

**PROPOSED AMENDMENTS TO CULTURAL HERITAGE ORDINANCE
SEPTEMBER 2016**

ORDINANCE NO. _____

An ordinance amending Section 22.171 of the Los Angeles Administrative Code to clarify Historic-Cultural Monument designation criteria, enhance due process and notification procedures affecting property owners, and provide for extensions of time limits.

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

Section 1. Section 22.171 of the Los Angeles Administrative Code is amended to read:

Sec. 22.171. Purpose of the Commission.

The Cultural Heritage Commission (Commission) shall perform those functions relating to historic and cultural preservation of sites, buildings, or structures that embody the heritage, history, and culture of the City.

Sec. 22.171.1. Composition of the Commission and Term of Office.

(a) **Qualifications.** The Commission shall be composed of five members who are qualified electors of the City of Los Angeles. Each Commissioner shall be appointed, and may be removed in accordance with Charter Section 502. The Commissioners shall have a demonstrated interest, competence or knowledge of historic preservation. To the extent feasible and legally permissible, at least two of the Commissioners should be professionals who meet the qualifications for various disciplines outlined by the U.S. Secretary of the Interior, Code of Federal Regulations, 36 CFR Part 61. These disciplines include history, architecture, architectural history, planning, pre-historic and historic archeology, folklore, cultural anthropology, curation, conservation and landscape architecture or related disciplines, such as urban planning, American studies, American civilization, or cultural geography, to the extent that these professionals are available in the community.

(b) **Term.** The term of office for each Commissioner shall begin with the first day of July and shall be a term of five years. An appointment to fill a vacancy on the Commission shall be for the period of the unexpired term.

Sec. 22.171.2. Members' Compensation.

The members of the Commission shall be paid \$25.00 per meeting for each Commission meeting attended, but not to exceed \$125.00 in any one calendar month

Sec. 22.171.3. Organization of the Commission.

During the last meeting of July of each year, the Commission shall elect a President and Vice President, which officers shall hold office for one year and until their successors

are elected, unless their membership on the Commission expires sooner. The Commission may at any meeting fill any vacancy for any unexpired term occurring in the office of President or Vice President.

Sec. 22.171.4. Appointment and Duties of Commission Secretary.

The Director of Planning (Director) of the Department of City Planning (Department), or his or her designee, shall assign an employee of the Department, other than the Director, to be the Secretary of the Commission and assign duties to the employee, which shall be in addition to the duties regularly prescribed for that employee.

The Secretary shall attend Commission meetings and keep a record of the proceedings and transactions of the Commission, specifying the names of the Commissioners in attendance at each meeting and the ayes and noes upon all roll calls. The Secretary shall post and publish all orders, resolutions and notices, which the Commission shall order to be posted and published, and shall perform any other duties imposed by this chapter, or by order of the Commission.

Sec. 22.171.5. Quorum and Actions of the Commission.

A majority of the members of the Commission must be present at any meeting to constitute a quorum.

The powers conferred upon the Commission shall be exercised by resolution or motion and adopted by a majority vote of its members and recorded in the minutes with the ayes and noes. The action shall be attested to by the signature of the Secretary of the Commission.

Sec. 22.171.6. Duties of the Commission.

In addition to the duties set forth in this article, the Commission shall perform those duties imposed on it by Los Angeles Municipal Code Section 12.20.3 relating to Historic Preservation Overlay Zones.

Sec. 22.171.7. ~~Definition of Monument.~~ Monument Designation Criteria

For purposes of this article, a Historic-Cultural Monument (Monument) is any site (including significant trees or other plant life located on the site), building or structure of particular historic or cultural significance to the City of Los Angeles. A proposed Monument may be designated by the City Council upon the recommendation of the Commission if it meets at least one of the following criteria:

- 1) Is identified with important events in the main currents of national, state, or local history, or exemplifies significant contributions to the broad cultural, economic or social history of the nation, state, city or community; or
- 2) Is associated with the lives of historic personages important to national, state, city, or local history; or

- 3) Embodies the distinctive characteristics of a style, type, period, or method of construction; or represents a notable work of a master designer, builder, or architect whose individual genius influenced his or her age

~~For purposes of this article, a Historic-Cultural Monument (Monument) is any site (including significant trees or other plant life located on the site), building or structure of particular historic or cultural significance to the City of Los Angeles, including historic structures or sites in which the broad cultural, economic or social history of the nation, State or community is reflected or exemplified; or which is identified with historic personages or with important events in the main currents of national, State or local history; or which embodies the distinguishing characteristics of an architectural type specimen, inherently valuable for a study of a period, style or method of construction; or a notable work of a master builder, designer, or architect whose individual genius influenced his or her age.~~

Sec. 22.171.8. Inspection and Investigation.

