



Legislation Details (With Text)

File #: 15-1192 **Version:** 2 **Name:** DS - Cultural Heritage Commission

Type: Ordinance **Status:** Adopted

File created: 10/30/2015 **In control:** City Council

On agenda: 12/1/2015 **Final action:** 12/1/2015

Title: Recommendation to declare ordinance amending the Long Beach Municipal Code by amending Chapter 2.63 in its entirety; and amending Section 9.65.060.A, all relating to the Cultural Heritage Commission, read and adopted as read. (Citywide)

Sponsors: Development Services

Indexes:

Code sections: 2.63 - Cultural Heritage Commission, 9.65 - Administrative Citations and Penalties

Attachments: 1. 111715-ORD-27sr&att.pdf, 2. 120115-ORD-31att.pdf, 3. ORD-15-0038.pdf

Date	Ver.	Action By	Action	Result
12/1/2015	2	City Council	approve recommendation and adopt	Pass
11/17/2015	1	City Council	declare ordinance read the first time and laid over to the next regular meeting of the City Council for final reading	Pass

Recommendation to declare ordinance amending the Long Beach Municipal Code by amending Chapter 2.63 in its entirety; and amending Section 9.65.060.A, all relating to the Cultural Heritage Commission, read and adopted as read. (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, GPA 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 changes to the Ordinance 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. A summary of the Ordinance revisions included are as follows:

1) Definitions. Definitions were added for the following terms:

- a) Contributing property
- b) Cultural resource
- c) Days
- d) Façade easement
- e) Integrity
- f) Modification

2) 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.

3) 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.

4) 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.

5) 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.

6) 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 unpermitted rehabilitation, repair and maintenance of landmark and landmark district properties. The proposed amendment includes revising LBMC Chapter 9.65, Administrative Citations and Penalties, to include LBMC Title 2, Chapter 2.63, among the City Code provisions that can be enforced with administrative citations. This revision would allow code enforcement staff to issue citations for violations of Chapter 2.63 when property owners undertake rehabilitation, replacement, or modification of defining features on designated properties without a duly issued building permit or a Certificate of Appropriateness.

On June 11, 2015, the CHC reviewed the proposed modifications to the Ordinance and unanimously voted to recommend that the City Council approve the modifications. On August 18, 2015, the City Council considered the matter and directed the City Attorney to prepare the Ordinance as recommended by the CHC. Concurrent with this action, the City Council also approved a \$69,000 appropriation in the General Grants Fund (SR120) in Development Services to fund property surveys and documentation for nominated properties. The City Attorney was directed by the City Council to modify the Ordinance to include provisions to notify and educate owners of landmark-nominated properties regarding the benefits and constraints related to landmark designation prior to the property being scheduled for a CHC hearing. Language added to the draft Ordinance related to this provision is as follows:

“At least thirty (30) days before the date set for a hearing to consider a landmark nomination before the Cultural Heritage Commission, the Director of Development Services shall mail, by certified mail, notice of the hearing to the affected property owner(s). Such mailing shall include a summary statement of the anticipated impacts and effects of a landmark designation as it relates to the future property and development rights, benefits, and constraints incumbent with a landmark designation. The notice shall also provide the owner the opportunity to meet with staff for further information regarding the designation process. The failure to mail the notice to the property owner or the failure of the property owner to receive the notice shall not affect the validity of any proceedings taken under this Chapter.”

In accordance with the Guidelines for Implementation of the California Environmental Quality Act, a Categorical Exemption (CE 15-150) was issued for the proposed project (Exhibit A).

This matter was reviewed by Assistant City Attorney Michael J. Mais on October 27, 2015, and by Budget Management Officer Victoria Bell on October 29, 2015.

City Council action on this matter is not time critical.

While the proposed use of administrative citations may generate revenue in the General Fund (GF), the amount is unknown at this time. For a first violation, the penalty for an administrative citation is \$100; for a second violation it is \$200; and for a third and subsequent violation, it is \$500 per occurrence. Currently, a track record of the number of times a citation may be issued annually does not exist.

Approve recommendation.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LONG BEACH AMENDING THE LONG BEACH MUNICIPAL CODE BY AMENDING CHAPTER 2.63 IN ITS ENTIRETY; AND AMENDING SECTION 9.65.060.A, ALL RELATING TO THE CULTURAL HERITAGE COMMISSION

AMY J. BODEK, AICP
DIRECTOR OF DEVELOPMENT SERVICES

APPROVED:

PATRICK H. WEST
CITY MANAGER