

# HISTORIC PRESERVATION OVERLAY ZONE (HPOZ) ORDINANCE

## PROPOSED PROCEDURAL AMENDMENTS

The Department of City Planning has initiated an ordinance amendment for 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 six 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. 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.

### 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.

If you have questions or concerns about the proposed ordinance amendments, please email **Blair Smith** at [blair.smith@lacity.org](mailto:blair.smith@lacity.org).