The Commission, a sub-committee, or the staff of the Department acting on behalf of the Commission shall inspect and investigate any site, building or structure, including but not limited to, touring, or reviewing photographic or videographic records of the site, building or structure, in the City of Los Angeles, which it has reason to believe is or will in the future be a Historic-Cultural Monument. Inspection and investigation shall also include soliciting opinions and information from the office of the Council District in which the site, building or structure is located and from any department or bureau of the City whose operations may be affected by designating the site, building or structure a Monument.

Sec. 22.171.9. List of Monuments

The Department shall compile and maintain a current list of all sites, buildings and structures, which have been designated as Historic-Cultural Monuments (List of Monuments or List).

Sec. 22.171.10. Procedures for Designation of Monuments.

A site, building or structure may be designated as a Monument in accordance with the procedures set forth in this section.

- (a) **Initiation.** The City Council, the Commission, or the Director, may initiate consideration of a proposed designation of a site, building or structure as a Monument. Any initiation by the Council or the Commission shall be by majority vote. The Council or the Commission shall forward the proposed designation to the Director for a report and recommendation.
- (b) **Application.** Any interested individual may apply for a proposed designation of a Monument. The applicant shall complete the application for the proposed designation

on a form provided by the Department, include all information required, pay the required fee, if any, and file the application with the Department.

(c) Action on the Initiation or Application.

1. **Authority.** The Commission may recommend approval or disapproval in whole or in part of an application or initiation of a proposed designation. Unless otherwise specified, the recommendation shall be made to the Council for its action pursuant to the procedures set forth in this section. No designation of a site, building or structure as a Monument shall be effective unless the designation has been adopted by the Council.

2. **Procedure for Council-Initiated Designations.** Upon receipt of any proposed designation initiated by the Council, the Commission shall, pursuant to Section 22.171.8 of this article, inspect and investigate the proposed Council-initiated designation. The Director shall thereafter prepare a report and recommendation on the proposed designation. After receipt of the Director's report and recommendation, the Commission shall hold a public hearing regarding the proposed designation and determine whether the site, building or structure conforms with the definition of a Monument set forth in Section 22.171.7 of this article. After the Commission submits a report and recommendation, the Council may consider the matter. If the Commission recommends approval of a Council-initiated designation, the Council may adopt the designation by a majority vote. If the Commission recommends disapproval of a Council-initiated designation, the Council may adopt the proposed designation by a two-thirds vote. The Council shall act within the time specified in Subsection (f) of this section.

3. **Procedure for Commission- or Director-Initiated Designations.** After initiation of a proposed designation by the Commission or the Director, the Commission shall, pursuant to Section 22.171.8 of this article, inspect and investigate the proposed designation. The Director shall thereafter prepare a report and recommendation on the proposed designation. After receipt of the Director's recommendation, the Commission shall hold a public hearing regarding the proposed designation and determine whether the site, building or structure conforms with the definition of a Monument set forth in Section 22.171.7 of this article. If the Commission recommends approval of a Commission- or Director-initiated designation, the Commission shall submit a report and recommendation to the Council. The Council may consider the matter and may approve the recommendation by a majority vote. If the Commission disapproves the proposed designation, the Commission's decision is final.

