



CITY OF POMONA

COUNCIL REPORT

April 17, 2023

To: Honorable Mayor and Members of the City Council

From: James Makshanoff, City Manager

Submitted By: Anita D. Gutierrez, AICP, Development Services Director

SUBJECT: FIRST READING AND INTRODUCTION OF AN AMENDMENT TO THE POMONA ZONING ORDINANCE RELATED TO HISTORIC REVIEW OF STRUCTURES 50 YEARS OLD OR OLDER PRIOR TO DEMOLITION

RECOMMENDATION:

It is recommended that the City Council introduce, waive further and give first reading to the following ordinance:

ORDINANCE NO. 4322 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF POMONA APPROVING A CODE AMENDMENT (FILE NO. CODE-018684-2022) AMENDING SECTION .5809-13 OF THE CITY OF POMONA ZONING ORDINANCE PERTAINING TO HISTORIC PRESERVATION

EXECUTIVE SUMMARY:

Ordinance No. 4322 (Attachment No. 1) changes the review of structures proposed for demolition for historic eligibility from pre 1945 to 50 years old or older on a rolling basis. It also allows property owners to request review of their property at any time, and changes the demolition process for historic structures. Both the Historic Preservation Commission and the Planning Commission reviewed the proposed ordinance and recommended approval.

FISCAL IMPACT:

This ordinance establishes two new permits: a Determination of Historic Significance and a Certificate of Deconstruction. The full cost recovery for a Determination of Historic Significance permit is calculated \$2,308.20 and \$5,185.88 for a Certificate of Deconstruction. Historically, for historic preservation related applications, the City has adopted fees that only recover approximately 10% of the cost for the City processing the applications. For example, the current fee for a Designation of a Historic Landmark, which requires staff resources similar to Determination of Historic Significance, is \$216.75. In order to keep costs low in support of historic preservation, staff is proposing the reduction of the Determination of Historic Significance to

\$1,000, which represent approximately 43% of total cost recovery. Full cost recovery is proposed for the Certificate of Deconstruction to discourage demolition of any historic structure. As part of the second reading of this ordinance, staff will be bringing a fee resolution for City Council's consideration.

Staff is proposing the following fees:

Determination of Historic Significance:	\$1,000.00
Certificate of Deconstruction:	\$5,185.88

If the proposed fees are approved at the second reading, the fees will be incorporated into the Citywide Master Fee Schedule to be reviewed annually.

The annual revenue to be generated from the fees is estimated at \$30,000 and if approved an increase in fee revenues for the FY 2023-24 Proposed Operating Budget will be made.

PUBLIC NOTICING REQUIREMENTS:

This item was noticed in the Daily Bulletin as required by law (Attachment No. 2). In addition, the Historic Preservation Commission and Planning Commission also held noticed public hearings on the item.

PREVIOUS RELATED ACTION:

At the July 15, 2019 City Council meeting, based on a recommendation by the Historic Preservation Commission, Staff brought forward an amendment (Attachment No. 3) to the Historic Preservation Ordinance to change the criteria year for structures requiring a certificate of appropriateness prior to demolition, from "Pre-1945" to "50 years or older." There were concerns raised by staff about the potential increase in review time for developers by increasing the numbers of peripteries that would be required to obtain a Major Certificate of Appropriateness because of the change. After a robust discussion, the Council directed staff to work with the Historic Preservation Commission and see if there was an alternative proposal that could be crafted to address the concerns raised.

ENVIRONMENTAL IMPACT:

Staff reviewed this ordinance to determine if it could have any adverse impact on the environment. The proposed ordinance makes it more difficult to demolish potential historic resources by creating a review process and requiring, when a property is determined to be potentially historic, CEQA review prior to approval of a demolition. These reasons show with certainty that the proposed ordinance will not have an adverse effect on the environment. Therefore, staff has determined that this project is exempt for the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the California CEQA Guidelines. A Notice of Exemption has been prepared.

DISCUSSION:

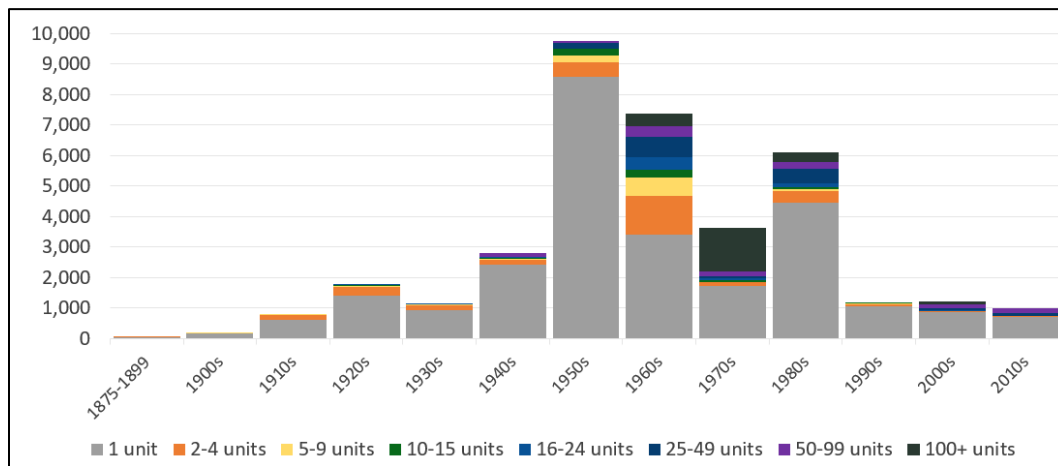
In 2019, several concerns were raised by staff when this proposal was brought to the City Council. This proposal addresses the concerns raised in 2019 in several ways. First, the review to determine whether a property is historic is no longer tied to a demolition permit, the Determination of Historic Significance allows any property owner to request the review at any time. Staff estimates that this process would take at most 45 days and could take place concurrently with other planning entitlement applications or plan checks. Second, this ordinance creates a process for demolition and potential mitigation review for properties determined to be historic; a process the current ordinance does not allow for.

