



DEPARTMENT OF CITY PLANNING RECOMMENDATION REPORT

City Planning Commission

Date: September 8, 2016
Time: 8:30 a.m.
Place: City Hall, Room 350
200 N. Spring Street, Los Angeles,
CA 90012

Case No.: CPC-2016-1906-CA
CEQA No.: ENV-2016-1907-CE
Council District: All
GPLU: Various
Zone: Various
Applicant: City of Los Angeles

Public Hearing: July 7, 2016 and July 9, 2016
Appeal Status: None

**PROJECT
LOCATION:** Citywide

**PROPOSED
PROJECT:** Revisions to LAMC Section 12.20.3."HP" Historic Preservation Overlay Zone (HPOZ) Ordinance, (No.175891, Eff. 5/12/04).

SUMMARY: Proposed amendments to the HPOZ Ordinance to modify Board composition and administration, modify procedures regarding the historic status of properties, modify procedures regarding review of projects, and establish procedures regarding demolition of historic resources.

**RECOMMENDED
ACTION:**

- 1) **Approve** the proposed ordinance (Exhibit A) and recommend its adoption by City Council;
- 2) **Adopt** the staff report its report on the subject;
- 3) **Adopt** the attached Findings; and
- 4) **Approve and recommend** that the City Council, based on the whole of the record, determine that the proposed ordinance is exempt from the California Environmental Quality Act (CEQA) pursuant to the State CEQA Guidelines, Article 19, Section 15308, Class 8, and Article 19, Section 15331, Class 31 for the Carthay Square HPOZ and Preservation Plan.

VINCENT P. BERTONI, AICP
Director of Planning

Ken Bernstein, AICP
Manager, Office of Historic
Resources

Naomi Guth
City Planner

Prepared by:
Blair Smith
Planning Assistant
(213) 978-1174

TABLE OF CONTENTS

Project Analysis **A-1**

Project Summary
Background
Issues
Conclusion

Findings **F-1**

General Plan/Charter Findings
CEQA Findings

Public Hearing and Communications **P-1**

EXHIBITS:

A – Proposed Ordinance
B –Categorical Exemption

Handwritten scribble

Handwritten scribble

Handwritten scribble

PROJECT ANALYSIS

Project Summary

Staff recommends that the City Planning Commission approve, a resolution that amends the Historic Preservation Overlay Zone (HPOZ) Ordinance. The current HPOZ Ordinance, as contained in Section 12.20.3 of the Los Angeles Municipal Code (LAMC), includes procedures for the establishment of an HPOZ, adoption of a Preservation Plan, and the review of projects. With 30 current HPOZs and seven new HPOZs expected to be adopted from 2016-2017, the procedures and process thresholds within the ordinance need to be reviewed, clarified, and improved to provide more efficient implementation. The following changes are proposed:

1. Allow for a Board to serve multiple HPOZs

The current ordinance requires that each Preservation Zone have a unique Board to administer the Preservation Plan. Based on the community interest in sharing a Board in a number of current HPOZs, the proposed amendment allows for the joint administration of two or more Preservation Zones by a single Board. There is no change proposed to the composition of a Board that serves a single HPOZ.

2. Clarify the procedures for the technical correction of a historic resources survey

An application for the correction of technical errors or omissions in a Historic Resources Survey currently requires a hearing before the Cultural Heritage Commission (CHC), so that the commission can make a recommendation to the Director of Planning on the reclassification of a parcel. In order to expedite the processing of technical corrections, the proposed amendments have clarified that the CHC Designee can provide a recommendation to the Director of Planning. A recommendation from the HPOZ Board has also been added to provide community insight on the reclassification. Clarifications were made to application standards and a fee is being added for owner-initiated corrections.

3. Create more proportional thresholds

In the HPOZ Ordinance, larger projects or more significant alterations require "Certificate" approval, while smaller projects have a more expedited path, called "Conforming Work." The proposed amendment would further divide Conforming Work into two categories, Minor and Major Conforming Work. For Contributing Structures, Minor Conforming Work would include normal maintenance, rehabilitation, and restoration projects. In order to encourage rehabilitation work and good preservation practice, there will continue to be no application fee for Minor Conforming Work. More elective, applicant-initiated projects that require more intensive staff review, such as small additions, construction of small structures, modifications to accessory structures, and the resolution of code enforcement orders, would be classified as Major Conforming Work, with an application fee set at a level lower than the fees for "Certificate" applications (currently \$708 to \$1706).

The existing ordinance restricts Conforming Work for Contributing Elements to additions under 250 square-feet, and requires larger additions and all new structures to be processed under a Certificate of Appropriateness (COA), even if they are not visible from the street. However, in HPOZs with homes as small as 1,000 square feet, a 250 square-foot addition is a 25% increase in the size of the structure; whereas, on a larger 5,000 square-foot structure, a 250 square-foot addition is only a 5% increase in the size of the structure. The proposed amendment addresses this concern by replacing the flat 250 sq. ft. threshold with a proportional approach: non-visible additions and new construction that result in a less than 20% increase of the building coverage may be processed as Major Conforming Work. The construction of accessory structures and the demolition of accessory structures verified as non-historic are also proposed to qualify as

Conforming Work. Two new definitions were added to supplement the proposed project thresholds, street visible area and building coverage.

4. Improve Regulations for Non-Contributing Properties

The current ordinance requires that almost all Conforming Work on Non-Contributing features be "signed-off" or approved. In implementation, the lack of review authority and design standards has resulted in projects that have proven detrimental to the overall historic character of HPOZ neighborhoods. The proposed amendments would remedy this discrepancy by enabling the HPOZ Board to review projects affecting Non-Contributing Elements for conformity with the Preservation Plan and allowing for design guidelines for alterations to Non-Contributing Elements, which will still provide greater leeway for changes than on projects affecting Contributing Elements. If a project did not conform, then the Conforming Work would be denied and a Certificate of Compatibility (CCMP) could be pursued.

5. Address Demolition without Permit

In the aftermath of recent demolitions without permit in HPOZs, the amendments seek to create a clearer procedure for responding to unpermitted demolition or relocation. To clarify what constitutes demolition, a definition is proposed. The ordinance also creates a procedure under which the Department of City Planning would document for the Department of Building and Safety the lost historic features and recommend any remaining historic features which should be retained. The Department of Building and Safety would then use this evaluation in addressing appropriate enforcement measures and potential penalties. The proposed amendments also clarify that if demolition has occurred without permit, then a standard COA or CCMP should be pursued, as the standards for a Certificate of Appropriateness for Demolition, Removal, or Relocation cannot be applied to a structure that no longer exists.

6. Relieve Street Dedication Requirements

Following the public hearing, staff discovered through a series of cases that property dedications were being required on a number of historic HPOZ streets. Since the majority of structures within an HPOZ are Contributing Structures, meaning they cannot be demolished and their relationship to the public roadway will not change, requiring a dedication for new construction projects disrupts the streetscape and setting of the district. Furthermore, dedications can result in the need to remove historic walls, trees, and curbs which would otherwise be protected. As such, Staff proposes to exempt any street or portion of a street within an HPOZ or sharing a boundary with an HPOZ from complying with the dedication requirements as set forth in LAMC sections 12.37 A-C and 17.05 unless requested by the Director of Planning, provided that the existing sidewalk is in compliance with public right-of-way accessibility requirements.

Other minor modifications have been made in the proposed ordinance including text edits, tables for clarity, and formatting corrections.

Background

An HPOZ is an area of the city which is designated as containing structures, landscaping, natural features or sites having historic, architectural, cultural or aesthetic significance. HPOZs, commonly known as historic districts, provide for review of proposed exterior alterations and additions to historic properties within designated districts.

Recognizing the need to identify and protect neighborhoods with distinct architectural and cultural resources, the City Council adopted the ordinance enabling the creation of HPOZs in 1979 and Angelino Heights became Los Angeles' first HPOZ in 1983. After the adoption of the HPOZ Ordinance, the number of HPOZs has rapidly grown with three (3) HPOZs adopted in the 1980s, six (6) in the 1990s, fourteen (14) in the 2000s, and seven (7) adopted so far in the

2010s. Today, the City of Los Angeles has 30 designated HPOZs, with seven currently in the adoption process and more than 10 additional districts under consideration.

HPOZ areas range in size from neighborhoods of approximately 50 parcels to more than 4,000 properties. While most districts are primarily residential, many have a mix of single-family and multi-family housing, and some include commercial and industrial properties. HPOZs are established and administered by the Los Angeles Department of City Planning (in concert with the City Council). Individual buildings in an HPOZ need not be of landmark quality on their own: it is the collection of cohesive, unique, and intact of historic resources that qualifies a neighborhood for HPOZ status.

An HPOZ is a zoning overlay that is identified through the addition of the HPOZ suffix to the existing zone. The underlying zoning is not changed when the HPOZ is established. The HPOZ Ordinance regulates the exterior of properties within the district, reviews new construction, and prohibits demolition of identified historic resources unless hardship can be proven. Projects are reviewed by the Department of City Planning and often the HPOZ Board (for larger projects) before work can be approved. Interior work, with no changes to the exterior, is exempt from review.

Guidelines

A Preservation Plan is a document intended by LAMC Section 12.20.3.E to be used by the Director, HPOZ Board, property owners and residents in the application of preservation principles within an HPOZ. The Preservation Plan is the guiding document used to review projects within the HPOZ and is based upon the Secretary of the Interior's Standards for Rehabilitation, national guidelines used to review projects involving historic resources. Derived from the Standards, the Preservation Plan Guidelines set clear and predictable expectations as to the design and review of proposed projects within an HPOZ. Specifically, the guidelines address rehabilitation, additions, new construction, front yard landscapes, and streetscapes.

Review Procedures

The Preservation Plan defines the scope of projects reviewed under the HPOZ ordinance and identifies the type of work that would be delegated to Planning staff for review without requiring review by the HPOZ Board. Currently, Exemptions and Delegations vary in each of the 30 Preservation Plans; with some plans delegating all Conforming Work projects while other require all projects to go before the HPOZ Board. This range in implementation represents the varied desires of the many HPOZ communities, and as such, the proposed amendments continue to allow for flexibility between areas.

Conclusion

The proposed ordinance amendments will address current implementation challenges, by taking action that will eliminate processing confusion and create a clearer path for implementation. The ordinance would provide consistent protection for the historic structures, development pattern, and setting within an adopted HPOZ, ensuring the long term preservation of Los Angeles's historic neighborhoods. Furthermore, the modifications to the thresholds of Conforming Work will reduce the total number of Certificate Cases and as such, project applicants and staff will benefit from shortened review timelines, which is essential to the sustainability of the HPOZ program as it continues to expand. Based on the attached Findings, it is the recommendation of Department of City Planning that the City Planning Commission approve of the proposed ordinance and recommend to the City Council its adoption, based on the attached Findings.

FINDINGS

1. **Conservation Element.** The revisions to Los Angeles Municipal Code Section 12.20.3 "HP" Historic Preservation Overlay Zone are consistent with the Conservation Element of the General Plan, adopted September 26, 2001. The Conservation Element includes the following relevant objectives, policies, and programs:

Objective: protect important cultural and historical sites and resources for historical, cultural, research, and community educational purposes.

Policy: continue to protect historic and cultural sites and/or resources potentially affected by proposed land development, demolition or property modification activities.

Program 1: development permit processing, monitoring, enforcement and periodic revision of regulations and procedures.

Program 2: prepare the Historic Preservation and Cultural Resources Element of the general plan.

Program 3: continue to survey buildings and structures of any age in neighborhoods throughout the city in order to develop a record that can be used in the present and future for evaluating their historic and cultural value as individual structures and within the context of surrounding structures.

Program 4: continue to establish Historical Preservation Overlay Zones throughout the city.

The proposed ordinance (Exhibit A) is consistent with these policies in that it provides a clear procedure for surveying, and re-surveying, the City's built environment and provides protection for residential and commercial neighborhoods of historic significance. The ordinance also provides a system for review and permit processing for new development and renovation work within these districts.

2. **Cultural Heritage Masterplan.** The proposed ordinance (Exhibit A) is consistent with Goal 9 of the Cultural Heritage Masterplan. The Cultural Heritage Masterplan supports the creation of a streamlined and integrated approach to historic preservation with the aim of high levels of regulatory compliance and enforcement. The ordinance as proposed advances this goal through clear and effective review procedures and through the consistent use of appropriate legislative measures to protect historic resources in the City.
3. **Charter Section 556.** In accordance with Charter Section 556, the proposed ordinance (Exhibit A) is in substantial conformance with the purposes, intent, and provisions of the General Plan. The proposed ordinance will contribute to more effective implementation of existing and future Historic Preservation Overlay Zones throughout the city, and will contribute to the preservation and restoration of the city's historic built fabric and neighborhoods.
4. **Charter Section 558 (b)(2).** In accordance with Charter Section 558 (b)(2), the proposed ordinance (Exhibit A) is in substantial conformance with public necessity, convenience, general welfare and good zoning practice.