4. **Procedure for Applications for Designations.** Once a complete application is received, as determined by the Director, the Commission shall determine at a public meeting whether the proposed designation merits further consideration. If the Commission determines to take the proposed designation under consideration, it shall conduct an inspection and investigation pursuant to Section 22.171.8 of this article. The Director shall thereafter prepare a report and recommendation on the proposed designation. After receipt of the Director's report and recommendation and

conducting its inspection and investigation, the Commission shall hold a public hearing regarding the proposed designation and determine whether the site, building or structure conforms with the definition of a Monument as set forth in Section 22.171.7 of this article. If the Commission recommends approval of an application for a proposed designation, the Commission shall submit a report and recommendation to the Council. The Council may consider the matter and may adopt the designation by a majority vote. If the Commission disapproves the proposed designation, the decision is final.

(d) Notice. Notice shall be given as set forth below.

For the purpose of this article, the owner of the site, building or structure shall be deemed to be the person appearing as the owner of the property on the last Equalized Assessment roll of the County of Los Angeles and appearing as the owner of the property on the records of the City Clerk. If the records of the City Clerk and the County Assessor indicate the ownership in different persons, those persons appearing on each of those lists shall be notified.

1. Initiation of a Proposed Designation by the Council, Commission or Director. The owner of record of a property and the owner's representative, if any, shall be notified forthwith in writing of: any determination by the Council, Commission or Director to initiate a proposed designation; and the Temporary Stay pursuant to Section 22.171.12 of this article. The Notice shall be sent via Certified Mail, Return Receipt Requested.

~~**2. Director's Action on Proposed Designation - Commission Action to Take Under Consideration Proposed Designation by Application.** The owner of record of a property and the owner's representative, if any, shall be notified forthwith in writing of: the Commission's decision after the Commission determines to take a proposed designation under consideration; and the Temporary Stay pursuant to Section 22.171.12 of this article. The owner of record of a property and the owner's representative, if any, shall be notified forthwith in writing of the Director's determination that an application is complete, and that the Temporary Stay pursuant to Section 22.171.12 of this article has been initiated. The Notice shall be sent via Certified Mail, Return Receipt Requested.~~

~~**3. Commission Action to Take Under Consideration Proposed Designation by Application.** Additionally, the owner of record of a property and the owner's representative, if any, shall be notified forthwith in writing of the Commission's decision after the Commission determines to take a proposed designation under consideration. The Notices shall be sent via Certified Mail, Return Receipt Requested.~~

~~**3.4. Commission Action on Proposed Designation by Initiation or Application.** The time, place and purpose of the public hearing on the proposed designation shall be given by mailing written notice at least ten days prior to the date of the hearing, to the applicant, if any, and to the owner of record of a property or the owner's representative, if different from the applicant or if the designation was proposed by initiation. Notice to the record owner or the owner's representative shall be sent via~~

Certified Mail, Return Receipt Requested.

4. 5. Council Action on Proposed Designation by Initiation or Application.

The time, place and purpose of the public hearing on the proposed designation shall be given by mailing written notice at least ten days prior to the date of the hearing, to the applicant, if any, and to the owner of record of a property or the owner's representative, if different from the applicant or if the designation was proposed by initiation. Notice to the record owner or the owner's representative shall be sent via Certified Mail, Return Receipt Requested.

(e) Time for the Cultural Heritage Commission to Act.

1. **Action on Application.** The Commission shall determine at a public meeting held within 30 days of the filing of a complete, verified application, as determined by the Director, whether to take a proposed designation of a Monument under consideration. This time limit to take a proposed designation under consideration may be extended by mutual consent of the applicant and the Commission. After providing all notice required under this article, the Commission shall hold a public hearing on the proposed designation. The Commission shall, pursuant to Section 22.171.10 of this article, make a report and recommendation on the application within 75 days of the meeting where the proposed designation was taken under consideration. With written consent of the owner, the time period for the Commission to act may be extended by up to an additional 60 days. If the Commission fails to act on an application within the time allowed by this section, the Commission shall be deemed to have denied the application.

2. **Action on Initiation.** If the proposed designation of a Monument was proposed by initiation rather than application, the Commission shall, after providing all notice required under this article, hold a public hearing on the proposed designation. The Commission shall, pursuant to Subsection (c) of this section, make a report and recommendation on the application within 75 days of the date of the receipt of the proposed initiation. In addition, with written consent of the owner, the time period for the Commission to act may be extended by up to an additional 60 days. If the Commission fails to act on the initiation within the time allowed by this section, the Commission shall be deemed to have recommended denial of the proposed designation.

