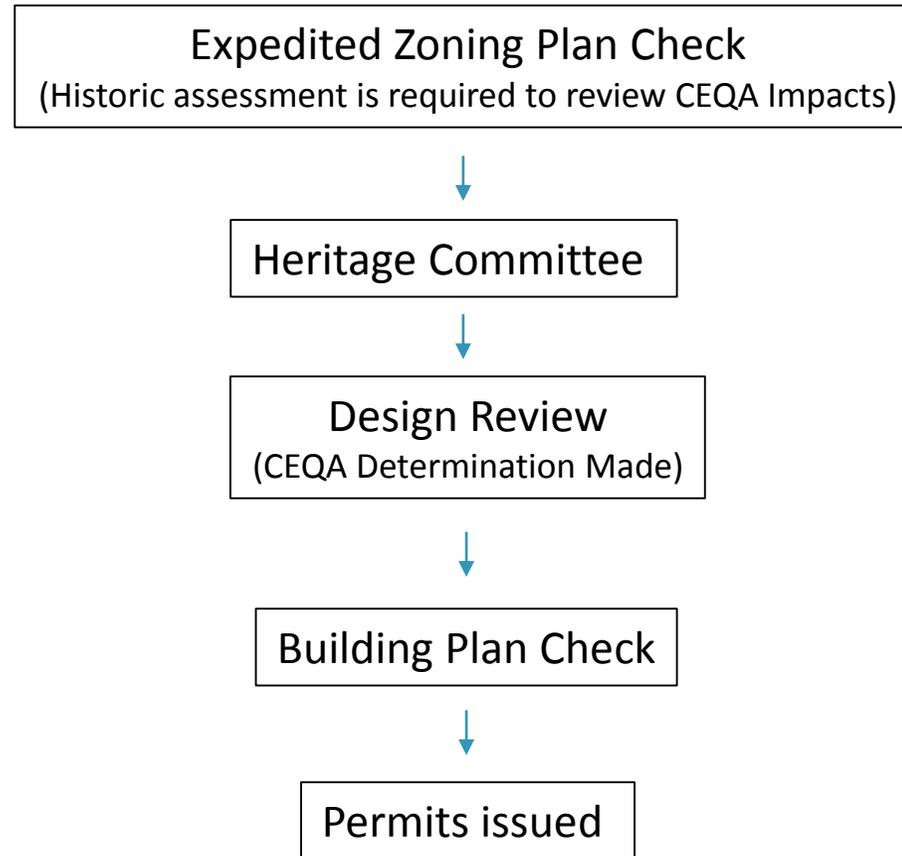
- Section 25.45.008:
- No Changes proposed
- CEQA applies



Alteration of Historic Inventory Properties

("K" and "E" rating)

- Section 25.45.012:
- Historic Assessment paid for by City



Neighborhood Property

Current General Plan Definition:

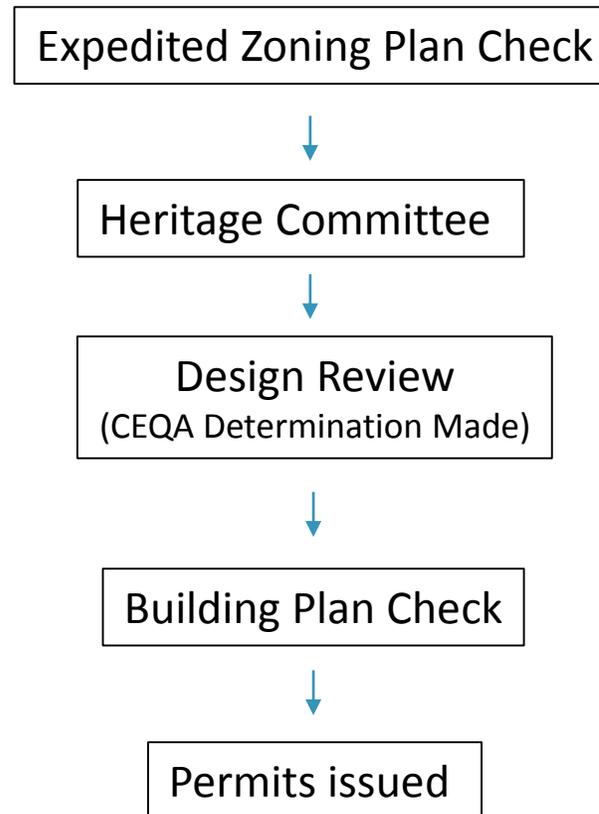
C-rated structures contribute to the overall character of the neighborhood, but are not unique or distinctive; however these properties are still important to the streetscape of Laguna Beach.