- a. This ordinance change will improve the ability of the City to effectively preserve and protect historic resources. The proposed ordinance establishes the authority of each local Historic Preservation Overlay Zone area to delegate review authority to the Director of Planning, to exempt certain types of work from review, and to create detailed design guidelines within a Preservation Plan to clearly define the expectations of the review process and add predictability and objectivity to the review process. The proposed ordinance clearly defines the approval process, time limits, and other rules by which work is to be reviewed by both the Planning Department and the HPOZ Boards. Review procedures have been reorganized into a two-tier system so as to be consistent and understandable, with minimal changes to Board review authority and powers.
 - b. The proposed revisions to the HPOZ ordinance are critical to the effective implementation of the zone designation as the Department of City Planning enters an important phase of growth and opportunity in the protection, preservation, and enhancement of the City's built environment. There are 30 existing HPOZs, with seven more currently in the adoption process and 10 additional HPOZs proposed. The average size of the proposed districts is nearly twice that of the existing districts. The number of structures reviewed through the HPOZ ordinance may triple over the next few years. This ordinance amendment is critical to the continued effectiveness and implementation of the HPOZ overlay zone as a planning preservation tool for diverse local communities seeking to preserve their built environment.
5. **Framework Element.** The ordinance is in substantial conformance with the Framework principle, which calls for effective implementation of the General Plan through its overlay districts and zones. This ordinance, through local Preservation Plans, provides clear and consistent rules governing the review of work in the City's 30 historic districts. The provisions of the ordinance provide greater predictability to property owners looking to restore, maintain, rehabilitate, and improve their properties.
6. **Federal and State Historic Designations.** The revisions to the HPOZ ordinance are in conformance with other state and Federal historic preservation review frameworks. The ordinance clearly identifies the primary review agency for all types of historic structures within HPOZ districts, including locally designated Historic-Cultural Monuments, and properties on the Federal and State registers of historic places.
7. **Fish and Game.** The revisions to the HPOZ ordinance will not have an individual or cumulative adverse impact on fish or wildlife resources or habitat upon which fish and wildlife depend, as defined by California Fish and Game Code Section 711.2.
8. **Fees.** The Department of City Planning is currently completing a comprehensive fee study addressing all of its planning application fees, informing potential amendments to the Planning fee Ordinance to be considered late this year. There are no new or additional fees established under this ordinance, though place-holding language has been included for fees to be established at a later time.

9. California Environmental Quality Act (CEQA)

The proposed project consists of amendments to LAMC Section 12.20.3, the Historic Preservation Overlay Zone (HPOZ) Ordinance. Amendments include, but are not limited to: streamlining procedures for technical corrections to Historic Resources Surveys, modifying project thresholds to be more proportional to project sizes, strengthening regulations for projects on Non-Contributing Elements, allowing for a Board to serve multiple HPOZs, defining and strengthening regulations of demolition with and without permits, and establishing limits on street dedication requirements.

Department of City Planning staff concludes that Categorical Exemptions Class 8 and 31 of the State CEQA Guidelines are appropriate and that the exceptions to these two categorical exemptions do not apply. Categorical Exemption, Article 19, Section 15308, Class 8 “consists of actions taken by regulatory agencies, as authorized by state or local ordinance, to assure the maintenance, restoration, enhancement, or protection of the environment where the regulatory process involves procedures for protection of the environment.” Categorical Exemption, Article 19, Section 15331, Class 31 “consists of projects limited to maintenance, repair, stabilization, rehabilitation, restoration, preservation, or reconstruction of historical resources in a manner consistent with the Secretary of the Interior’s Standards for the Treatment of Historic Buildings (1995), Weeks and Grimmer.”

State of California CEQA Guidelines, Article 19, Section 15308, Class 8 “consists of actions taken by regulatory agencies, as authorized by state or local ordinance, to assure the maintenance, restoration, enhancement, or protection of the environment where the regulatory process involves procedures for protection of the environment. Construction activities and relaxation of standards allowing environmental degradation are not included in this exemption.”

The project amends procedures for the regulation of construction activities to ensure the maintenance, restoration, enhancement, or protection of the City’s adopted HPOZs, the North University Park Specific Plan (the only Specific Plan which follows the HPOZ Ordinance), and future HPOZs. The project also amends procedures to improve the administration and efficiency of the HPOZ program. It is the overall intent of the HPOZ Ordinance to protect, enhance, and preserve identified historic resources and the environment. Without these amendments, the integrity of the City’s historic districts could be diminished through incompatible alterations, new construction, and the demolition of irreplaceable historic structures. For example, stronger regulations of Non-Contributing Elements will ensure that historic resources (HPOZs) and the environment are protected. The use of Categorical Exemption Class 8 from the State CEQA Guidelines is consistent with other California jurisdictions, which find that periodically amending regulations placed upon historic districts is necessary for further protecting the environment and making sure that maintenance, repair, restoration, and rehabilitation is done in such a way as to protect the resources and environment.

State of California CEQA Guidelines, Article 19, Section 15331, Class 31 “consists of projects limited to maintenance, repair, stabilization, rehabilitation, restoration, preservation, or reconstruction of historical resources in a manner consistent with the Secretary of the Interior’s Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings (1995), Weeks and Grimmer.”

The project falls under Categorical Exemption Class 31 for the maintenance, repair, stabilization, rehabilitation, restoration, preservation, or reconstruction of historic resources

consistent with the Secretary of the Interior's Standards. The project amends necessary procedures for the treatment of historic resources to ensure that all work within adopted HPOZs, the North University Park Specific Plan, and future HPOZs is consistent with the Secretary of the Interior's Standards. For example, defining demolition will help protect the majority of historic resources by preventing the demolitions of more than 50% of its structure and clarifying the review process for demolition. Additionally, establishing procedures to better document demolition, will create a record of historic resources lost through demolition activity, which will ensure consistency with the Secretary of the Interior's Standards. This will protect the adopted HPOZs, Specific Plan, and future HPOZs from construction activities that could damage their historic integrity and ensure that maintenance, repair, stabilization, rehabilitation, restoration, preservation, conservation or reconstruction is conducted in a historically appropriate manner.

Exceptions to the Use of Categorical Exemptions

Planning staff evaluated all the potential exceptions to the use of Categorical Exemptions for the proposed project and determined that none of these exceptions apply as explained below:

Cumulative Impact - "All exemptions for these classes are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant." The exception applies when, although a particular project may not have a significant impact, the impact of successive projects, of the same type, in the same place, over time is significant.

The project will not alter the environment, but rather will improve procedures to ensure that work and development does not have an impact on the environment. Therefore, there is no cumulative impact on the environment from previous HPOZ Ordinance revisions, current HPOZ Ordinance revisions, or future HPOZ Ordinance revisions.

Significant Effect - "A categorical exemption shall not be used for any activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances." This exception applies when, although the project may otherwise be exempt, there is a reasonable possibility that the project will have a significant effect due to unusual circumstances. Examples include projects which may affect scenic or historical resources.

The project, which includes clarifications of and improvements to procedures, will protect identified resources and the environment. There are no unusual circumstances that would have a significant impact on the environment due to the project. Therefore, there is no possibility of significant effects on the environment.

Scenic Highway - "A categorical exemption shall not be used for a project which may result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway. This does not apply to improvements which are required as mitigation by an adopted negative declaration or certified EIR." This exception applies when a projects may result in damage to scenic resources within a duly designated scenic highway.

An HPOZ may abut or encompass a City or State scenic highway. The project would not negatively impact scenic resources within a duly designated scenic highway. Rather, the project, through its amendments, would better protect the unique character of scenic resources. For example, limiting street dedication requirements in order to preserve historic sidewalk depth and historic arroyo stone wall elements would preserve and protect scenic resources and their environment. Therefore, there are no impacts to scenic resources within a highway officially designated as a state scenic highway.

Hazardous Waste Site - "A categorical exemption shall not be used for a project located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code." This exception applies when a project is located on a site or facility listed pursuant to California Government Code 65962.5.

The project, which addresses amendments to the HPOZ Ordinance, is not a site specific project and will not have an effect on the environment. Furthermore, the project involves procedures for protecting historic resources and does not interfere with, override, or obstruct the implementation of other environmental protections such as limitations on projects located on identified hazardous waste sites. Therefore, this exception does not apply.

Historical Resources - "A categorical exemption shall not be used for a project which may cause a substantial adverse change in the significance of a historical resource." This exception applies when a projects may cause a substantial adverse change in the significance of an historical resource.

The project would not cause an adverse change in the significance of a historical resource as defined in State CEQA 15064.5; rather, the proposed project would protect identified historic resources. The project would ensure that procedures better address various types of work and development to historic resources or within historic resources, while making sure that any new work and development maintains consistency with the Secretary of the Interior's Standards and is conducted in a historically appropriate manner, preserving the historic integrity of the resource and its environment. For example, strengthening the ability to regulate Non-Contributing Elements will better protect the character and environment of the historic resource. Therefore, there is no substantial adverse change in the significant of a historical resource.

Categorical Exemption ENV-2016-1907-CE was prepared on June 30, 2016 and is included as Exhibit B.

PUBLIC HEARING AND COMMUNICATIONS

Summary of the Required Public Hearing held July 7, 2016 and July 9, 2016

Department of City Planning staff conducted a series of three (3) community outreach meetings on proposed revisions to the HPOZ Ordinance with interested organizations in May and June 2016. In June, July and August 2016, Planning Staff discussed the proposed changes at HPOZ Board meetings. Two combined open house and public hearings were held regarding the proposed Historic Preservation Overlay Zone (HPOZ) Code Amendments. On June 10, 2016, more than 24 days in advance of the meetings, notice of these public hearings was emailed to interested parties, HPOZ Board members, Council Offices, and all neighborhood councils. On June 14, 2016, notice of these public hearings was published in the Los Angeles Daily Journal.

The first public hearing was conducted by Hearing Officer Jennifer Caira on July 7, 2016, at the Will and Ariel Durant Library at 17140 W. Sunset Boulevard, Los Angeles, CA 90046. Approximately fourteen (14) people attended the public hearing with four (4) speakers providing testimony before the hearing officer regarding the proposed amendments. During the Open House portion of the meeting, staff members were available to answer questions and discuss details of the proposed ordinance.

The second hearing was conducted by Hearing Officer Phyllis Nathanson on July 9, 2016, at the Council District 10 Field Office at 1819 S. Western Avenue, Los Angeles, CA 90006. Approximately thirty-three (33) people attended the public hearing with eleven (11) speakers providing testimony before the hearing officer regarding the proposed Ordinance. During the Open House Portion of the meeting, staff members were available to answer questions and discuss details of the proposed ordinance.

Reactions to the HPOZ from residents and property owners were predominantly supportive, with many expressing appreciation for staff's initiative to close loopholes for Non-Contributing Structures. Some concerns over specific provisions of the ordinance were expressed. Summaries of public testimony from the July 7, 2016 and July 9, 2016 Public Hearings are included below:

Speaker Cards: Nine (9) in support; five (5) gave general comments, and no speakers spoke in opposition.

Organizations testifying in Support:

Friends of Jefferson Park HPOZ, Miracle Mile Residential Association, West Adams Heritage, and Melrose Hill Neighborhood Association.

Organizations testifying in Opposition:

None

Summary of Public Hearing Testimony:

The comments received at the Public Hearing were generally in favor of the changes to the Ordinance. Speakers spoke positively about the increased regulations to Non-Contributing properties, expansion of Boards, modifications to processing of Conforming Work, and new definitions. Those in support, many long-time property owners and renters, expressed that the Ordinance Amendments were a step in the right direction. Many speakers described their experiences living in an HPOZ and expressed how important HPOZs are within the context of Los Angeles. General comments about the process of Board appointment, technical corrections, and new definitions, were made. These comments are further detailed below. Five written comments were submitted at the public hearing, one (1) in support and four (4) general comments.

Summary of Correspondence Received

The Department of City Planning has received twenty-five (25) emailed and written comments: six (6) in support, eighteen (18) general comments, and one (1) in opposition to the proposed code amendments. Organizations who have made general comments and/or written in support include: the Los Angeles Conservancy, Friends of Jefferson Park, West Adams Heritage Association, United Neighborhoods Neighborhood Council, and Greater Wilshire Neighborhood Council.

Discussion of Key Issues

Two topics which attracted the majority of testimony are discussed below, followed by a discussion of other comments. Nearly all speakers spoke generally in support of the proposed changes. Most comments were focused on specific provisions of text, while major changes, such as the restructuring of Conforming Work and the additional review of Non-Contributors were widely supported.

Issue #1 Board Composition and Appointment Procedures

Section 12.20.3.D (Pages 5-11 of Exhibit A)

Existing Procedure

The current ordinance requires that each Preservation Zone have a unique Board to administer a Preservation Plan. The Board is composed of five members with one boardmember appointed by the Mayor, one boardmember appointed by the City Councilperson, two boardmembers (including an architect) appointed by the Cultural Heritage Commission, and the final member chosen by the appointed boardmembers with consideration of a recommended candidate provided by the neighborhood council. If an appointing body fails to make an appointment, the President of the City Council has the authority to appoint a temporary appointment until the appointing authority makes an appointment to occupy the seat.

Proposal in Draft Ordinance

Staff proposed amendments to allow for the joint administration of two or more Preservation Zones by a single Board. In the event that a Board serves two or more Preservation Zones, the Board would be composed of seven members with the additional two appointments made by the Cultural Heritage Commission and Council District. No change was proposed to the composition of a Board that serves a single HPOZ. Each HPOZ would still retain a unique Preservation Plan.

Issue

Existing HPOZs have stated interest in a Board serving multiple HPOZs. This has been done in practice in the "triplets" (Wilshire Park, Windsor Village, and Country Club Park) HPOZs and has been requested in other HPOZ areas, but is not codified within the HPOZ Ordinance. Additionally, with the growing number of HPOZs and HPOZ Boards it can be difficult to find qualified Board members for each Board, as noted in the general comments. With the expansion of the program and streamlining of implementation, allowing a Board to serve more than one HPOZ area will enable communities to share resources and expertise.

Public Comment

Many comments were received in support of this provision and some general concerns were stated. Supporters lauded the effectiveness of the Board in the “triplet” HPOZ areas. Others commented on how this may allow “pocket neighborhoods”, outside of existing HPOZs, to share the existing Board expertise if they were adopted. General comments included concerns that a joint Board would be imposed on existing HPOZ areas, especially ones that are already overburdened by full agendas. One written comment requested that if a Board serves multiple HPOZ areas, that the areas should be adjacent to each other. Letters from West Adams Heritage and United Neighborhoods Neighborhood Council (UNNC) request additional language be added to clarify that a Board may serve two or more areas, if so requested by the communities the Board would serve. UNNC also commented on Board vacancies and requested that a term of one year be established for temporary appointments made by the President of the City Council.