(f) **Time for Council to Act.** The Council may approve or disapprove in whole or in part an application or initiation for a proposed designation of a Monument. The Council shall act within 90 days of the public hearing held before the Commission on the proposed designation. The 90 day time limit to act by the Council may be extended by the Council for good cause for a maximum of 15 days. With written consent of the owner, the time period for the Council to act may be extended by up to an additional 60 days. If the Council does not act on the application or initiation within this ~~105-day total~~ the specified time limit, the application or initiation to designate a Monument shall be deemed to have been denied. The Council may override a Commission recommendation of denial of a Council-initiated designation by a minimum of ten votes.

Sec. 22.171.11. Preservation of Monuments.

The Commission shall take all steps necessary to preserve Monuments not in conflict with the public health, safety and general welfare, powers and duties of the City of Los Angeles, or its several boards, officers or departments. These steps may include assistance in the creation of civic citizens' committees; assistance in the establishment of a private fund for the acquisition or restoration of designated Monuments; and recommendation that a Monument be acquired by a governmental agency where private acquisition is not feasible.

Sec. 22.171.12. Temporary Stay of Demolition, Substantial Alteration or Removal Pending Determination to Designate a Monument.

~~Upon initiation by the Council, the Commission or the Director of a proposed designation of a Monument, or upon the Commission's determination that an application for a proposed designation merits further consideration, no permit for the demolition, substantial alteration or removal of that site, building, or structure shall be issued, and the site, building or structure, regardless of whether a permit exists or does not exist, shall not be demolished, substantially altered or removed, pending final determination by the Council that the proposed site, building or structure shall be designated as a Monument. Upon the filing of an application for a Monument, the Director or his or her designee shall determine whether the application is complete and whether the proposed Monument warrants further investigation by the Commission. Upon the determination by the Director that the application is complete, or upon initiation by the Council, the Commission or the Director, no permit for the demolition, substantial alteration or removal shall be issued, and the site, building, or structure regardless of whether a permit exists or does not exist, shall not be demolished, substantially altered or removed, pending final determination by the Commission and Council on whether the proposed site, building, object or structure shall be designated as a Monument.~~ The Commission shall notify the Department of Building and Safety in writing not to issue any permits for the demolition, alteration or removal of a building or structure. The owner of the site, building or structure shall notify the Commission, in writing, whenever application is made for a permit to demolish, substantially alter, or remove any site, building or structure proposed to be designated as a Monument.

The Council shall act on the proposed designation within the time limits contained in Section 22.171.10 (f) of this article. If, after the expiration of the final period of time to act, the Council has not taken an action on the application or initiation to designate a Monument, then the demolition, alteration or removal of the site, building or structure may proceed.

EXCEPTION: If the Commission determines that the site, building or structure proposed to be designated does not meet the definition for Monument set forth in Section 22.171.7 of this article, then the temporary prohibition on the issuance of a permit to demolish, substantially alter or remove the site, building or structure and the temporary prohibition on demolition, substantial alteration or removal of the site, building or structure shall terminate, except when the designation of a site, building or structure as a Monument was proposed by Council-initiation.

Sec. 22.171.13. Notice of Designation and Subsequent Actions.

The Commission shall notify the appropriate Department and Board, if any, and the owner of each site, building, or structure in writing that his or her site, building or structure has been designated a Monument, and shall give the owner as defined in Section 22.171.10 (d) of this article, written notice of any further action, which it takes with respect to the Monument. Notice shall be mailed to the address shown on the Assessment Roll or the City Clerk's records, as applicable, as soon as practicable after the property is designated or the Commission takes any further action regarding the site, building or structure. The designation shall be recorded with the County Recorder.

Sec. 22.171.14. Commission Review.

No permit for the demolition, substantial alteration or relocation of any Monument shall be issued, and no Monument shall be demolished, substantially altered or relocated without first referring the matter to the Commission, except where the Superintendent of Building or the City Engineer determines that demolition, relocation or substantial alteration of any Monument is immediately necessary in the interest of the public health, safety or general welfare.

