

July 7, 2016

To: Members of the Heritage Committee

From: Becky Jones

RE: Draft Ordinance and C-Rated Structures

The Memo prepared by staff states that the City's review for C-rated structures will be much easier if "neighborhood properties are no longer considered historic resources" which is exactly what this draft ordinance affirms: It removes the standard designation for the C-category and replaces it with a completely nondescript one, states that C-structures aren't considered historical resources by CEQA, and offers no local qualification options, thus removing C-structures from General Plan and ordinance protections. C-structures are seen to have no defining features, aren't eligible for the register, and the Design Guidelines for making alterations to them include no provisions to protect the character of the structure itself.

Is this what you really want to do?

Alternatively, you could implement the option under CEQA of establishing local criteria for evaluating the quality of C-rated listings. With well-defined criteria, the CEQA issues outlined by staff are resolved as is the question of C-structures not being an historical resource.

The draft ordinance is in conflict with the Historic Resources Element of the General Plan, so if you do intend to recommend adoption, you must first amend the Historic Resources Element. Goal 1, which calls for consistency of size, scale and character" will need to eliminate the word "character," and Policy 1.4 to expand the Mills Act program will have to omit C structures. You will also need to add to the discussion on page 2 your determination that C-rated structures have no historical value and so were renamed neighborhood properties and will not be protected as historical resources.

I have attached a copy of the relevant CEQA section and policies from the Housing, Open Space, and Land Use Elements that will no longer apply to C-rated structures.

General Plan Policies Relevant To Protection Of Historical Resources

The following policies will no longer apply to C-Rated Structures:

Open Space/Conservation Element, Topic 12: Archaeology/Paleontology

Policy 12C. Development adjacent to a place, structure or feature found to be of historical significance shall be designed so that the uses permitted and the architectural design will protect the visual setting of the historical site.

Land Use Element, Goal 2: Preserve, enhance and respect the unique character and history of Laguna's residential neighborhoods.

Policy 2.2. Encourage the preservation of historically significant residential structures and protect the character-defining components of neighborhoods.

Action 2.2.1. Update the City's Historic Resource Inventory.

Action 2.2.2. Receive an annual report from the Heritage Committee regarding preservation issues related to historically significant structures and amend preservation policies and ordinances as necessary to address identified issues.

Action 2.2.3. Adopt incentives to preserve residential structures that contribute to the cultural and/or architectural character and heritage of the community.

Land Use Element, Goal 3: Preserve enhance, and respect the unique, small-scale village character and individual identity of Laguna Beach's commercial areas.

Policy 3.3. Encourage the preservation of historically significant buildings and protect the character-defining components of Laguna Beach's commercial neighborhoods.

Land Use Element, Topic 5: Promote Compatibility among land uses in the community

Action 5.1.3. Promote preservation of historic structures and adaptive reuse of existing buildings.

Housing Element, Policy HE-2.2: Pursue financial assistance opportunities and establish incentives for housing rehabilitation and historic preservation with a particular emphasis on assisting low-income households.

The following section is from 2014 CEQA Statute and Guidelines, published by the Association of Environmental Professionals. Note the final sentence.

§ 21084.1. HISTORICAL RESOURCE; SUBSTANTIAL ADVERSE CHANGE

A project that may cause a substantial adverse change in the significance of an historical resource is a project that may have a significant effect on the environment. For purposes of this section, an historical resource is a resource listed in, or determined to be eligible for listing in, the California Register of Historical Resources. Historical resources included in a local register of historical resources, as defined in subdivision (k) of Section 5020.1, or deemed significant pursuant to criteria set forth in subdivision (g) of Section 5024.1, are presumed to be historically or culturally significant for purposes of this section, unless the preponderance of the evidence demonstrates that the resource is not historically or culturally significant. The fact that a resource is not listed in, or determined to be eligible for listing in, the California Register of Historical Resources, not included in a local register of historical resources, or not deemed significant pursuant to criteria set forth in subdivision (g) of Section 5024.1 shall not preclude a lead agency from determining whether the resource may be an historical resource for purposes of this section.