Discussion

The creation of HPOZ Boards that jointly administer the Preservation Zones will allow communities that want to work together to do so. Requiring that Preservation Zones have geographic proximity could prevent areas of similar architectural styles, cultural significance, or context from having a jointly administered Board. Two areas that would be negatively affected by geographic proximity requirements would be the 52nd Place Tifal Brothers Tract HPOZ and the 27th and 28th Street (proposed) HPOZ. While these two areas are located approximately 25 blocks apart, they are very small districts where finding sufficient volunteers to constitute a board would be a significant challenge. These two districts could not pool their resources if geographic requirements were imposed.

An HPOZ Board is established with the adoption of an HPOZ. Board jurisdiction and composition is established by the appointing authorities per the Ordinance. Appointing authorities should work with HPOZ areas to ensure the Board composition appropriately reflects community preservation goals.

Revised Recommendation

After additional study, public input, and additional input from concerned community members, staff has revised its recommendation to include a term limit on a temporary appointment made by the President of the City Council.

Issue #2 Technical Corrections of a Historic Resources Survey

Section 12.20.3.F.3. (Page 15 of Exhibit A)

Existing Procedure

The Director of Planning has the authority to correct of technical errors and omissions in a previously certified Historic Resource Survey based of the input of the Cultural Heritage Commission.

Proposal in Draft Ordinance

An additional recommendation from the HPOZ Board was added and it was clarified that the Commission or its designee can provide recommendation on a parcels redesignation. An

application for the processing of technical corrections is created and the application may have fees.

Issue

The Department of City Planning seeks to improve and expedite the processing of technical corrections to greater protect misclassified historic resources. The current processing of technical corrections requires a formal action from the Cultural Heritage Commission and a staff report more detailed than the original Historic Resources Survey (DPR) for the parcel. The time it takes to compose the formal staff report and go before commission, can result in the loss of potential historic resources. In order to correct these often minor errors expeditiously the ordinance proposes to allow the Cultural Heritage designee to provide a recommendation on behalf of the Commission and allow staff to process a correction without a full staff report. A recommendation from the HPOZ Board was added within the process, because in practice, though not currently required, staff has sought Board recommendations on these corrections.

Public Comment

Many comments were received in regards the collection of a fee for technical corrections. Testimony and written correspondence stressed that the fee would be discourage homeowners who wanted to do the "right thing" and correct a technical error. UNNC recommended that the HPOZ Board, a sub-committee of the Board, and a neighborhood council should be exempt from fees. Testimony also stressed that the Board should be involved in the correction process.

Discussion

While language for the establishment of a fee was included in the proposed Ordinance amendments, a fee is not being established by this ordinance and will be considered at a later time with a fee study. The study will evaluate staff time spent processing owner-initiated applications and justify if a fee is merited. The application for redesignation of a property is intended to ease the processing of technical corrections.

Revised Recommendation

Staff recommends maintaining the language that will allow for a fee.

OTHER COMMENTS AND RESPONSES

Concern over how the definition of Demolition will be interpreted and whether it will result in the loss of salvageable historic resources.

Section 12.20.3.B.9 (Page 3 of Exhibit A)

One speaker gave testimony and letters were submitted opposing the definition for demolition. The speaker expressed concern that by defining demolition, Staff would consider buildings with unpermitted alterations lost even if the structure maintained much of its historic integrity, and continued by saying demolition is not quantifiable. Demolition is not currently defined within the HPOZ Ordinance, Planning Code, or Building Code. The lack of a definition for demolition has caused confusion in applications and implementation. For instance, is demolition of a historic resource the removal of exterior walls, the removal of wall framing, or the complete removal of a structure including foundation? Staff consulted the City of Pasadena on how they defined demolition and implemented the definition. Based on Pasadena's experience and input from the Los Angeles Department of Building and Safety, a definition was composed.

Staff acknowledges the concern of these community members and seeks to clarify the impact and intent of the proposed definition. The definition's direct purpose is to increase the transparency of demolition proposals and discourage an inappropriate demolition of historic resources. The ordinance also creates a procedure under which the Department of City Planning would document for the Department of Building and Safety the lost historic features that occur when demolition is performed without permit and recommend any remaining historic features which should be retained. The Department of Building and Safety would then use this evaluation in addressing appropriate enforcement measures and potential penalties. This process does not encourage negligence but establishes a clear path of enforcement.

The proposed amendments also clarify that if demolition has occurred without permit, then a standard Certificate of Appropriateness (COA) or Certificate of Compatibility (CCMP) should be pursued, as the standards for a Certificate of Appropriateness for Demolition, Removal, or Relocation (COA-DEM) cannot be applied to a structure that no longer exists. This clarification is intended to ensure that the loss of the historic resource can be evaluated and mitigated under a new approval. Through the COA and CCMP process, these projects will receive a thorough review, with a written determination prepared by staff as part of the final discretionary decision. Staff would also like to clarify that decisions under the COA and CCMP processes are fully appealable to the Area Planning Commission.

Concern over the liberalization to building replacement requirements (infill).

Section 12.20.3.K and 12.20.3.L (Page 23-31 of Exhibit A)

Ten (10) letters were received expressing concern that the Ordinance Amendments will allow for inappropriate infill projects. No change is currently proposed to the infill standards or Certificate of Compatibility process. Compatible design is strongly emphasized within the ordinance and is further encouraged by the modifications to section 12.20.3.J Conforming Work for Non Contributing Properties.

Support and questions regarding Street Visible Area

Section 12.20.3.B (Page 3 of Exhibit A)

The purpose of the definition for Street Visible Area is to describe what constitutes areas visible from the street. Two written comments expressed concern that if a project is not street visible, that it would therefore be exempt from review, which would be inappropriate. The definition does not exempt review of rear facades and rear facades would still be subject to the review procedures defined in the ordinance. Many speakers supported the new proposed definition, one lauded it as a solution to frustrating Board conversations about what is visible on a corner lot.

Restoration should be encouraged in Conforming Work for Non-Contributing Structures

Section 12.20.3.J (Page 20-23 of Exhibit A)

Two written comments and one public hearing speaker has stated that the restoration of Non-Contributing Structures should be encouraged and incentivized. The purpose of Conforming Work for Non-Contributing Structures is not to protect, preserve, or restore a building that has been identified to have no historic integrity, but rather to allow for compatible modifications to such structures. Non-Contributing Structures are those structures, landscapes, natural features, or sites identified as not retaining their historic character as a result of un-reversible alterations, having been built outside of the HPOZ Period of Significance, or because they are vacant lots. Restoration

is defined within the Ordinance as, “the act or process of accurately recovering the form, features and details of a property as it appeared at a particular period of time by means of the removal of later work or by the replacement of missing earlier work.” Since Non-Contributing Features have either lost their historic integrity through irreversible alterations or were constructed at a later period, applying the term restoration would be inappropriate. While there may be some outliers that were incorrectly identified as Non-Contributing Structures, applying the term restoration as a review threshold would not be consistent with the term or the non-historic status of the building.

Modifications to Certificates of Appropriateness or Compatibility:

Section 12.20.3.K and 12.20.3.L (Page 23-31 of Exhibit A)

Many written comments advocated that all modifications to a Certificates of Appropriateness or Compatibility should go before the HPOZ Board for review. In the instances where a modification procedure is proposed, Certificates of Appropriateness (COA) and Certificates of Compatibility (CCMP), the decision maker is the Director of Planning; the Board and Cultural Heritage Commission Designee function in these instances is as a recommending body. As such, a recommendation from the Board or CHC designee is purely advisory.

Modifications are by nature minor changes in plans that are consistent with the Letter of Determination issued. Modifications often arise when an applicant proceeds through plan check and discovers additional building requirements or that an element of their plan set is not possible. This often is something as small as the installation of rain barrels, moving of electrical equipment, or slight relocation of a window. Such modifications would qualify as minor Conforming Work, which in many Preservation Plans is Delegated to staff for review. Requiring Board review on a modification that would have no impact on the structure or would qualify for delegated review, would increase the amount of staff time needed on a project and slow down the processing of simple applications.

Other Comments in general support:

- Ordinance changes are a step in the right direction, and will improve how applications are processed
- It is important to protect the historic places in Los Angeles
- Very supportive of increased regulations to Non-Contributors
- Changes are interesting and positive, looking forward to seeing them be put into practice; time to act Conforming Work has 21-day period: consideration given to two time frames to correspond to major and minor, minor should be give expedited timeline.
- Including the Secretary of the Interior’s Standards for Rehabilitation should be a requirement in all Preservation Plans
- Relocation should be considered minor Conforming Work and no fee should be imposed

Other general Comments:

- Exemption for natural disaster should be removed or clarified, to only apply in cases of immediate stabilization
- Major Conforming Work should not be Delegated unless the board fails to act
- Relationships to other provisions in the code should be clarified

- Definition for a historic resource should be added
- Owners of Non-Contributing properties should be offered incentives to restore their properties.
- City should develop a comprehensive earthquake response strategy for historic resources.
- Boardmember attendance and scheduling conflicts can make it hard for a Board to meet
- Time between re-appointment should be clarified
- There should be an enforcement hotline with the Department of Building and Safety
- Preservation Plan Exemptions should supersede Conforming Work process thresholds

Other Comments in general opposition:

- Procedures to amend a Preservation Plan should not be extended to every five years, the board should be required to review them every two years
- Determinations of Street Visible Area should be made by the Board not the Director
- Rewording of Certificate of Compatibility purpose statement does not define the full section
- Enforcement of demolition by neglect should include harsher penalties
- All materials reviewed by the Board, including ministerial actions, should be distributed to the board in advance of the meeting

Summary of the Cultural Heritage Commission Meeting held July 21, 2016

The proposed HPOZ Code Amendments was presented before the Cultural Heritage Commission as an informational item on July 21, 2016 at City Hall, 200 N. Spring Street, Rm. 1060, Los Angeles, CA 90012. There was one (1) speaker at the meeting who spoke in support of the Ordinance generally, but asked for increased communication from staff on delegated approvals and exempt permit clearances. Commission President Richard Baron seconded the opinion, and stated general support for the improvements that the code amendments will have on the implementation of HPOZs.

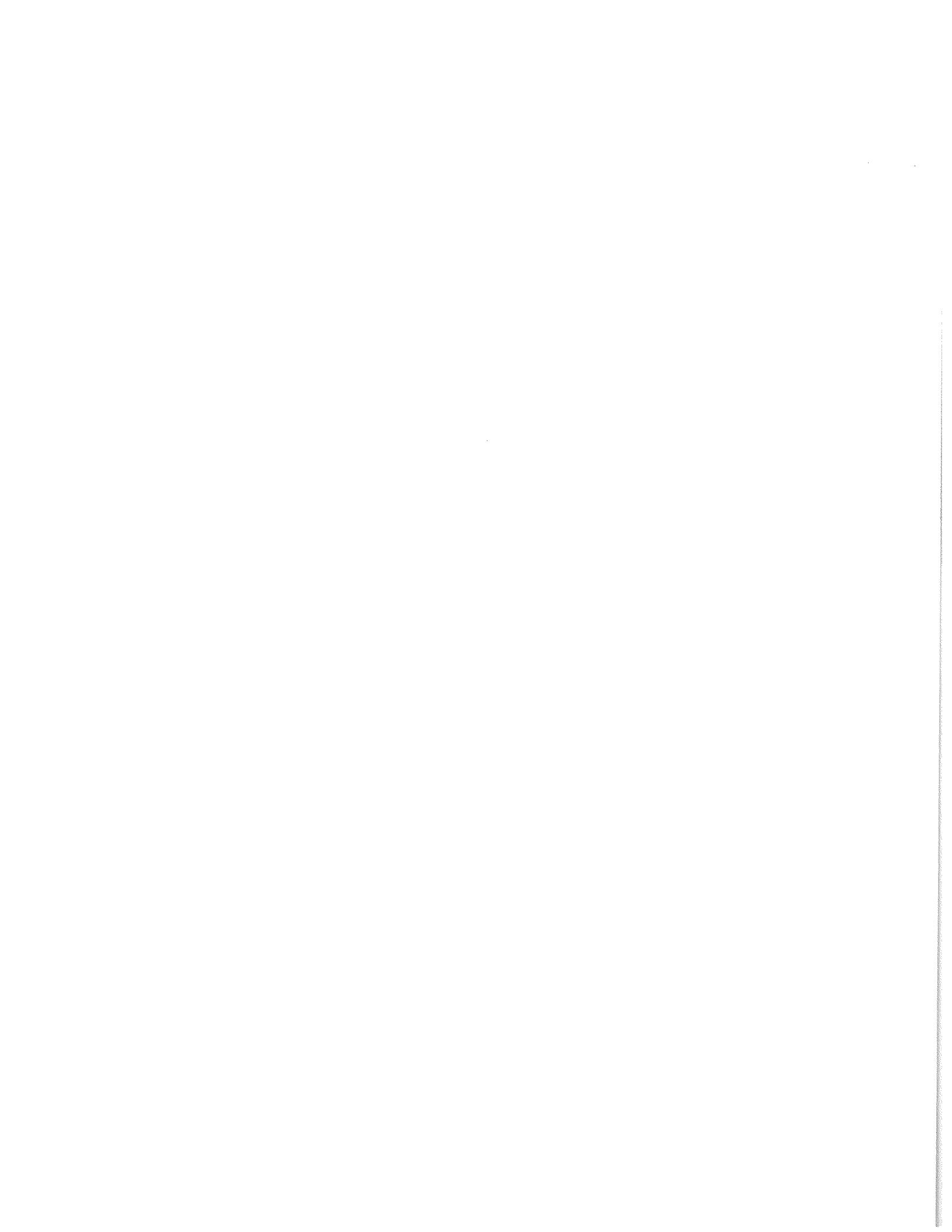


EXHIBIT A:
Proposed Ordinance

ORDINANCE NO. _____

An ordinance amending Section 12.20.3 of the Los Angeles Municipal Code to clarify review procedures, add frequently used definitions, and outline procedures and fees for technical corrections to Historic Resources Surveys, and demolition.