(a) **Standards for Issuance of a Permit for Substantial Alteration.** The Commission shall base a determination on the approval of a permit for the substantial alteration of a Monument on each of the following:

1. The substantial alteration, including additional buildings on a site containing multiple buildings with a unified use, complies with the Standards for Rehabilitation approved by the United States Secretary of the Interior; and
2. Whether the substantial alteration protects and preserves the historic and architectural qualities and the physical characteristics that make the site, building, or structure a designated Monument; and
3. Compliance with the California Environmental Quality Act, Public Resources Code Section 21000 et seq.

(b) **Standards for Issuance of a Permit for the Demolition or Relocation of a Site, Building or Structure Designated a Monument.** The Commission shall base its determination on the approval of a permit for the demolition or removal of any Monument on the following:

1. A report regarding the structural soundness of the building or 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 Profession Qualification Standards as established by the Code of Federal Regulations, 36 CFR Part 61. This report shall be based on the Secretary of the Interior's Standards for Architectural and Engineering Documentation with Guidelines; and

2. Compliance with the California Environmental Quality Act, Public Resources Code Section 21000 *et seq.*

Sec. 22.171.15. Time for Objection by the Commission

Where any matters subject to Section 22.171.14 of this article are referred to the Commission by its staff, the Commission shall have 30 days from the date of the referral to object to the proposed demolition, substantial alteration or relocation. If no objection is filed with the appropriate Department or Board within 30 days, all objections shall be deemed to have been waived. If the Commission objects to the proposed demolition, substantial alteration or relocation, it shall file its objection with the appropriate Department or Board.

Any objection by the Commission shall be set for a public hearing. The objection and the fact that the matter will be scheduled for a public hearing by the Commission shall be noted by Commission staff on the clearance worksheet utilized by the appropriate Department or Board for the issuance of the permit. The filing of an objection shall suspend the issuance of any permit for the demolition, substantial alteration, or relocation of the Monument (Stay) for a period of not less than 30 nor more than 180 days, during which time the Commission shall take all steps within the scope of its powers and duties as it determines are necessary for the preservation of the Monument to be demolished, altered or relocated.

At the end of the first 30 days of the Stay, staff of the Department shall report any progress regarding preservation of the Monument to the Commission, which may, upon review of the progress report, withdraw and cancel its objection to the proposed demolition, substantial alteration or relocation. If the Commission determines, upon the basis of the progress report to withdraw and cancel its objection, it shall promptly notify the appropriate Department or Board concerned of its action. Upon receipt of notification of withdrawal of the objection, the permit may be issued and the Monument may be demolished, altered or relocated. If the Commission does not withdraw and cancel its objection, the Stay shall remain in effect.

If the Commission, or the staff of the Department acting on the Commission's behalf, finds at the end of the first 100 days of the Stay that the preservation of the Monument cannot be fully accomplished with the 180-day Stay period, and the Commission determines that preservation can be satisfactorily completed within an additional period not to exceed an additional 180-day Stay, the Commission may recommend to the City Council that the Stay be extended to accomplish the preservation. No request for an extension shall be made after the expiration of the original 180-day Stay.

The Commission's recommendation for an extension of the Stay shall set forth the reasons for the extension and the progress to date of the steps taken to preserve the Monument. If it appears that preservation may be completed within the time extension requested, the City Council may approve the request for extension of the Stay not to exceed an additional 180 days for the purpose of completing preservation of the Monument.

No request for an extension of the Stay shall be granted where the Council determines, after consulting with the appropriate Department or Board that granting an extension is not in the best interest of the public health, safety or general welfare.

Sec. 22.171.16. No Right to Acquire Property.

The Commission shall have no power or right to acquire any property for or on behalf of itself or the City, nor shall it acquire or hold any money for itself or on behalf of the City.

Sec. 22.171.17. Rules and Regulations of the Commission.

The Commission may adopt rules and regulations necessary to carry out the purpose and intent of this article.

Sec. 22.171.18. Cooperation with the Commission.

All boards, commissions, departments and officers of the City shall cooperate with the Commission in carrying out the spirit and intent of this article.

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. _____