

CITY OF LOS ANGELES
ZONING INFORMATION FILE

EFFECTIVE DATE: MARCH 25, 2015

Z.I. NO. 2444
INTERIM CONTROL ORDINANCE (ICO) FOR PROPOSED
HISTORIC PRESERVATION OVERLAY ZONE (HPOZ) NEIGHBORHOODS

COUNCIL DISTRICTS: 4, 5, 10, 14

COMMENTS:

On March 25, 2015, Ordinance No.183496 became effective establishing the Interim Control Ordinance (ICO) for Historic Preservation Overlay Zone (HPOZ) Neighborhoods. The ICO area includes Sunset Square, Carthay Square, Holmby-Westwood, Oxford Square, and El Sereno-Berkshire Craftsman District.

INSTRUCTIONS:

Issue no building permits for the erection, construction, demolition, alteration of, or addition to, a building or structure, or removal of an exterior feature of any building or structure on any lot located wholly or partly within the ICO area.

EXCEPTIONS:

The Department of Building and Safety may review and approve the following types of exempt projects which do not require referral to the Planning Department:

1. Interior remodeling of a legally constructed building or structure that does not change any exterior features (such as windows);
2. Additions of less than 250 square feet that do not increase the height of the structure and are located in the rear yard area;
3. Construction of gazebos, balconies, trellises, decks or garden sheds in the rear yard area that are not visible from the street;
4. Seismic retrofitting, maintenance or repair of existing foundations with no physical change to the exterior;
5. Installation of rear yard swimming pools or spas;
6. Installation of rear or side yard fencing;
7. Re-roofing with no change in building materials;
8. Installation of solar energy systems, as defined by California Government Code Section 801.5;
9. Any construction for which a building permit or demolition permit is required to comply with an order issued by the Department of Building and Safety to repair, remove or demolish an unsafe building or substandard condition, or to rebuild a structure destroyed

by fire, earthquake or other natural disaster, provided that the development is not prohibited by any other provision of the LAMC;

10. Issuance of a building permit for a project that satisfies all of the following conditions: 1) Architectural and structural plans sufficient for a complete plan check were accepted by the Department of Building and Safety before the effective date of this ordinance, subject to the time limits set forth in Section 12.26.A.3 of the LAMC; 2) A project that had a plan check fee was collected before the effective date of this ordinance; and 3) No subsequent changes have been made to those plans that increase or decrease the height, floor area or occupant load by more than five percent, that change the use, or that violate the Zoning Code regulations in effect on the date that the plan check fee was paid;
11. Construction, redevelopment, rehabilitation or renovation of multifamily housing. Multifamily housing includes two-family dwellings, multiple dwellings, group dwellings and apartment houses. Projects that involve the demolition of existing multifamily housing and its replacement with single-family housing shall be prohibited.

CLEARANCE INFORMATION:

If a project does not fall within any of the above exemptions, refer applicants to the Department of City Planning, Office of Historic Resources at (213) 978-1220. Please note that not all projects can be cleared the same day and that an appointment may be necessary.

The City Council may, by resolution, grant an exemption from the provisions of this ordinance in cases of extreme hardship duly established to the City Council's satisfaction. An application of hardship exemption shall be filed with the City Clerk on forms provided by the Department of City Planning. Hardship application forms and instructions can be found at the Downtown (201 N. Figueroa St., 4th Fl.) or Valley Counters (6262 Van Nuys Blvd, Ste. 251), the City Clerk Office (200 N Spring St. Rm 395) or online at www.planning.lacity.org (click on Forms and Procedures).