**THE PEOPLE OF THE CITY OF LOS ANGELES
DO ORDAIN AS FOLLOWS:**

Section 1. Section 12.20.3 of the Los Angeles Municipal Code is amended to read:

SEC. 12.20.3. "HP" HISTORIC PRESERVATION OVERLAY ZONE.

The following regulations shall apply in an HP Historic Preservation Overlay Zone:

A. Purpose. It is hereby declared as a matter of public policy that the recognition, preservation, enhancement, and use of buildings, structures, Landscaping, Natural Features, and areas within the City of Los Angeles having Historic, architectural, cultural or aesthetic significance are required in the interest of the health, economic prosperity, cultural enrichment and general welfare of the people. The purpose of this section is to:

1. Protect and enhance the use of buildings, structures, Natural Features, and areas, which are reminders of the City's history, or which are unique and irreplaceable assets to the City and its neighborhoods, or which are worthy examples of past architectural styles;
2. Develop and maintain the appropriate settings and environment to preserve these buildings, structures, Landscaping, Natural Features, and areas;
3. Enhance property values, stabilize neighborhoods and/or communities, render property eligible for financial benefits, and promote tourist trade and interest;
4. Foster public appreciation of the beauty of the City, of the accomplishments of its past as reflected through its buildings, structures, Landscaping, Natural Features, and areas;
5. Promote education by preserving and encouraging interest in cultural, social, economic, political and architectural phases of its history;
6. Promote the involvement of all aspects of the City's diverse neighborhoods in the historic preservation process; and
7. To ensure that all procedures comply with the California Environmental Quality Act (CEQA).

B. Definitions. For the purposes of this ordinance section 12.20.3, the following words and phrases are defined:

1. ADDITION is an extension or increase in floor area or height of a building or structure.

2. ALTERATION is any exterior change or modification of a building, structure, Landscaping, Natural Feature or lot within a Historic Preservation Overlay Zone including but not limited to changing exterior paint color, removal of significant trees or Landscaping, installation or removal of fencing, and similar Projects, and including street features, furniture or fixtures.

3. BOARD is the respective Historic Preservation Board as established by this section.

4. BUILDING COVERAGE is the area of a parcel covered by buildings measured from the outside of the exterior perimeter of a building, including covered porches, patios, detached and attached accessory structures. Building Coverage does not include uncovered areas such as paved parking, driveways, walkways, steps, terraces, decks, and porches; or roof overhangs and architectural projections not intended for shelter or occupancy.

45. CERTIFICATE OF APPROPRIATENESS is an approved certificate issued for the construction, Additions over established thresholds, ~~d~~Demolition, Reconstruction, Alteration, removal, or relocation of any publicly or privately owned building, structure, Landscaping, Natural Feature, or lot within a Historic Preservation Overlay Zone that is identified as a Contributing Element in the Historic Resources Survey for the zone, including street features, furniture or fixtures.

56. CERTIFICATE OF COMPATIBILITY is an approved certificate issued for the construction of a new building or structure on a lot, Demolition, or building replacement of an element, identified as Non-Contributing, or not listed, in the Historic Resources Survey for the zone.

67. CONTRIBUTING ELEMENT is any building, structure, Landscaping, Natural Feature identified on the Historic Resources Survey as contributing to the Historic significance of the Historic Preservation Overlay Zone, including a building or structure which has been altered, where the nature and extent of the Alterations are determined reversible by the Historic Resources Survey.

78. CULTURAL is anything pertaining to the concepts, skills, habits, arts, instruments or institutions of a given people at any given point in time.

9. DEMOLITION is the removal of more than 50% of the perimeter wall framing, the removal of more than 50% of the roof framing, or the substantial removal of the exterior of a facade in the Street-Visible Area.

810. HISTORIC is any building, structure, Landscaping, Natural Feature, or lot, including street features, furniture or fixtures which depicts, represents or is associated with persons or phenomena which significantly affect or which have significantly affected the functional activities, heritage, growth or development of the City, State, or Nation.

911. HISTORICAL PROPERTY CONTRACT is a contract, between an Owner or Owners of a Historical-Cultural Monument or a Contributing Element and the City of Los Angeles, which meets all requirements of California Government Code Sections 50281 and 50282 and 19.140 et seq. of the Los Angeles Administrative Code.

4012. HISTORIC RESOURCES SURVEY is a document, which identifies all contributing and non-contributing buildings, structures and all contributing Landscaping, Natural Features and lots, individually or collectively, including street features, furniture or fixtures, and which is certified as to its accuracy and completeness by the Cultural Heritage Commission.

4413. LANDSCAPING is the design and organization of landforms, hardscape, and softscape, including individual groupings of trees, shrubs, groundcovers, vines, pathways, arbors, etc.

4214. MAINTENANCE AND REPAIR is any work done to correct the deterioration, decay of, or damage to a building, structure or lot, or any part thereof, including replacement in-kind where required, and which does not involve a change in the existing design, materials, or exterior paint color.

4315. MONUMENT is any building, structure, Landscaping, Natural Feature, or lot designated as a City Historic-Cultural Monument.

4416. NATURAL FEATURE is any significant tree, plant life, geographical or geological feature identified individually or collectively on the Historic Resources Survey as contributing to the Cultural or Historical significance of the Historic Preservation Overlay Zone.

4517. NON-CONTRIBUTING ELEMENT is any building, structure, Natural Feature, lot, or Landscaping, that is identified in the Historic Resources Survey as a Non-Contributing Element, or not listed in the Historic Resources Survey.

4618. OWNER is any person, association, partnership, firm, corporation or public entity identified as the holder of title on any property as shown on the

records of the City Engineer or on the last assessment roll of the County of Los Angeles, as applicable. For purposes of this section, the term Owner shall also refer to an appointed representative of an association, partnership, firm, corporation, or public entity which is a recorded Owner. **(Amended by Ord. No. 181,595, Eff. 4/10/11.)**

1719. PRESERVATION ZONE is any area of the City of Los Angeles containing buildings, structures, Landscaping, Natural Features or lots having Historic, architectural, Cultural or aesthetic significance and designated as a Historic Preservation Overlay Zone under the provisions of this section.

1820. PROJECT is the Addition, Alteration, construction, ~~d~~Demolition, Reconstruction, Rehabilitation, relocation, removal or Restoration of the exterior of any building, structure, Landscaping, Natural Feature, or lot, within a Preservation Zone, except as provided under Subsection H. A Project may or may not require a building permit, and may include but not be limited to changing exterior paint color, removal of significant trees or Landscaping, installation or removal of fencing, replacement of windows and/or doors which are character-defining features of architectural styles, removal of features that may or may not have a building permit, or changes to public spaces and similar activities.

1921. RECONSTRUCTION is the act or process of reproducing by new construction the exact form, features and details of a vanished building, portion of a building, structure, landscape, Natural Feature, or object as it appeared at a specific period of time, on its original or a substitute lot.

2022. REHABILITATION is the act or process of returning a property to a state of utility, through repair or Alteration, which makes possible an efficient contemporary use while preserving those portions or features of the property which are significant to its Historical, architectural and Cultural values.

2123. RENTER is any person, association, partnership, firm, corporation, or public entity which has rented or leased a dwelling unit or other structure within a Preservation Zone for a continuous time period of at least three years. For purposes of this section, the term renter shall also refer to an appointed representative of an association, partnership, firm, corporation, or public entity which is a renter.

2224. RESTORATION is the act or process of accurately recovering the form, features and details of a property as it appeared at a particular period of time by means of the removal of later work or by the replacement of missing earlier work.

2325. RIGHT-OF-WAY is the dedicated area that includes roadways, medians and/or sidewalks.

26. STREET VISIBLE AREA is any portion of the front, side, and rear facades that can be seen from any adjacent street, alley, or sidewalk, or that would be visible but are currently obstructed by landscaping, fencing, and freestanding walls. It also includes undeveloped portions of the lot where new construction would be visible from the adjacent street or sidewalk; facades that are generally visible from non-adjacent streets due to steep topography; or second stories visible over adjacent one story structures.

C. Relationship to Other Provisions of the Code. Whenever the City Council establishes, adds land to, eliminates land from or repeals in its entirety a Preservation Zone, the provisions of this section shall not be construed as an intent to abrogate any other provision of this Code. Any street or portion thereof that is located within a Preservation Zone(s) or shares a boundary with a Preservation Zone(s), is not subject to the street dedication and/or improvement requirements as set forth in section 12.37 A-C and 17.05 of the Los Angeles Municipal Code unless requested by Director of Planning, provided that the existing sidewalk(s) is in compliance with any accessibility guidelines within the public right-of-way that are adopted to comply with Title II of the American with Disabilities Act. When it appears that there is a conflict, the most restrictive requirements of this Code shall apply, except for a requirement in this section, which may compromise public safety if enforced.

D. Historic Preservation Board.

1. Establishment and Composition. There is hereby established for each Preservation Zone a Historic Preservation Board. A Board may serve two or more Preservation Zones in joint name and administration. Preservation Zones may have separate individual Preservation Plans administered under one Board. Each Board shall have, as part of its name, words linking it to its area(s) of administration and distinguishing it from all other boards.

2. Composition. A Board shall be comprised of five members. Where a Board serves two or more Preservation Zones, the Board shall be comprised of seven members. At least three members shall be Renters or Owners of property in the Preservation Zone(s), with a Renter or property Owner representative from each Preservation Zone on the Board. For the purposes of this subsection, a Preservation Zone shall be considered predominantly residential when the total number of residentially zoned lots is greater than the combined total of lots in all other zone classifications. In predominantly residential Preservation Zones, at least three members shall be Owners or Renters who reside in the Preservation Zone. When property is owned or rented by corporations, governments or other organizations, the Board members may be appointees of those organizations. In the event a Preservation Zone is established for an area insufficient in size to provide for a Board whose members meet the requirements of this subsection, for appointment purposes only, the area may be expanded to include the community plan area in which the Preservation Zone is located. In the event a Board still cannot be comprised of members who meet the requirements of this

subsection, the ~~Cultural Heritage Commission~~ Director of Planning shall assume all the powers and duties otherwise assigned to the Board for the Preservation Zone(s), until a Board can be established.

23. Term of Membership. Members of the Board shall serve for a term of four years. Members of the Board whose terms have expired may continue to serve on the Board until their replacements are appointed.

34. Appointment of Members. All members shall have demonstrated a knowledge of, and interest in, the culture, buildings, structures, historic architecture, history and features of the area encompassed by the Preservation Zone and, to the extent feasible, shall have experience in historic preservation. The appointing authorities are encouraged to consider the cultural diversity of the Preservation Zone in making their appointments. Appointees serve at the pleasure of the appointing authority and the appointment may be rescinded at any time prior to the expiration of a member's term. To the maximum extent practicable, members shall be appointed as follows:

(a)

<u>Appointing Body:</u>	<u>Qualifications:</u>
<u>Mayor</u>	<u>One member having extensive real estate or construction experience</u>
<u>Councilmember</u>	<u>One member who is a Renter or Owner of Property in the Preservation Zone(s) shall be appointed by the councilmember of the district in which the Preservation Zone is located</u> <u>Where a Board serves two or more Preservation Zones two Renters or Owners of Property shall be appointed</u>
<u>Cultural Heritage Commission</u>	<u>One member shall be an architect licensed by the State of California</u>
<u>Cultural Heritage Commission</u>	<u>One member who is a Renter or Owner of Property in the Preservation Zone(s)</u> <u>Where a Board serves two or more Preservation Zones two Renters or Owners of Property shall be appointed</u>

<u>Board</u>	<u>One member who is a Renter or Owner of Property in the Preservation Zone(s), pursuant to the criteria set forth in subsection D.4.d.</u>
--------------	---

(b) Where a Board serves two or more Preservation Zones in joint name and administration, a Renter or property Owner representative shall be appointed for each Preservation Zone the Board serves.

(c) In cases where the Preservation Zone(s) is/are located in more than one council district, the appointment shall be made by the councilmember representing the greatest land area in the Preservation Zones

(d) The Board shall consider appointee suggestions from the certified Neighborhood Council representing the district in which the Preservation Zone(s) is/are located. In cases where the Preservation Zone(s) is/are located in an area represented by more than one Neighborhood Council, the appointee suggestions shall be made by the Neighborhood Council representing the greatest land area in the Preservation Zone(s). In those Preservation Zones containing no Certified Neighborhood Councils, or if, after notification of a vacancy by the Planning Department, the Certified Neighborhood Council fails to make suggestions within 45 days, or at least one Certified Neighborhood Council meeting has been held, whichever occurs first, the Board may make its appointment without delay.

