



DEPARTMENT OF CITY PLANNING RECOMMENDATION REPORT

City Planning Commission

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

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

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

PROJECT LOCATION: Citywide

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

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

RECOMMENDED ACTION:

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

VINCENT P. BERTONI, AICP
Director of Planning

[SIGNED ORIGINAL IN FILE]

Ken Bernstein, AICP
Manager, Office of Historic
Resources

[SIGNED ORIGINAL IN FILE]

Naomi Guth
City Planner

[SIGNED ORIGINAL IN FILE]

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

TABLE OF CONTENTS

Project Analysis	A-1
Project Summary	
Background	
Issues	
Conclusion	
Findings	F-1
General Plan/Charter Findings	
CEQA Findings	
Public Hearing and Communications	P-1

EXHIBITS:

- A – Proposed Ordinance
- B –Categorical Exemption

PROJECT ANALYSIS

Project Summary

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

1. Allow for a Board to serve multiple HPOZs

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

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

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

3. Create more proportional thresholds

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

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

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

4. Improve Regulations for Non-Contributing Properties

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

5. Address Demolition without Permit

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

6. Relieve Street Dedication Requirements

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

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

Background

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

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

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

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

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

Guidelines

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

Review Procedures

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

Conclusion

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

FINDINGS

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

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

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

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

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

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

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

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

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

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

9. California Environmental Quality Act (CEQA)

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

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

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

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

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

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

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

Exceptions to the Use of Categorical Exemptions

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

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

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

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

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

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

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

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

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

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

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

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

PUBLIC HEARING AND COMMUNICATIONS

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

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

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

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

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

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

Organizations testifying in Support:

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

Organizations testifying in Opposition:

None

Summary of Public Hearing Testimony:

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

Summary of Correspondence Received

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

Discussion of Key Issues

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

Issue #1 Board Composition and Appointment Procedures

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

Existing Procedure

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

Proposal in Draft Ordinance

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

Issue

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

Public Comment

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

Discussion

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

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

Revised Recommendation

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

Issue #2 Technical Corrections of a Historic Resources Survey

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

Existing Procedure

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

Proposal in Draft Ordinance

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

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

Issue

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

Public Comment

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

Discussion

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

Revised Recommendation

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

OTHER COMMENTS AND RESPONSES

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

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

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

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

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

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

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

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

Support and questions regarding Street Visible Area

Section 12.20.3.B (Page 3 of Exhibit A)

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

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

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

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

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

Modifications to Certificates of Appropriateness or Compatibility:

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

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

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

Other Comments in general support:

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

Other general Comments:

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

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

Other Comments in general opposition:

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

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

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