New Definition:

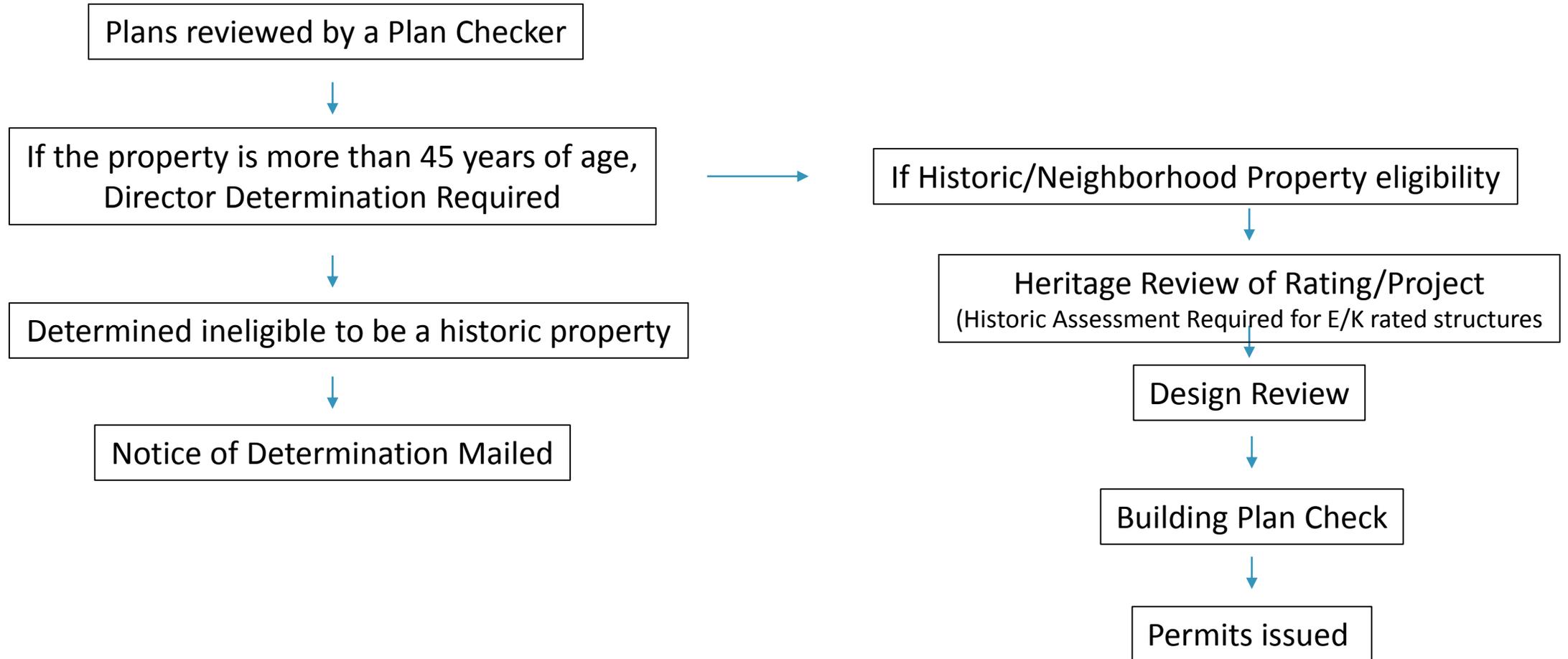
Structures that contribute to the overall character of the neighborhood, but are not unique or distinctive; however, these properties are still important to the streetscape of Laguna Beach. These properties are identified with a “C” rating and with an OHP status code of 6 or lower on the inventory. Properties not identified on the inventory may also be identified by the Heritage Committee as specified in Section 25.45.022.

Alteration of a neighborhood property ("C" rating)

- Section 25.45.016:
- Historic Assessment not required



Modifications to a structure 45 years or older



Rating Evaluation

Section 25.45.022

- Can be initiated by the property owner or the city
- No fee to evaluate
- Public notice of review
- Heritage Committee review/determination of rating
- Heritage Committee may request a historic analysis be prepared at the cost to the City
- Appealable to City Council

- Allows for a review to upgrade or downgrade a structure.

Historic Property Disclosure (25.45.024)

Agent Disclosure. If real property is on the [Register](#), the owner or the selling agent of the property shall, in any real property transaction, provide the buyer of the property with notice informing the buyer of the property's historic status. The owner or the selling agent shall provide the notice to the buyer before expiration of any inspection contingency period, and in any event before transfer of title.

City Disclosure. If a real property is more than 45 years of age, then the city will to the best of its ability, identify the year of construction and that the property could be considered as a historic resource during the development process. This information will be provided on a real property report.

Penalty. Any person who violates the provisions of this section shall be subject to the penalties and remedies specified in chapter 14.76.090 of the municipal code.

Illegal Demolition/Penalties (25.45.32)

(1) The removal or demolition of any structure listed on the register without an approved demolition permit shall result in up to a five-year stay in the issuance of a building permit for any new construction at the site previously occupied by the historic structure. Demolition is defined under the definition of major remodel in Section 25.08.024.

(2) The removal or demolition of any structure listed on the inventory, or a structure more than 45 years of age, without an approved demolition permit shall result in up to a two-year stay in the issuance of a building permit for any new construction at the site previously occupied by the historic structure. Demolition is defined under the definition of major remodel in Section 25.08.024.

Expanded to apply to not only structures on the Register, but also to structures more than 45 years of age.

City Council may also assign fines for illegal demolition (partial and complete) of a structure on inventory or the Register.

Appeal Section

- Director Determinations are appealable to City Council
Sections 25.45.012(C), 25.45.016(C)
- Director Determinations appealable to Heritage Committee
25.45.020(B)
- Heritage Committee Decisions are appealable to City Council
Sections 25.45.022(E)