~~(a) One member having extensive real estate or construction experience shall be appointed by the Mayor.~~

~~(b) One member who is a Renter or Owner of property in the Preservation Zone shall be appointed by the councilmember of the district in which the Preservation Zone is located. In cases where the Preservation Zone is located in more than one council district, the appointment shall be made by the councilmember representing the greatest land area in the Preservation Zone. In predominantly residential Preservation Zones, the Owner or Renter shall also be a resident of the Preservation Zone.~~

~~(c) Two members, one of which shall be an architect licensed by the State of California, shall be appointed by the Cultural Heritage Commission. In the event only one appointment under (a) or (b) above is a Renter or Owner in the Preservation Zone, then at least one of the appointees of the Cultural Heritage Commission shall be a Renter or Owner of property in the Preservation Zone. In the event neither of the appointments under (a) or (b) above is an Owner of property in the~~

~~Preservation Zone, then at least one of the appointees of the Cultural Heritage Commission shall also be an Owner of property in the Preservation Zone. In predominantly residential Preservation Zones, the Owners or Renters shall also be residents of the Preservation Zone.~~

~~(d) One member, who is an Owner of property in the Preservation Zone, shall be appointed by the Board. The Board shall consider appointee suggestions from the Certified Neighborhood Council representing the district in which the Preservation Zone is located. In predominantly residential Preservation Zones, the Owners or Renters shall also be residents of the Preservation Zone. In cases where the Preservation Zone is located in an area represented by more than one Neighborhood Council, the appointee suggestions shall be made by the Neighborhood Council representing the greatest land area in the Preservation Zone. In those Preservation Zones containing no Certified Neighborhood Councils, or if, after notification of a vacancy by the Planning Department, the Certified Neighborhood Council fails to make suggestions within 30 days, or at least one Certified Neighborhood Council meeting has been held, whichever occurs first, the Board may make its appointment without delay.~~

~~All members shall have demonstrated a knowledge of, and interest in, the culture, buildings, structures, Historic architecture, history and features of the area encompassed by the Preservation Zone and, to the extent feasible, shall have experience in historic preservation. The appointing authorities are encouraged to consider the cultural diversity of the Preservation Zone in making their appointments. Appointees serve at the pleasure of the appointing authority and the appointment may be rescinded at any time prior to the expiration of a member's term.~~

45. Vacancies. In the event of a vacancy occurring during the term of a member of the Board, the same body or official, or their successors, who appointed the member shall make a new appointment. The new appointment shall serve a four year term beginning on the date of appointment. Where the member is required to have specified qualifications, the vacancy shall be filled with a person having these qualifications. If the appointing authority does not make an appointment within 60 days of the vacancy, the President of the City Council shall make a temporary appointment to serve until the appointing authority makes an appointment to occupy the seat or for a period of no more than one year.

56. Expiration of Term. Upon expiration of a term for any member of the Board, the appointment for the next succeeding term shall be made by the same body or official, or their successors, which made the previous appointment. No member of a Board shall serve more than two consecutive four year terms.

67. Boardmember Performance. Boardmembers shall be expected to regularly attend scheduled Board meetings and fully participate in the powers and duties of the Board. Appointees serve at the pleasure of the appointing authority and the appointment may be rescinded at any time prior to the expiration of a member's term. A Boardmember with more than three consecutive unexcused absences or eight unexcused absences in a year period from regularly scheduled meetings may be removed by the appointing authority. Excused absences may be granted by the Board chair. In the event a Boardmember accrues unexcused absences, the Board shall notify the appointing authority.

78. Organization and Administration. Each Board shall schedule regular meetings at fixed times within the month with a minimum of two meetings a month. Meetings may be canceled if no deemed complete applications are received at least three working days prior to the next scheduled meeting. There shall be at least one meeting a year. The Board shall establish rules, procedures and guidelines as it may deem necessary to properly exercise its function. The Board shall elect a Chairperson and Vice-Chairperson who shall serve for a one year period. The Board shall designate a Secretary and ~~Treasurer~~ who shall serve at the Board's pleasure. For a five-member Board, three members shall constitute a quorum. For a seven-member Board, four members shall constitute a quorum. Decisions shall be determined by majority vote of the Board. Public minutes and records shall be kept of all meetings and proceedings showing the attendance, resolutions, findings, determinations and decisions, including the vote of each member. To the extent possible, the staffs of the Department of City Planning and ~~Cultural Affairs Department~~ may assist the Board in performing its duties and functions.

89. Power and Duties. When considering any matter under its jurisdiction, the Board shall have the following power and duties:

(a) To evaluate any proposed changes to the boundaries of the Preservation Zone it administers and make recommendations to the City Planning Commission, Cultural Heritage Commission and City Council.

(b) To evaluate any Historic ~~r~~Resources ~~s~~Survey, resurvey, partial resurvey, or modification undertaken within the Preservation Zone it administers and make recommendations to the City Planning Commission, Cultural Heritage Commission and City Council.

(c) To study, review and evaluate any proposals for the designation of Historic- Cultural Monuments within the Preservation Zone it administers and make recommendations to the Cultural Heritage Commission and City Council, and to request that other City departments

develop procedures to provide notice to the Boards of actions relating to Historic-Cultural Monuments.

(d) To evaluate applications for Certificates of Appropriateness or Certificates of Compatibility and make recommendations to the Director or the Area Planning Commission.

(e) To encourage understanding of and participation in historic preservation by residents, visitors, private businesses, private organizations and governmental agencies.

(f) In pursuit of the purposes of this section, to render guidance and advice to any Owner or occupant on construction, ~~d~~Demolition, Alteration, removal or relocation of any Monument or any building, structure, Landscaping, Natural Feature or lot within the Preservation Zone it administers. This guidance and advice shall be consistent with approved procedures and guidelines, and the Preservation Plan, or in absence of a Plan, the guidance and advice shall be consistent with the Secretary of Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings.

(g) To tour the Preservation Zone it represents on a regular basis, to promote the purposes of this section and to report to appropriate City agencies matters which may require enforcement action.

(h) To assist in the updating of the Historic Resources Survey for the Preservation Zone utilizing the criteria in Subsection F.3.(c), below.

(i) To make recommendations to decision makers concerning façade easements, covenants, and the imposition of other conditions for the purposes of historic preservation.

(j) To make recommendations to the City Council concerning the utilization of grants and budget appropriations to promote historic preservation.

~~**(k)** To employ its own staff or hire consultants as may be required in the performance of its duties.~~

~~**(l)** To accept donations from outside sources to be utilized for historic preservation efforts, and to maintain public records accounting for the funds.~~

(mk) To assist in the preparation of a Preservation Plan, which clarifies and elaborates upon these regulations as they apply to the

Preservation Zone, and which contains the elements listed in Subsection E.3.

910. Conflict of Interest. No Boardmember shall discuss with anyone the merits of any matter pending before the Board other than during a duly called meeting of the Board or subcommittee of the Board. No member shall accept professional employment on a case that has been acted upon by the Board in the previous 12 months or is reasonably expected to be acted upon by the Board in the next 12 months.

E. Preservation Plan. A Preservation Plan clarifies and elaborates upon these regulations as they apply to individual Preservation Zones. A Preservation Plan is used by the Director, Board, property Owners and residents in the application of preservation principles within a Preservation Zone.

1. Preparation of a Preservation Plan. A draft Preservation Plan shall be made available by the Board for review and comment to property Owners and Renters within the Preservation Zone.

(a) Creation of a Preservation Plan where a Board exists. Where established, a Board, with the assistance of the Director, shall prepare a Preservation Plan, which may be prepared with the assistance of historic preservation groups.

(b) Creation of a Preservation Plan where no Board exists. Where no Board exists, or has yet to be appointed, the Director, in consultation with the Councilmember(s) representing the Preservation Zone, may create a working committee of diverse neighborhood stakeholders to prepare a Preservation Plan for the Preservation Zone. This committee shall not assume any duties beyond preparation of the Preservation Plan.

2. Approval of a Preservation Plan.

(a) Commission Hearing and Notice. A draft Preservation Plan shall be set for a public hearing before the City Planning Commission or a hearing officer as directed by the City Planning Commission prior to the Commission action. Notice of the hearing shall be given as provided in Section [12.24](#) D.2. of this Code.

(b) Cultural Heritage Commission Recommendation. The Cultural Heritage Commission shall submit its recommendation regarding a proposed Preservation Plan within 45 days from the date of the submission to the Commission. Upon action, or failure to act, the Cultural Heritage Commission shall transmit its recommendation, comments, and any related files to the City Planning Commission.

(c) **Decision by City Planning Commission.** Following, notice and public hearing, pursuant to Subsection E.2.(a), above, the City Planning Commission may make its report and approve, approve with changes, or disapprove a Preservation Plan.

3. Elements. A Preservation Plan shall contain the following elements:

(a) A mission statement;

(b) Goals and objectives;

(c) A function of the Plan section, including the role and organization of a Preservation Plan, Historic Preservation Overlay Zone process overview, and work exempted from review, if any, and delegation of Board authority to the Director, if any;

(d) The Historic Resources Survey;

(e) A brief context statement which identifies the Historic, architectural and Cultural significance of the Preservation Zone;

(f) Secretary of the Interior's Standards for Rehabilitation and Design guidelines for Rehabilitation or Restoration, Additions, Alterations, infill and the form of single and multi-family residential, commercial, mixed-use and other non-residential buildings, structures, and public areas. The guidelines shall use the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings; and

(g) Preservation incentives and adaptive reuse policies, including policies concerning adaptive reuse projects permitted under Section [12.24](#) X.12. of this Code.

4. Modification of a City Planning Commission Approved Preservation Plan. After approval by the City Planning Commission, a Preservation Plan shall be reviewed by the Board at least every ~~two~~ five years, or as needed. Any modifications to the Plan resulting from the review shall be processed pursuant to the provisions of Subsection E, above.

F. Procedures for Establishment, Boundary Change or Repeal of a Preservation Zone.

1. Requirements. The processing of an initiation or an application to establish, change the boundaries of or repeal a Preservation Zone shall conform

with all the requirements of Section [12.32](#) A. through D. of this Code and the following additional requirements.

2. Initiation of Preservation Zone.

(a) By City Council, the City Planning Commission, the Director of Planning and the Cultural Heritage Commission. In addition to the provisions of LAMC [12.32](#) A., the Cultural Heritage Commission may initiate proceedings to establish, repeal, or change the boundaries of a Preservation Zone. Upon initiation by City Council, the City Planning Commission, the Director of Planning, or the Cultural Heritage Commission, a Historic Resources Survey shall be prepared, pursuant to Subdivision 3., below.

(b) By Application. The proceedings for the establishment of a Preservation Zone may also be initiated by Owners or Renters of property within the boundaries of the proposed or existing Preservation Zone, pursuant to Section [12.32](#) S.3.(b) of this Code. **(Amended by Ord. No. 181,412, Eff. 1/2/11.)**

(1) An Historic Resources Survey shall not be prepared for a proposed Preservation Zone until such an application is verified by the Planning Department to contain the signatures of at least 75 percent of the Owners or lessees of property within the proposed district, pursuant to the requirements of Section [12.32](#) S.3.(b) of this Code. **(Amended by Ord. No. 181,412, Eff. 1/2/11.)**

(2) The application shall not be deemed complete until the requirements of Subsection F.2.(b)(1), above are met and an Historic Resources Survey for the proposed Preservation Zone has been certified by the Cultural Heritage Commission pursuant to Subdivision 4.(a), below.

3. Historic Resources Survey.

(a) Purpose. Each Preservation Zone shall have an Historic Resources Survey, which identifies all Contributing and Non-Contributing Elements and is certified as to its accuracy and completeness by the Cultural Heritage Commission.

(b) Context Statement. In addition to the requirements above, the Historic Resource Survey shall also include a context statement supporting a finding establishing the relation between the physical environment of the Preservation Zone and its history, thereby allowing the identification of Historic features in the area as contributing or non-contributing. The context statement shall represent the history of the area

by theme, place, and time. It shall define the various Historical factors which shaped the development of the area. It shall define a period of significance for the Preservation Zone, and relate Historic features to that period of significance. It may include, but not be limited to, Historical activities or events, associations with Historic personages, architectural styles and movements, master architects, designers, building types, building materials, landscape design, or pattern of physical development that influenced the character of the Preservation Zone at a particular time in history.

(c) Finding of Contribution. For the purposes of this section, no building, structure, Landscaping, or Natural Feature shall be considered a Contributing Element unless it is identified as a Contributing Element in the ~~h~~Historic ~~r~~Resource ~~s~~Survey for the applicable Preservation Zone. Features designated as contributing shall meet one or more of the following criteria:

(1) ~~a~~Adds to the Historic architectural qualities or Historic associations for which a property is significant because it was present during the period of significance, and possesses Historic integrity reflecting its character at that time; or

(2) ~~e~~Owing to its unique location or singular physical characteristics, represents an established feature of the neighborhood, community or city; or

(3) ~~r~~Retaining the building, structure, Landscaping, or Natural Feature, would contribute to the preservation and protection of an Historic place or area of Historic interest in the City.

(d) Modification of a Previously Certified Historic Resources Survey. The City Council, City Planning Commission, or Director may find that a previously certified Historic Resource Survey needs to be modified, and may call for a revision, re-survey, or partial re-survey to a previously certified survey. Modifications, including boundary changes, re-surveys, partial re-surveys, and minor corrections of a previously certified Historic Resources Survey shall be processed as follows:

(1) Revisions involving a boundary change, expansion, or contraction of a Preservation Zone shall be certified by the Cultural Heritage Commission as to the accuracy of the survey, and shall be forwarded to the City Planning Commission for recommendation and the City Council for final ~~approval~~action.

(2) Revisions involving a re-survey or partial re-survey of an existing Preservation Zone shall be certified by the Cultural

Heritage Commission as to the accuracy of the survey, and shall be forwarded to the City Planning Commission for final approval action.

(3) The correction of technical errors and omissions in a previously certified Historic Resource Survey can be made by the Director based on input from the Board and the Cultural Heritage Commission or its designee.

(e) Application Procedure for Redesignation of an Individual Property in a Certified Historic Resources Survey (Technical Correction).

(1) Application, Form and Contents. To apply for a technical correction to a previously certified Historic Resources Survey pursuant to Section 12.20.3.F.3.(d)(3), an applicant shall file an application with the Department of City Planning, on a form provided by the Department, and include all information required by the instructions on the application. Prior to deeming the application complete, the Director shall advise the applicant of the processes to be followed and fees to be paid. Upon receipt of a complete application, the Director or his/her designee shall review all documents submitted and have the authority to approve or deny a technical correction.

(2) Application Fees. The application fees for a Property Survey Redesignation shall be as set forth in Section [19.01F](#).

