



Legislation Text

File #: 15-0811, Version: 1

Recommendation to receive a report and consider amendments to the Cultural Heritage Commission Ordinance as recommended by the Cultural Heritage Commission (Version A); or as recommended by the Development Services Department (Version B);

Request City Attorney to draft an ordinance amending Long Beach Municipal Code Chapter 2.63 related to the Cultural Heritage Commission (Version A or Version B), and amending Long Beach Municipal Code Chapter 9.65 related to Administrative Citations and Penalties; and

Increase appropriations in the General Grants Fund (SR 120) in the Development Services Department (DV) by \$69,000. (Citywide)

In 2015, Development Services staff began initial discussions with Long Beach Heritage regarding the process to designate select City buildings as historic landmarks. In reviewing the landmark designation process in the Cultural Heritage Commission (CHC) Ordinance (Ordinance), Chapter 2.63 of the Long Beach Municipal Code (LBMC), it was apparent that the application and review process was somewhat cumbersome. Though the regulations were intended to facilitate designating landmarks for protection and appropriate rehabilitation, the lengthy and unwieldy process deterred eligible properties from being considered. As a result, the City's historic consultant, Galvin Preservation Associates (GPA), was tasked with streamlining the process for designating landmarks and landmark districts. The objective of reworking the Ordinance is to create a more streamlined and effective process to designate and protect appropriate structures among the City's rich inventory of historic resources.

Working closely with staff, the consultant reviewed a number of model landmark ordinances, including the cities of Pasadena, Glendale, and Los Angeles, as a point of comparison for best practices in designating historic resources. The proposed Ordinance changes represent a combination of local experience, best practices from other cities, consultant recommendations, and feedback from Long Beach Heritage and liaisons from the City's historic districts compiled over the years since the last CHC Ordinance amendment in February 2009. The Ordinance revisions are summarized as follows:

- **Definitions.** Definitions were added for the following terms:
- Contributing property
- Cultural resource
- Days

- Façade easement
- Integrity
- Modification
- **Simplified Designation Criteria.** The criteria for a landmark and a landmark district were reduced and simplified to be consistent with state and federal criteria, and there is no loss in the level of integrity required for the designation. Criteria consistent with the state will facilitate local landmarks that pursue state-level landmark status. Consistent with state criteria, the designation criteria for a landmark and a landmark district are independently prescribed.
- **Streamlined Application and Review Process.** The application and review process for a landmark and a landmark district are prescribed independently, and reflect a streamlined review process that includes a professional survey prepared at the City's expense. Applications for landmarks and landmark districts will no longer be heard by the Planning Commission, but will go straight from the Cultural Heritage Commission (CHC) to the City Council. However, appeal of a CHC determination on a Certificate of Appropriateness will be heard by the Planning Commission. Appeal of a staff level Certificate of Appropriateness will continue to be heard by the CHC.
- **Enhanced credibility in the landmark designation.** The revised process includes the City's commitment to fund an independent professional assessment of landmark and landmark district applications so they are fully researched and vetted before a recommendation is made to the CHC.
- **Rescinding or Amending a Designation.** A provision has been added to allow revisions to a designation based upon a change in the status of a designated resource.
- **Publicly Owned Resources Deleted.** This section of the current Ordinance was deleted, as it is redundant in that any publicly owned resources are subject to the provisions of this Ordinance, even if it is not explicitly stated.

In addition to the proposed process changes, it is necessary to enhance the City's ability to enforce the provisions of the CHC Ordinance as it relates to the rehabilitation and repair and maintenance of landmark and landmark district properties. Accordingly, the proposed amendment includes a revision to LBMC Chapter 9.65, Administrative Citations and Penalties, to include LBMC Title 2, among the City Code provisions that can be enforced with administrative citations. Currently, Code Enforcement staff cannot issue citations for violations of Chapter 2.63 when property owners undertake rehabilitation, replacement, or modification of defining features on designated properties without building permits or without a Certificate of Appropriateness.

Two versions of the recommended CHC Ordinance are hereby included for the City Council's consideration. Version A is recommended by the CHC and Version B is recommended by

staff, as summarized below:

Version A - CHC Recommended Ordinance (Exhibit A). There was a consensus among the CHC to recommend moving the Draft Ordinance forward as proposed by staff with one exception. The CHC did not support language to require property-owner consent to designate a landmark, and unanimously voted to recommend City Council approval of the Draft Ordinance with the existing language for property owner participation. In summary, the existing language allows a property owner to petition the City to withdraw a designated landmark status, but this petition would occur after the City Council has already taken an action on the request. The existing Ordinance language reads as follows:

“The record owner of real property designated as a landmark or the owner of a historically significant contributing property within a landmark district, or the city, on its own initiative, may petition to withdraw from designated status provided the same procedure described above to cause such designation is followed.”

Version B - Staff Recommended Ordinance (Exhibit B). The Ordinance recommended by staff is exactly the same as the Ordinance recommended by the CHC, with the exception that it expressly requires a property owner’s prior written authorization to apply for a landmark designation. The staff recommended Ordinance provides a streamlined landmark designation process, the added value of City resources to conduct an independent assessment of each application, and the authorization of the property owner to process a landmark designation. By its nature, the landmark designation limits the full range of property rights available to the property owner, and the City’s determination regarding this designation must include due consideration of the property owner’s wishes. The language included in the staff recommended version of the Ordinance regarding owner authorization is as follows:

“A nomination shall be filed by submitting a completed application on a form provided by the Development Services Department and shall include the signature of the property owner of record, authorizing the property to be considered for landmark designation.”

The current Cultural Heritage Commission Ordinance is attached (Exhibit C).

This matter was reviewed by Deputy City Attorney Linda Vu on June 24, 2015, and by Budget Management Officer Victoria Bell on July 22, 2015.

City Council action on this matter is not time critical.

An appropriation increase is requested in the General Grants Fund (SR 120) in the Department of Development Services (DV) by \$69,000. With the implementation of the amended Cultural Heritage Commission Ordinance, the Department of Development Services would incur costs for a third-party, professional survey that evaluates and documents a property’s or district’s qualifications for landmark designation. The average cost

of a landmark survey for a property is \$1,500. Planning staff anticipates that six properties could be evaluated for landmark status annually, resulting in a cost of \$9,000. In addition, three potential historic districts could be evaluated annually. The estimated annual cost for the three historic district surveys is \$60,000. The total annual cost of the surveys, estimated at \$69,000, would be funded from a mitigation payment made by the Camden Development related to the removal of the Loof's structure formerly on the site of the multi-family residential complex. These funds are designated for historic preservation purposes.

There is no local job impact as a result of this recommended action.

Approve recommendation.

AMY J. BODEK, AICP
DIRECTOR OF DEVELOPMENT SERVICES

APPROVED:

PATRICK H. WEST
CITY MANAGER