Staff was also concerned with the sheer number of potential applications by changing the rule to 50 years-old or older. Staff has taken steps to reduce this potential impact. Pomona's first Citywide Historic Context Statement has been completed. The context statement breaks down Pomona's development history into a series of themes and property types. In order to be considered historic a property must fit into one of the themes. These themes provide the foundation for evaluating properties for historic significance. Staff has identified 6,116 properties that have the potential to be historic and has ruled out large portions of the City because those properties do not fit into one of the context's themes, reducing the amount of potential applications for review. Finally, since 2019, the Planning Division has boarded a Historic Preservation Supervisor who is qualified to evaluate properties for historic significance and to review these applications. This will help reduce the timeline for the review of these applications.

Generally, under federal guidelines and CEQA, properties 50 years old or older have the potential to be considered historic. Under the City's current Historic Preservation Ordinance, only properties built prior to 1945 are reviewed to determine any historic significance before a building permit is issued. This allows for buildings over 75 years to be demolished without any review. The Historic Preservation Commission was concerned that the current ordinance allowed all of our Post-World War II (post-1945) historic places to be demolished without any review or means to protect them. The proposed ordinance will ensure review of any property 50 years old or older, providing an opportunity to identify any potentially historic resources, matching our review with CEQA review and federal guidelines.

The proposed change will affect a significant number of properties within the City. Based on the 2019 American Community Survey, Pomona has 39,097 households. Figure one below depicts the breakdown by year built, with approximately 14% of housing units in the City built prior to 1945, which reflects the current number of units subject to historic review to determine historic significance prior to demolition. The proposed ordinance change would increase this number and capture 60% of housing units built in the City prior to 1970 with an increase on a rolling basis.

Figure 1: Housing Construction by Year Built



Source: LeSar Development Consultants 2021 Pomona Housing Academy

The Historic Preservation Commission and the Planning Commission both voted unanimously to recommend the proposed ordinance to the City Council. The following changes were made to the existing ordinance (Attachment No. 4):

1. Review of properties proposed for demolition changes from pre-1945 to 50 years old or older;
2. Property owners can ask to have their property reviewed at any time (demolition not required);
3. Process for demolition removed from Certificate of Appropriateness and new Certificate of Deconstruction was created; and
4. Changed the definition of demolition to replace “pre-1945” language with “50 years old or older” language.

Specifically the changes to the ordinance are as follows:

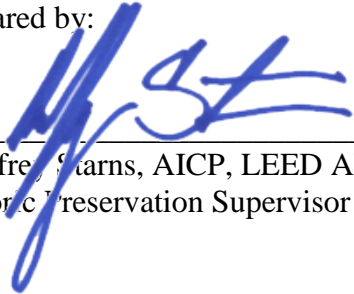
1. Section .5809-13(F)(1) – Deleted “and demolition” from the Certificate of Appropriateness section. This is required to separate demolition from the Certificate of Appropriateness process and so this section does not conflict with new Certificate of Deconstruction process.
2. Section .5809-13(F)(8) Special Consideration Regarding Demolition of Pre-1945 Non-designated Structures – Deleted. This is required to separate demolition from the Certificate of Appropriateness process and so this section does not conflict with new Certificate of Deconstruction process.
3. Section .5809-13(L) Determination of Historic Eligibility – New Section. Provides for process to allow Historic Preservation Commission to make a determination regarding a structures eligibility for historic designation.
4. Section .5809-13(M) Demolition Review of Structures 50 Years Old or Older – New Section. Replaces Section .5809-13(F)(8) (Special Consideration Regarding Demolition of Pre-1945 Non-designated Structures) to provide requirements and process for reviewing properties 50 years old or older prior to demolition.
5. Section .5809-13(N) Deconstruction of Historic Resources (Certificate of Deconstruction) – New Section. This section provides the process and findings for the deconstruction of historic

resources and is necessary to separate out the demolition process from Certificate of Appropriateness.

6. Revised the definition of “Demolition”. This was required to facilitate the proposed changes for review from pre-1945 to 50 years old or older.

This ordinance amendment, along with the completion of the Citywide Historic Context Statement will allow staff to focus on those properties that are potentially historic while easily removing those properties that are not historic. This will allow the City to continue to ensure that all of Pomona’s stories are told and that the places that help tell those stories are protected.

Prepared by:



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Historic Preservation Supervisor

ATTACHMENTS:

- Attachment No. 1 – Proposed Ordinance No. 4322
- Attachment No. 2 – Proof of Publication
- Attachment No. 3 – July 15, 2019 City Council Staff Report Regarding the Change to the Demolition Ordinance.
- Attachment No. 4 – Redline Version New Historic Preservation Ordinance
- Attachment No. 5 – Staff Presentation