4. Approval Process.

(a) Cultural Heritage Commission Determination. The Cultural Heritage Commission shall certify each Historic Resources Survey as to its accuracy and completeness, and the establishment of or change in boundaries of a Preservation Zone upon (1) a majority vote and (2) a written finding that structures, Landscaping, and Natural Features within the Preservation Zone meet one or more of criteria (1) through (3), inclusive, in Subdivision 3.(c) of Subsection F. within 45 days from the date of the submission to the Commission. This time limit may be extended for a specified further time period if the Cultural Heritage Commission requests an extension, in writing, from the City Planning Commission. Upon action, or failure to act, the Cultural Heritage Commission shall transmit their determination, comments, and any related files to the City Planning Commission for recommendation.

(b) City Planning Commission Approval. The City Planning Commission shall make its report and recommendation to approve, approve with changes, or disapprove the consideration to establish,

repeal, or change the boundaries of a Preservation Zone, pursuant to Section [12.32](#) C. of this Code. In granting approval, the City Planning Commission shall find that the proposed boundaries are appropriate and make the findings of contribution required in Subsection F.3.(c). The City Planning Commission shall also carefully consider the Historic Resources Survey and the determination of the Cultural Heritage Commission. The Director and the City Planning Commission may recommend conditions to be included in the initial Preservation Plan for a specific Preservation Zone, as appropriate to further the purpose of this section.

(c) City Council. Pursuant to Section [12.32](#) C.7. of this Code, the City Council may approve or disapprove the establishment, repeal, or change in the boundaries of a Preservation Zone. The City Council may require that a specific Preservation Zone does not take effect until a Preservation Plan for the Preservation Zone is first approved by the City Planning Commission.

G. Review of Projects in Historic Preservation Overlay Zones. All Projects within Preservation Zones, except as exempted in Subsection H., shall be submitted in conjunction with an application, if necessary, to the Department of City Planning upon a form provided for that purpose. Upon receipt of an application, the Director shall review a request and find whether the Project requires a Certificate of Appropriateness, pursuant to Subsection K.; a Certificate of Compatibility, pursuant to Subsection L.; or is eligible for review under Conforming Work on Contributing Elements, pursuant to Subsection I.; or Conforming Work on Non-Contributing Elements, pursuant to Subsection J. All questions of Street Visible Area are to be determined by Department of City Planning Staff. In instances where multiple applications are received resulting in a significant cumulative impact, a Certificate Case may be required for additional work.

H. Exemptions. The provisions of ~~this ordinance~~ [section 12.20.3](#) shall not apply to the following:

1. The correction of Emergency or Hazardous Conditions where the Department of Building and Safety, Housing and Community Investment Department, or other enforcement agency has determined that emergency or hazardous conditions currently exist and the emergency or hazardous conditions must be corrected in the interest of the public health, safety and welfare. When feasible, the Department of Building and Safety, Housing and Community Investment Department, or other enforcement agency should consult with the Director on how to correct the hazardous condition, consistent with the goals of the Preservation Zone. However, any other work shall comply with the provisions of this section. **(Amended by Ord. No. 182,718, Eff. 10/30/13.)**

2. Department of Public Works improvements located, in whole or in part, within a Preservation Zone, where the Director finds:

(a) That the certified Historic Resources Survey for the Preservation Zone does not identify any Contributing Elements located within the Right-of-Way and/or where the Right-of-Way is not specifically addressed in the approved Preservation Plan for the Preservation Zone; and

(b) Where the Department of Public Works has completed the CEQA review of the proposed improvement, and the review has determined that the improvement is exempt from CEQA, or will have no potentially significant environmental impacts.

The relevant Board shall be notified of the Project, given a description of the Project, and an opportunity to comment.

3. Work authorized by an approved Historical Property Contract by the City Council, or

4. Where a building, structure, Landscaping, Natural Feature or Lot has been designated as a City Historic-Cultural Monument by the City Council, unless proposed for demolition.

However, those properties with Federal or State historic designation which are not designated as City Historic-Cultural Monuments or do not have a City Historical Property Contract are not exempt from review under ~~this ordinance~~ section 12.20.3.

5. Where work consists of Repair to existing structural elements and foundations with no physical change to the exterior of a building.

6. Where work consists of Interior alterations that do not result in a change to an exterior feature

57. Where the type of work has been specifically deemed Exempt from review as set forth in the approved Preservation Plan for a specific Preservation Zone.

I. Conforming Work on Contributing Elements. ~~Conforming Work on Contributing Elements includes: Restoration work, Maintenance and Repair, Additions of less than 250 square feet with no increase in height and which are not located within the front yard or street-side yard, and demolition taken in response to natural disaster.~~

Conforming Work may fall into two categories, Major Conforming Work and Minor Conforming Work. It is the further intent of this section to require Conforming Work on Contributing Elements for some Projects which may, or may not, require a building permit, including, but not limited to, changing exterior paint color, removal of significant

trees or Landscaping, installation or removal of fencing, window and door replacement, changes to public spaces, and similar Projects. Conforming Work meeting the criteria and thresholds set forth in this subsection shall not require Certificates of Appropriateness set forth in Subsection K.

1. Procedure. Pursuant to Subsection G., the Director shall forward applications for Conforming Work on Contributing Elements to the Board for conformance review and sign off. The Board may delegate its review authority to the Director of Planning as specified in the Preservation Plan approved for the Preservation Zone.

(a) Application, Form and Contents. To apply for Conforming Work on a Contributing Element, an owner shall file an application with the Department of City Planning and include all information required by the instructions on the application. Prior to deeming the application complete, the Director shall determine and, if necessary, advise the applicant of the processes to be followed and fees to be paid.

(b) Application Fees. The application fees for Major Conforming Work on a Contributing Element shall be as set forth in Section [19.01F](#). Minor Conforming Work shall not require an application fee.

2. Review Criteria. A request for Conforming Work on Contributing Elements shall be reviewed for conformity with the Preservation Plan for the Preservation Zone, or if none exists, the Secretary of Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings, and at least one of following conditions:

~~(a) Where the building, structure, Landscaping, or Natural Feature within the Preservation Zone is being restored to its original appearance; or~~

~~(b) Where a building, structure, Landscaping, or Natural Feature within a Preservation Zone has been damaged by fire, earthquake or other natural disaster to the extent that it cannot be repaired or restored with reasonable diligence and where demolition of the structure, Landscaping, Natural Feature or Lot is being requested (subject to the provisions of Public Resources Code Section 5028, where applicable);~~

~~(c) Where Maintenance or Repair work is undertaken with respect to any building, structure, Landscaping, Natural Feature or lot, or the work does not require the issuance of a building permit, pursuant to Section 91.106.2 of this Code; or~~

(d) Where the Project consists of an Addition of less than 250 square feet to any building, structure, the Addition is not located within the front yard or street-side yard, and no increase in height is proposed.

<u>Review Criteria for Contributing Elements:</u>		
		<u>Project Scope:</u>
<u>(a) Minor Conforming Work</u>	<u>(1).</u>	<u>Restoration work, Rehabilitation, Maintenance, and/or Repair of architectural features on any Contributing Building, structure, Landscaping, Natural Feature or lot</u>
	<u>(2).</u>	<u>Projects that do not require the issuance of a building permit but affect the building or site, pursuant to Section 91.106.2 of this Code</u>
<u>(b) Major Conforming Work</u>	<u>(1).</u>	<u>Addition(s) to any and all structures on a lot or new Building(s) that satisfy all of the following:</u> <u>(a) The Addition(s) or new Building(s) result(s) in an increase of less than twenty (20) percent of the Building Coverage legally existing on the effective date of the Historic Preservation Overlay Zone.</u> <u>(b) The Addition(s) or new Building(s) is/are located outside of a Street Visible Area,</u> <u>(c) No increase in height is proposed, and</u> <u>(d) The Addition(s) and/or new Building does/do not involve two or more structures</u>
	<u>(2).</u>	<u>Construction of detached garage, porte cochere, carport, storage building, tool or garden shed, or animal-keeping use structure in a Street Visible Area in which the proposed square footage is equal to less than ten (10) percent of the lot area</u>
	<u>(3).</u>	<u>Demolition of a detached garage, porte cochere, carport, storage building, tool or garden shed, or animal-keeping use structure pursuant to the criteria set forth in subsection I.2.c.</u>
	<u>(4).</u>	<u>demolition and Reconstruction taken in response to natural disaster or to correct a hazardous condition (subject to the provisions of Public Resources Code Section 5028, where applicable)</u>
	<u>(5).</u>	<u>Correction of Code Enforcement Conditions</u>

(c) Where the Project consists of the Demolition of a detached garage, porte cochere, carport, storage building, tool or garden shed, or animal-keeping use structure. The Director of Planning shall review a request and determine whether such requests qualify for review under Conforming Work, based on at least one of the following considerations:

(1) It can be demonstrated that the structure was built outside of the Period of Significance for the HPOZ through building permits, or where building permits do not exist, through Sanborn Fire Insurance Maps or historic records or photographs.

(2) The Demolition of the structure will not degrade the status of the lot as a Contributing Element in the Historic Preservation Overlay Zone.

(3) The Demolition will not affect the integrity and development pattern of the district as a whole.

Any request for the Demolition of a detached garage, porte cochere, carport, storage building, tool or garden shed, or animal-keeping use structure that does not meet one or more of the above criteria shall be reviewed pursuant to Certificate of Appropriateness provisions in Section 12.20.3.K.4.

3. Time to Act. The Board shall act on the request for Conforming Work on Contributing Elements at its next agendaized Board meeting within 21 days of the Director deeming an application complete, unless the applicant and the Director mutually agree in writing to an extension of time. The applicant may request a transfer of jurisdiction to the Director if the Board fails to act within 21 days. Applications reviewed under Conforming Work shall be agendaized by the Board.

4. Certification. The Board shall review and sign off a request for Conforming Work on Contributing Elements if it finds that the work meets the criteria as set forth in Subdivision 2., above. The Board does not have the authority to impose conditions on Conforming Work. If the Board finds that the work does not meet the criteria, as set forth in Subdivision 2., above, it shall specify in writing as to why.

5. If an application fails to conform to the criteria of Conforming Work on Contributing Elements, an applicant may elect to file for review under the Certificate of Appropriateness procedure pursuant to Subsection K.

J. Conforming Work on Non-Contributing Elements. ~~Conforming Work on Non-Contributing Elements includes: work undertaken on any building, structure, Natural Feature, lot, or Landscaping, that is not listed as a Contributing Element in the Historic Resources Survey, or that is not listed in the Historic Resources Survey; except~~

~~that, the construction of a new building or building replacement, or the demolition of buildings or structures not listed as Contributing Elements shall not qualify as conforming work on Non-Contributing Elements. The relocation of buildings or structures dating from the Preservation Zone's period of significance onto a lot designated as a Non-Contributing Element in a Preservation Zone, are eligible for review under Conforming Work on Non-Contributors.~~

Conforming Work may fall into two categories, Major Conforming Work and Minor Conforming Work. It is the further intent of this section to require Conforming Work on Non-Contributing Elements for some Projects which may, or may not, require a building permit, including, but not limited to, changing exterior paint color, removal of trees or Landscaping, installation or removal of fencing, window and door replacement, changes to public spaces, and similar Projects. Conforming Work meeting the criteria and thresholds set forth in this subsection shall not require Certificates of Compatibility set forth in Subsection L. However, an applicant not approved under Subsection J. may elect to file for a Certificate of Compatibility.

1. Procedure. Pursuant to Subsection G., the Director shall forward applications for Conforming Work on Non-Contributing Elements to the Board for conformance review and sign off. The Board may delegate its review authority to the Director as specified in the Preservation Plan approved for the Preservation Zone.

(a) **Application, Form and Contents.** To apply for Conforming Work on a Non-Contributing Element, an owner shall file an application with the Department of City Planning and include all information required by the instructions on the application. Prior to deeming the application complete, the Director shall determine and, if necessary, advise the applicant of the processes to be followed and fees to be paid.

(b) **Application Fees.** The application fees for Major Conforming Work on a Non-Contributing Element shall be as set forth in Section 19.01F. Minor Conforming Work shall not require an application fee.

2. Review Criteria. ~~A request for Conforming Work on Non-Contributing Elements shall be signed off by the Board if they find: the work involves the relocation of buildings or structures dating from the Preservation Zone's period of significance onto a lot in the Preservation Zone; or the work is undertaken solely on a feature within the Preservation Zone that is identified as Non-Contributing in the Historic Resources Survey, or not listed in the Historic Resources Survey, and the work does not involve the construction of a new building, building replacement or demolition. A request for Conforming Work on Non-Contributing Elements shall be reviewed for conformity with the Preservation Plan for the Preservation Zone, and at least one of following conditions:~~

Review Criteria for Non-Contributing Elements:	
	<u>Project Scope:</u>
<u>(a) Minor Conforming Work</u>	<u>(1)</u> <u>Rehabilitation, Maintenance, or Repair of architectural features on any Non-Contributing building, structure, Landscaping, Natural Feature or lot</u>
	<u>(2)</u> <u>Relocation of buildings or structures dating from the Preservation Zone's Period of Significance onto a lot designated as a Non-Contributing Element in a Preservation Zone</u>
	<u>(3)</u> <u>Projects that do not require the issuance of a building permit but affect the building or site, pursuant to Section 91.106.2 of this Code</u>
<u>(b) Major Conforming Work</u>	<u>(1)</u> <u>Addition(s) to any and all structures on a lot</u>
	<u>(2)</u> <u>Construction or Demolition of a structure located outside of a Street Visible Area</u>
	<u>(3)</u> <u>Construction of a detached garage, porte cochere, carport, storage building, tool or garden shed, or animal-keeping use structure located in a Street Visible Area in which the proposed square footage is equal to less than ten (10) percent of the lot area</u>
	<u>(4)</u> <u>Relocation or Demolition of a detached garage, porte cochere, carport, storage building, tool or garden shed, or animal-keeping use structure located in a Street Visible Area</u>
	<u>(5)</u> <u>Correction of Code Enforcement conditions</u>

3. Time to Act. The Board shall act on a request for Conforming Work on Non- Contributing Elements at its next agendized Board meeting within 21 days of the Director deeming an application complete, unless the applicant and the Director mutually agree in writing to an extension of time. The applicant may request a transfer of jurisdiction to the Director if the Board fails to act within the ~~specified time~~ 21 days. Applications reviewed under Conforming Work shall be agendized by the Board.

