

# HPOZ ORDINANCE WITH PROPOSED REVISIONS

June 10, 2016

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. (Amended by Ord. No. 175,891, Eff. 5/12/04.)**

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, ~~and~~ 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.

**1012. 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.

**4113. 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.)**

**4719. 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.

**4820. 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.

**4921. 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. 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.

**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 Resources 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, ~~e~~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.~~

~~(m)~~ (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)** Design guidelines for Rehabilitation or Restoration, Additions, Alterations, infill and the form of single and multi-family residential, commercial 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 Historic Resource Survey for the applicable Preservation Zone. Features designated as contributing shall meet one or more of the following criteria:

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

(3) 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.

(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.

(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).**

**(i) 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.

(ii) **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.

(i) **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.

(ii) **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.~~

<b>Review Criteria for Contributing Elements:</b>		
<b><u>Project Scope:</u></b>		
<b><u>(a) Minor Conforming Work</u></b>	<b><u>i.</u></b>	<u>Restoration work, Rehabilitation, Maintenance, and/or Repair of architectural features on any Contributing Building, structure, Landscaping, Natural Feature or lot</u>

	<u>ii.</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>
<b><u>(b) Major Conforming Work</u></b>	<u>i.</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>ii.</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>iii.</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 1.2.c.</u>
	<u>iv.</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>v.</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:

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

**(i) 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.

**(ii) 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:

<b><u>Review Criteria for Non-Contributing Elements:</u></b>		
<b><u>Project Scope:</u></b>		
<b><u>(a) Minor Conforming Work</u></b>	<b><u>i.</u></b>	<u>Rehabilitation, Maintenance, or Repair of architectural features on any Non-Contributing building, structure, Landscaping, Natural Feature or lot</u>
	<b><u>ii.</u></b>	<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>
	<b><u>iii.</u></b>	<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>
<b><u>(b) Major Conforming Work</u></b>	<b><u>i.</u></b>	<u>Addition(s) to any and all structures on a lot</u>
	<b><u>ii.</u></b>	<u>Construction or Demolition of a structure located outside of a Street Visible Area</u>
	<b><u>iii.</u></b>	<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>
	<b><u>iv.</u></b>	<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>
	<b><u>v.</u></b>	<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 subparagraph 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.

**(i) 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.

**(ed) 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.~~

**(ee) 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.

**(i) 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.)

**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:

**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**

**(i) 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.

**(ii) 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.

**R. 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.

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