



Planning Commission Report

Meeting Date: January 28, 2016

Subject: **Historic Preservation Ordinance Amendments**
Consideration of amendments to the definition of "Landmark" set forth in Article 32 (Historic Preservation) of the Beverly Hills Zoning Code to clarify when interior spaces may be considered as a part of landmark proceedings.

Recommendation: That the Planning Commission:

1. Conduct a public hearing and receive testimony on the proposed amendments; and
2. Direct staff to incorporate the proposed amendments into a resolution and draft ordinance that will be forwarded to the City Council for consideration.

REPORT SUMMARY

At its November 12, 2015 meeting, the Planning Commission recommended several amendments to the City's historic preservation ordinance pertaining to identifying an "exceptional work," refining Historic Incentive Permits in Trousdale Estates, and clarifying when the new ordinance would apply to properties versus the old ordinance. Since that time, staff has identified one additional component of the historic preservation ordinance that requires some clarification. The clarification pertains to the definition of "Landmark," and the manner in which interior spaces may be considered during landmark proceedings. The historic preservation ordinance already allows for interior spaces to be considered as part of landmark proceedings; however, this report recommends refinements to the definition to provide for better clarity in the review and processing of landmarks.

AMENDMENT DETAILS

The proposed ordinance amendments are limited in scope, and consist of the following:

Revision to Definition of "Landmark." The historic preservation ordinance currently allows "*any interior space or spaces of a landmark open to the general public...*" to be included in a landmark designation; however, it has become apparent that there could be different interpretations of what being open to the general public means. Although the intent of the original ordinance was to include spaces that were customarily open to the general public, the current ordinance does not provide clarity on how to treat spaces that may have been closed to the public at some point in the past, whether for purposes of tenancy changes or simply as a means to avoid being included in landmark proceedings. In order to ensure that the original intent of the ordinance is achieved, the following definition amendment is recommended:

Attachment(s):
None

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LANDMARK: Any property, including any building, structure, object, place, landscaping, or natural feature located on it that has been designated as a landmark pursuant to this article and is listed on the local register. In addition, any interior space or spaces of a landmark that is or was customarily open or accessible to the general public, or to which the public is or was customarily invited, and which has a special historical or aesthetic interest or value as part of the landmark, including, but not limited to, a lobby area, restaurant areas, theaters, and banks, may be included in the property's landmark designation.

ENVIRONMENTAL ASSESSMENT

The subject amendments have been assessed in accordance with the authority and criteria contained in the California Environmental Quality Act (CEQA), the State CEQA Guidelines, and the environmental regulations of the City. The amendments qualify for a categorical exemption pursuant to Section 15305 (Class 5) of the Guidelines for minor alterations to land use limitations in areas of the City with an average slope of less than 20%, and the amendments are therefore exempt from further review under the provisions of CEQA.

PUBLIC OUTREACH AND NOTIFICATION

Type of Notice	Required Period	Required Notice Date	Actual Notice Date	Actual Period
Posted Notice	N/A	N/A	1/22/2016	6 Days
Newspaper Notice	10 Days	1/18/2016	1/15/2016	13 Days
Mailed Notice (Owners & Residents - 500' + Block-Face Radius)	N/A	N/A	N/A	N/A
Property Posting	N/A	N/A	N/A	N/A
Website	N/A	N/A	1/22/2016	6 Days

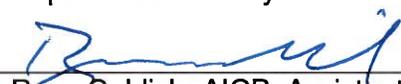
Public Comment

As of the writing of this report, staff has not received any written correspondence in regard to the proposed amendments.

NEXT STEPS

It is recommended that the Planning Commission conduct the public hearing and direct staff to incorporate the definition change into the previously adopted resolution and draft ordinance regarding amendments to the historic preservation ordinance. Said resolution and draft ordinance would then be forwarded in its entirety to the City Council for their consideration.

Report Reviewed By:



Ryan Gohlich, AICP, Assistant Director of
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