4. Certification. The Board shall review and sign off a request for Conforming Work on Non-Contributing Elements if it finds that the work meets the criteria as set forth in Subdivision 2., above. The Board does not have the authority to impose conditions on Conforming Work. If the Board finds that the work does not meet the criteria, as set forth in Subdivision 2., above, it shall specify in writing as to why.

5. If an application fails to conform to the criteria of Conforming Work on Non-Contributing Elements, an applicant may elect to file for review under the Certificate of Compatibility procedure pursuant to Subsection L.

K. Certificate of Appropriateness for Contributing Elements.

1. Purpose. It is the intent of this section to require the issuance of a Certificate of Appropriateness for any Project affecting a Contributing Element, except as set forth in Subdivision 2.(b), below. It is the further intent of this section to require a Certificate of Appropriateness for some Projects which may, or may not, require a building permit, including, but not limited to, changing exterior paint color, removal of significant trees or Landscaping, installation or removal of fencing, window and door replacement which are character-defining features of architectural styles, changes to public spaces and similar Projects. However, an applicant not approved under Subsection I. may elect to file for a Certificate of Appropriateness.

2. Requirements.

(a) Prohibition. No person shall construct, add to, alter, ~~d~~Demolish, relocate or remove any building, structure, Landscaping, or Natural Feature designated as contributing in the Historic Resources Survey for a Preservation Zone unless a Certificate of Appropriateness has been approved for that action pursuant to this section, with the exception of Conforming Work on Contributing Elements, which shall not require a Certificate of Appropriateness. In the event that Demolition, removal, or relocation has occurred without a Certificate of Appropriateness for Demolition, Removal, or Relocation having been approved for such action pursuant to this sub-paragraph 12.20.3.K.5, a Certificate of Appropriateness shall be based on the existing conditions of the Historic Resource prior to the Demolition, removal, or relocation. No Certificate of Appropriateness shall be approved unless the plans for the construction, ~~d~~Demolition, Alteration, Addition, relocation, or removal conform with the provisions of this section. Any approval, conditional approval, or denial shall include written findings in support.

(b) Conforming Work. Nothing in this section shall be construed as to require a Certificate of Appropriateness for the ordinary Maintenance

and Repair of any exterior architectural feature of a property within a Preservation Zone, which does not involve a change in design, material, color, or outward appearance. Work meeting the criteria for Conforming Work on Contributing Elements shall not require a Certificate of Appropriateness.

3. Procedures For Obtaining A Certificate of Appropriateness.

(a) Any plan for the construction, Addition, Alteration, ~~d~~Demolition, Reconstruction, relocation or removal of a building, structure, Landscaping, or Natural Feature, or any combination designated as contributing in the Historic Resources Survey for a Preservation Zone shall be submitted, in conjunction with an application, to the Department of City Planning upon a form provided for that purpose. Upon an application being deemed complete by the Director, one copy each of the application and relevant documents shall be mailed by the Department of City Planning to both the Cultural Heritage Commission and to each Board member for the Preservation Zone for evaluation.

(b) Application Fees. The application fees for a Certificate of Appropriateness shall be as set forth in Section [19.01F](#).

(bc) Cultural Heritage Commission and Board Recommendations. After notice and hearing pursuant to Subsection M. below, the Cultural Heritage Commission and the Board shall submit its recommendation to the Director as to whether the Certificate should be approved, conditionally approved or disapproved. In the event that the Cultural Heritage Commission or Board does not submit its recommendations within 30 days of the postmarked date of mailing of the application from the City Planning Department, the Cultural Heritage Commission or Board shall be deemed to have forfeited all jurisdiction in the matter and the Certificate may be approved, conditionally approved or disapproved as filed. The applicant and the Director may mutually agree in writing to a longer period of time for the Board to act.

(ed) Director and Area Planning Commission Determination. The Director shall have the authority to approve, conditionally approve or disapprove a Certificate of Appropriateness for construction, Addition, Alteration or Reconstruction. The Area Planning Commission, shall have the jurisdiction to approve, conditionally approve or disapprove a Certificate of Appropriateness for ~~d~~Demolition, removal or relocation.

(de) Time to Act. The Director or Area Planning Commission, whichever has jurisdiction, shall render a determination on any Certificate of Appropriateness within 75 days of an application being deemed

complete, unless the applicant and the Director mutually consent in writing to a longer period. A copy of the determination shall be mailed to the applicant, the Board, the Cultural Heritage Commission and any other interested parties. No Certificate of Appropriateness shall be issued until the appeal period, as set forth in Subsection N. has expired or until any appeal has been resolved.

(ef) Other City Approvals. The requirements for a Certificate of Appropriateness are in Addition to other City approvals (building permits, variances, etc.) or other legal requirements, such as Public Resources Code Section 5028, which may be required. The time periods specified above may be extended if necessary with the written mutual consent of the applicant and the Director.

(g) Modification of an Approved Certificate of Appropriateness.
Once a Certificate of Appropriateness becomes effective, any subsequent proposed modification to the project shall require review by the Director, who shall grant approval of the modification if he or she finds the modification to be substantially in conformance with the original approved project. If the Director finds that the proposed modification does not substantially conform with the original approved project, then the applicant shall resubmit the project for a new Certificate of Appropriateness.

(1) Modification Procedure. To modify an approved Certificate of Appropriateness, an applicant shall submit to the Department of City Planning plans, elevations, or details of the proposed modification and any additional information determined necessary for conformance review. The Director may forward proposed modifications to the Board and/or the Cultural Heritage Commission's Designee for consultation.

4. Standards for Issuance of Certificate of Appropriateness for Construction, Addition, Alteration, or Reconstruction. The Director shall base a determination whether to approve, conditionally approve or disapprove a Certificate of Appropriateness for construction, Addition, Alteration or Reconstruction on each of the following:

(a) If no Preservation Plan exists; whether the Project complies with Standards for Rehabilitation approved by the United States Secretary of the Interior considering the following factors:

- (1)** architectural design;
- (2)** height, bulk, and massing of buildings and structures;
- (3)** lot coverage and orientation of buildings;

- (4) color and texture of surface materials;
- (5) grading and site development;
- (6) Landscaping;
- (7) changes to Natural Features;
- (8) antennas, satellite dishes and solar collectors;
- (9) off-street parking;
- (10) light fixtures and street furniture;
- (11) steps, walls, fencing, doors, windows, screens and security grills;
- (12) yards and setbacks; or
- (13) signs; and

(b) Whether the Project protects and preserves the Historic and architectural qualities and the physical characteristics which make the building, structure, landscape, or Natural Feature a Contributing Element of the Preservation Zone; or

(c) If a Preservation Plan exists; whether the Project complies with the Preservation Plan approved by the City Planning Commission for the Preservation Zone.

5. Standards for Issuance of Certificate of Appropriateness for Demolition, Removal or Relocation. Any person proposing to ~~d~~Demolish, remove or relocate any contributing building, structure, Landscaping, or Natural Feature within a Preservation Zone not qualifying as Conforming Work on Contributing Elements shall apply for a Certificate of Appropriateness and the appropriate environmental review.

No Certificate of Appropriateness shall be issued to ~~d~~Demolish, remove or relocate any building, structure, Landscaping, Natural Feature or Lot within a Preservation Zone that is designated as a Contributing Element and the application shall be denied unless the Owner can demonstrate to the Area Planning Commission—that the Owner would be deprived of all economically viable use of the property. In making its determination, the Area Planning Commission—shall consider any evidence presented concerning the following:

(a) An opinion regarding the structural soundness of the structure and its suitability for continued use, renovation, Restoration or Rehabilitation from a licensed engineer or architect who meets the Secretary of the Interior's Professional Qualification Standards as established by the Code of Federal Regulation, 36 CFR Part 61. This opinion shall be based on the Secretary of the Interior's Standards for Architectural and Engineering Documentation with Guidelines;

(b) An estimate of the cost of the proposed Alteration, construction, ~~d~~Demolition, or removal and an estimate of any additional cost that would be incurred to comply with the recommendation of the Board for changes necessary for it to be approved;

(c) An estimate of the market value of the property in its current condition; after completion of the proposed Alteration, construction, ~~d~~Demolition, or removal; after any expenditure necessary to comply with the recommendation of the Board for changes necessary for the Area Planning Commission to approve a Certificate of Appropriateness; and, in the case of a proposed ~~d~~Demolition, after renovation of the existing structure for continued use;

(d) In the case of a proposed ~~d~~Demolition, an estimate from architects, developers, real estate consultants, appraisers, or other real estate professionals experienced in Rehabilitation as to the economic feasibility of Restoration, renovation or Rehabilitation of any existing structure or objects. This shall include tax incentives and any special funding sources, or government incentives which may be available.

(e) In a case where Demolition, removal, or relocation of any Contributing Element, without a Certificate of Appropriateness for Demolition, Removal, or Relocation has occurred, 12.20.3.K.5 shall not apply. Procedures in 12.20.3.K.1-4 and/or 12.20.3.Q shall apply.

L. Certificate of Compatibility for Non-Contributing Elements.

1. Purpose. ~~The construction of a new building or structure on a lot designated as a Non-Contributing Element, the replacement of existing Non-Contributing Elements, the relocation of buildings or structures not dating from the Preservation Zone's period of significance onto a lot designated as a Non-Contributing Element, and the demolition of any building or structure on a lot designated as a Non-Contributing Element, shall require a Certificate of Compatibility to assure compatibility with the character of the Preservation Zone and~~ The intent of this section is to assure ensure compatibility of Non-Contributing Elements with the character of the Preservation Zone and to assure ensure that the any construction or ~~d~~Demolition work is undertaken in a manner that does not impair the essential form and integrity of the Historic character of its

environment. ~~An applicant not approved under Subsection J may elect to file for a Certificate of Compatibility.~~

(a) A request for a Certificate of Compatibility shall be reviewed for conformity with the Preservation Plan for the Preservation Zone and shall consist of at least one of following project types:

(1) Where the Project on a Non-Contributing Element does not qualify as Conforming Work;

(2) Where a structure is constructed or Demolished in a Street Visible Area on a lot designated as a Non-Contributing Element;

(3) Where structures not dating from the Preservation Zones period of significance are replaced or relocated onto a lot designated as a Non-Contributing Element.

(b). Other types of work solely involving Non-Contributing Elements, including the relocation of buildings or structures dating from the Preservation Zone's period of significance onto a lot designated as a Non-Contributing Element, are eligible for review under Conforming Work on Non-Contributors as set forth in Subsection J. The Director shall review a request, pursuant to Subsection G. and find whether the application is eligible for Conforming Work on Non-Contributors as outlined in Subsection J. or requires a Certificate of Compatibility. An applicant not approved under Subsection J may elect to file for a Certificate of Compatibility.

~~**2. Prohibition.** No person shall construct a new building or structure on a lot designated as a Non-Contributing Element, replace any existing building or structure designated as a Non-Contributing Element or not listed in the Historic Resources Survey for the Preservation Zone or demolish any building or structure on a lot designated as a Non-Contributing Element unless a Certificate of Compatibility has been approved for that action pursuant to this section. No Certificate of Compatibility shall be approved unless the plans for construction, replacement or demolition conforms with the provisions of this section. Any approval, conditional approval, or denial shall include written findings in support. No person shall construct, add to, alter, Demolish, relocate or remove any building, structure, Landscaping, or Natural Feature designated as a Non-Contributing Element or not listed in the Historic Resources Survey for a Preservation Zone unless a Certificate of Compatibility has been approved for that action pursuant to this section. Additions and Alterations may be exempt from this section provided they meet the criteria in Subsection J. No Certificate of Compatibility shall be approved unless the plans for the construction, Demolition, Alteration, Addition, relocation, or removal conform with the provisions of this~~

section. Any approval, conditional approval, or denial shall include written justification pursuant to section 12.20.3.L.4.

3. Procedures For Obtaining A Certificate of Compatibility.

~~(a) Any plan for the construction of a new building or structure on a lot designated as a Non-Contributing Element, the replacement of existing Non-Contributing Elements, the relocation of buildings or structures not dating from the Preservation Zone's period of significance onto a lot designated as a Non-Contributing Element, or the demolition of any building or structure on a lot designated as a Non-Contributing Element, Plans shall be submitted, in conjunction with an application, to the Department of City Planning upon a form provided for that purpose. Upon an application being deemed complete by the Director, one copy of the application and relevant documents shall be mailed by the Department of City Planning to each Boardmember of the Preservation Zone for evaluation.~~

(b) Application Fees. The application fees for a Certificate of Compatibility shall be as set forth in Section [19.01F](#).

(bc) Cultural Heritage Commission and Board Recommendations. After notice and hearing pursuant to Subsection M. below, the Cultural Heritage Commission and the Board shall submit its recommendation to the Director as to whether the Certificate of Compatibility should be approved, conditionally approved, or disapproved within 30 days of the postmarked date of mailing of the application from the City Planning Department. In the event the Cultural Heritage Commission or the Board does not submit its recommendation within 30 days, the Cultural Heritage Commission or the Board shall forfeit all jurisdiction. The applicant and the Director may mutually agree in writing to a longer period of time for the Board to act.

(cd) Director Determination. The Director shall have the authority to approve, conditionally approve or disapprove a Certificate of Compatibility ~~for the construction of a new building or structure on a lot designated as a Non-Contributing Element, the replacement of existing Non-Contributing Elements, the relocation of buildings or structures not dating from the Preservation Zone's period of significance onto a lot designated as a Non-Contributing Element, or the demolition of any building or structure on a lot designated as a Non-Contributing Element.~~

(de) Time to Act. The Director shall render a determination on a Certificate of Compatibility within 75 days of an application being deemed

complete, unless the applicant and the Director mutually consent in writing to a longer period. A copy of the determination shall be mailed to the applicant, the Board, and any other interested parties. No permits shall be issued for the subject Certificate of Compatibility shall be issued until the appeal period, as set forth in Subsection N., has expired or until any appeal has been resolved.

(ef) Other City Approvals. The requirements for a Certificate of Compatibility are in addition to other City approvals (building permits, variances, etc.) and other legal requirements, such as Public Resources Code Section 5028, which may be required. The time periods specified above may be extended if necessary with the written mutual consent of the applicant and the Director.

(g) Modification of an Approved Certificate of Compatibility. Once a Certificate of Compatibility becomes effective, any subsequent proposed modification to the project shall require review by the Director, who shall grant approval of the modification if he or she finds the modification to be substantially in conformance with the original approved project. If the Director finds that the proposed modification does not substantially conform with the original approved project, then the applicant shall resubmit the project for a new Certificate of Compatibility.

(1) Modification Procedure. To modify an approved Certificate of Compatibility, an applicant shall submit to the Department of City Planning plans, elevations, or details of the proposed modification and any additional information determined necessary for conformance review. The Director may forward proposed modifications to the Board and/or the Cultural Heritage Commission's Designee for consultation.

4. Standards for Issuance of Certificate of Compatibility for New Building Construction or Replacement, and the Relocation of Buildings or Structures Not Dating from the Preservation Zone's Period of Significance Onto a Lot Designated as a Non- Contributing Element. The Director shall base a determination whether to approve, conditionally approve or disapprove a Certificate of Compatibility on each of the following:

(a) If no Preservation Plan exists; whether the following aspects of the Project do not impair the essential form and integrity of the Historic character of its surrounding built environment, considering the following factors;

(1) architectural design;

- (2) height, bulk, and massing of buildings and structures;
- (3) lot coverage and orientation of buildings;
- (4) color and texture of surface materials;
- (5) grading and lot development;
- (6) Landscaping;
- (7) changes to Natural Features;
- (8) steps, walls, fencing, doors, windows, screens, and security grills;
- (9) yards and setbacks;
- (10) off street parking;
- (11) light fixtures and street furniture;
- (12) antennas, satellite dishes and solar collectors; or
- (13) signs.

New construction shall not destroy Historic features or materials that characterize the property. The design of new construction shall subtly differentiate the new construction from the surrounding Historic built fabric, and shall be contextually compatible with the massing, size, scale, and architectural features of nearby structures in the Preservation Zone; or

(b) whether the Project complies with the Preservation Plan approved by the City Planning Commission for the Preservation Zone.

5. Certificates of Compatibility for the Demolition of Non-Contributing Elements. After notice and hearing pursuant to Subsection M. below, the Board shall submit its comments on a request to ~~d~~Demolish a Non-Contributing Element, considering the impact(s) of the ~~d~~Demolition of the Non-Contributing Element to the essential form and integrity of the Historic character of its surrounding built environment within 30 days of the postmarked date of mailing of the application from the City Planning Department. In the event the Board does not submit its comment within 30 days, the Board shall forfeit all jurisdiction. The applicant and the Director may mutually agree in writing to a longer period of time for the Board to comment.

(a) In a case where Demolition of any Non-Contributing Element, without a Certificate of Compatibility for the Demolition of Non-Contributing Elements or permit has occurred, 12.20.3.L.5. shall not apply. Procedures in 12.20.3.L.1.-4. and/or 12.20.3.Q shall apply.

M. Notice and Public Hearing. Before making its recommendation to approve, conditionally approve or disapprove an application pursuant to this section for a Certificate of Appropriateness or Certificate of Compatibility, the Board shall hold a public hearing on the matter. The applicant shall notify the Owners and occupants of all properties abutting, across the street or alley from, or having a common corner with the subject property at least ten days prior to the date of the hearing. Notice of the public hearing shall be posted by the applicant in a conspicuous place on the subject property at least ten days prior to the date of the public hearing.

1. A copy of the Board's recommendation pursuant to Subsection K.3.(b) regarding a Certificate of Appropriateness or Subsection L.3.(b) regarding a Certificate of Compatibility shall be sent to the Director.

2. A copy of the final determination by the Director, or Area Planning Commission shall be mailed to the Board, to the Cultural Heritage Commission, to the applicant, and to other interested parties.

N. Appeals. For any application for a Certificate of Appropriateness pursuant to Subsection K. or a Certificate of Compatibility pursuant to Subsection L., the action of the Director or the Area Planning Commission shall be deemed to be final unless appealed. No Certificate of Appropriateness or Certificate of Compatibility, shall be deemed approved or issued until the time period for appeal has expired.

1. An initial decision of the Director is appealable to the Area Planning Commission

2. An initial decision by the Area Planning Commission is appealable to the City Council.

An appeal may be filed by the applicant or any aggrieved party. An appeal may also be filed by the Mayor or a member of the City Council. Unless a Board member is an applicant, he or she may not appeal any initial decision of the Director Area Planning Commission as it pertains to this section. An appeal shall be filed at the public counter of the Planning Department within 15 days of the date of the decision to approve, conditionally approve, or disapprove the application for Certificate of Appropriateness or Certificate of Compatibility. The appeal shall set forth specifically how the petitioner believes the findings and decision are in error. An appeal shall be filed in triplicate, and the Planning Department shall forward a copy to the Board and the Cultural Heritage Commission. The appellate body may grant, conditionally grant or deny the appeal. Before acting on any appeal, the appellate body shall set the matter for hearing, giving a minimum of 15 days notice to the applicant, the appellant, the Cultural

Heritage Commission, the relevant Board and any other interested parties of record. The failure of the appellate body to act upon an appeal within 75 days after the expiration of the appeal period or within an additional period as may be agreed upon by the applicant and the appellate body shall be deemed a denial of the appeal and the original action on the matter shall become final.

O. Authority of Cultural Heritage Commission not Affected. Notwithstanding any provisions of this section, nothing here shall be construed as superseding or overriding the Cultural Heritage Commission's authority as provided in Los Angeles Administrative Code Sections [22.132](#) and [22.133](#).

P. Publicly Owned Property. The provisions of this section shall apply to any building, structure, Landscaping, Natural Feature or lot within a Preservation Zone which is owned or leased by a public entity to the extent permitted by law.

Q. Enforcement. The Department of Building and Safety, the Housing and Community Investment Department, or any successor agencies, whichever has jurisdiction, shall make all inspections of properties which are in violation of this section when apprized that work has been done or is required to be done pursuant to a building permit. Violations, the correction of which do not require a building permit, shall be investigated and resolved jointly by the Planning Department, the Department of Building and Safety, the Housing and Community Investment Department, or any successor agencies, whichever has jurisdiction, and if a violation is found, the Planning Department may then request the Department of Building and Safety, the Housing and Community Investment Department or any successor agencies to issue appropriate orders for compliance. Any person who has failed to comply with the provisions of this section shall be subject to the provisions of Section [11.00](#) (m) of this Code. The Owner of the property in violation shall be assessed a minimum inspection fee, as specified in Section [98.0412](#) of this Code for each site inspection. No building permit shall be cleared by the Planning Department while an outstanding violation exists, regardless of whether a building permit is required or not for the violation. (Amended by Ord. No. 182,718, Eff. 10/30/13.)

R. Demolition of Buildings without a Permit. In the event a Contributing or Non-Contributing Element, or a portion thereof, is Demolished or relocated without benefit of a building permit and Certificate of Appropriateness or Certificate of Compatibility approvals pursuant to Sections 12.20.3.K.5 and 12.20.3.L.5, the matter shall be reviewed by the Director of Planning as follows:

S. Preliminary Evaluation of Demolition or Relocation without Permit.

1. Purpose. The purpose of this subsection is to require the documentation of the loss of historic features as a result of unpermitted construction or Demolition activities, relocation, neglectful ownership, or man-made disaster.

2. Prohibition. Where all or portions of a Contributing or Non-Contributing Element have been Demolished or relocated without the necessary approvals, the provisions of 12.20.3.K.5 (COA-DEM) or 12.20.3.L.5 (CCMP) shall not apply. Upon completion of a Preliminary Evaluation of Demolition or Relocation without Permit, and 91.106.4.1(10) proceedings by the Department of Building and Safety; an application for Certificate of Appropriateness or Certificate of Compatibility shall be reviewed in accordance with the provisions of Sections 12.20.3.K and 12.20.3.L, whichever is applicable.

3. Procedures

(a) Evaluation. The Director of Planning or his or her designee can initiate review on the Demolition or relocation of a structure, in whole or in part, commenced prior to the issuance of a building permit. During the investigation, all work on the site shall cease and an order to comply shall be issued per section 12.20.3.Q. Review by the Director shall include, but is not limited to: documentation of the structure(s) as it(they) existed at the time of the Historic Resources Survey, permit history research, site visits, documentation of the loss of building features, identification of salvageable features, and evaluation of the demolition's impact on the historic resource.

(b) Evaluation Fees. Fees for the preliminary evaluation will be assessed pursuant to 19.01xxx.

4. Notice. A copy of the evaluation shall be mailed to the Department of Building and Safety, the applicant, the Board, Council Office, and any other interested parties.

5. Proceedings per LAMC Section 91.106.4.1(10). Upon completion of the evaluation, the matter shall be referred to the Department of Building and Safety for investigation and enforcement pursuant to LAMC Section 91.106.4.1(10). The Department of Building and Safety shall be authorized to withhold development permits on said property for five years if it determines that demolition occurred in violation of the LAMC Section 91.106.4.1(10). Any person who has failed to comply with the provisions of section 12.20.3.K.5. or 12.20.3.L.5 shall be subject to the provisions of Section 11.00 (l) of this Code.

6. During the LAMC Section 91.106.4.1(10). proceedings and the five year penalty period, the property owner shall be responsible for protecting any features of the original structure which remain intact, securing the property from vandalism and theft, and keeping the property free of other nuisances.

RT. Injunctive Relief. Where it appears that the Owner, occupant or person in charge of a building, structure, Landscaping, Natural Feature, lot or area within a Preservation Zone threatens, permits, is about to do or is doing any work or activity in violation of this section, the City Attorney may forthwith apply to an appropriate court for

a temporary restraining order, preliminary or permanent injunction, or other or further relief as appears appropriate.

SU. (Deleted by Ord. No. 182,106, Eff. 5/20/12.)

Section 2. The City Clerk shall certify to the passage of this ordinance and have it published in accordance with Council policy, either in a daily newspaper circulated in the City of Los Angeles or by posting for ten days in three public places in the City of Los Angeles: one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall; one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall East; and one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records.

I hereby certify that this ordinance was passed by the Council of the City of Los Angeles, at its meeting of _____.

HOLLY L. WOLCOTT, City Clerk

By _____
Deputy

Approved _____

Mayor

Approved as to Form and Legality

MICHAEL N. FEUER, City Attorney

By _____

City Attorney

File No. _____

EXHIBIT B:
Categorical Exemption

COUNTY CLERK'S USE

CITY OF LOS ANGELES

CITY CLERK'S USE

OFFICE OF THE CITY CLERK
200 NORTH SPRING STREET, ROOM 360
LOS ANGELES, CALIFORNIA 90012

CALIFORNIA ENVIRONMENTAL QUALITY ACT

NOTICE OF EXEMPTION

(California Environmental Quality Act Section 15062)

Filing of this form is optional. If filed, the form shall be filed with the County Clerk, 12400 E. Imperial Highway, Norwalk, CA 90650, pursuant to Public Resources Code Section 21152 (b). Pursuant to Public Resources Code Section 21167 (d), the filing of this notice starts a 35-day statute of limitations on court challenges to the approval of the project. Failure to file this notice with the County Clerk results in the statute of limitations being extended to 180 days.

LEAD CITY AGENCY: City of Los Angeles Department of City Planning; COUNCIL DISTRICT: All

PROJECT TITLE: Historic Preservation Overlay Zone (HPOZ) Code Amendments; LOG REFERENCE: ENV-2016-1907-CE, CPC-2016-1906-CA

PROJECT LOCATION: Citywide

DESCRIPTION OF NATURE, PURPOSE, AND BENEFICIARIES OF PROJECT: An ordinance amending Section 12.20.3 of the Los Angeles Municipal Code addressing Historic Preservation Overlay Zones, or historic districts, to modify Board composition and administration, modify procedures regarding the historic status of properties, modify procedures regarding review of projects, and establish procedures regarding demolition of historic resources.

NAME OF PERSON OR AGENCY CARRYING OUT PROJECT, IF OTHER THAN LEAD CITY AGENCY: Omega

CONTACT PERSON: Blair Smith; AREA CODE: 213; TELEPHONE NUMBER: 978-1174; EXT.:

Table with 3 columns: EXEMPT STATUS: (Check One), STATE CEQA GUIDELINES, CITY CEQA GUIDELINES. Rows include MINISTERIAL, DECLARED EMERGENCY, EMERGENCY PROJECT, CATEGORICAL EXEMPTION (Class 8 & 31), and OTHER.

JUSTIFICATION FOR PROJECT EXEMPTION: Article 19, Section 15308, Class 8 of the State's Guidelines applies to where projects consist of "actions taken by regulatory agencies, as authorized by state or local ordinance, to assure the maintenance, restoration, enhancement, or protection of the environment where the regulatory process involves procedures for protection of the environment."

IF FILED BY APPLICANT, ATTACH CERTIFIED DOCUMENT ISSUED BY THE CITY PLANNING DEPARTMENT STATING THAT THE DEPARTMENT HAS FOUND THE PROJECT TO BE EXEMPT.

SIGNATURE: [Signature]; TITLE: Principal City Planner; DATE: June 30, 2016; FEE; RECEIPT NO.; REC'D. BY; DATE

DISTRIBUTION: (1) County Clerk, (2) City Clerk, (3) Agency Record Rev 12/12

IF FILED BY THE APPLICANT:

NAME (PRINTED)

SIGNATURE

DATE