ORDINANCE NO. _____

An interim ordinance, adopted as an urgency measure pursuant to California Government Code Section 65858, establishing a moratorium on the issuance of building and demolition permits for properties within the following five proposed Historic Preservation Overlay Zones (HPOZs):

1. Sunset Square – Council District 4
2. Carthay Square – Council District 5
3. Holmby – Westwood – Council District 5
4. Oxford Square – Council District 10
5. El Sereno – Berkshire Craftsman District – Council District 14

WHEREAS, current trends to renovate or replace historic homes with large-scale, out-of-character new construction have led to the major alteration or demolition of important historic structures, irreversibly impairing their historical significance and the character of the surrounding neighborhood;

WHEREAS, on May 27, 2014, the City Council adopted a 2014-2015 Budget giving the Department of City Planning position authority and nine months of funding for four Planning Associate positions to support a newly created Neighborhood Conservation Program;

WHEREAS, the Department of City Planning is currently considering proposed HPOZs in the five neighborhoods noted above, but due to Civil Service hiring procedures, the Department will not have the four staff in place to begin establishing HPOZs until early 2015;

WHEREAS, the adoption of the five Historic Preservation Overlay Zones and Preservation Plans is consistent with the goals and objectives of the General Plan's conservation and housing element to "protect important cultural and historical sites and resources for historical, cultural, research, and community education purposes and to identify and protect architecturally and historically significant residences and neighborhoods"; and

WHEREAS, it is urgent to protect the public health, safety, and welfare by immediately preventing demolitions and alterations that could result in the loss of historically important resources and jeopardize the overall character of these five neighborhoods until the HPOZs or other appropriate land use regulatory controls can be adopted;

NOW THEREFORE,

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

Section 1. DEFINITIONS. For purposes of this ordinance, the following terms shall be construed as defined in this section. To the extent applicable, terms not defined here shall be construed as defined in Section 12.03 of the Los Angeles Municipal Code (LAMC).

PROJECT. The erection, construction, demolition, alteration of, or addition to, a building or structure, or removal of an exterior feature of any building or structure on any lot located wholly or partly within the areas identified in section 3 of this ordinance.

Sec. 2. INTERIM CONTROL AREA. The provisions of this ordinance shall apply to any lot located wholly or partly within the proposed HPOZ areas as shown on the attached maps:

1. Sunset Square – Council District 4
2. Carthay Square – Council District 5
3. Holmby – Westwood – Council District 5
4. Oxford Square – Council District 10
5. El Sereno – Berkshire Craftsman District – Council District 14

Sec. 3. PROHIBITION. Notwithstanding any section of the LAMC, no building or demolition permit for a Project shall be issued on or after the effective date of this ordinance for any Project located wholly or partly within the area identified in Section 2 of this ordinance.

Sec. 4. EXCEPTIONS.

A. The prohibitions specified in Section 3 of this ordinance shall not apply to any construction for which a building permit or demolition permit is required for either of the following purposes:

1. To comply with an order issued by the Department of Building and Safety to repair, remove or demolish an unsafe building or substandard condition; or

2. To rebuild a structure destroyed by fire, earthquake or other natural disaster, provided that the development is not prohibited by any other provision of the LAMC.

B. The prohibitions specified in Section 3 of this ordinance shall not apply to the issuance of a building permit for a Project that satisfies all of the following conditions:

1. Architectural and structural plans sufficient for a complete plan check were accepted by the Department of Building and Safety before the effective date of this ordinance, subject to the time limits set forth in Section 12.26.A.3 of the LAMC;

2. A plan check fee was collected before the effective date of this ordinance; and

3. No subsequent changes have been made to those plans that increase or decrease the height, floor area or occupant load by more than five percent, that change the use, or that violate the Zoning Code regulations in effect on the date that the plan check fee was paid.

C. The prohibitions specified in Section 3 of this ordinance shall not apply to Projects that involve the construction, redevelopment, rehabilitation or renovation of multifamily housing. Multifamily housing includes two-family dwellings, multiple dwellings, group dwellings and apartment houses. Projects that involve the demolition of existing multifamily housing and its replacement with single-family housing shall be prohibited.

D. The prohibitions specified in Section 3 of this ordinance shall not apply to the issuance of a building permit for any of the following:

1. Interior remodeling of a legally constructed building or structure;
2. Additions of less than 250 square feet that do not increase the height of the structure and are located in the rear yard area;
3. Construction of gazebos, balconies, trellises, decks or garden sheds in the rear yard area that are not visible from the street;
4. Seismic retrofitting, maintenance or repair of existing foundations with no physical change to the exterior;
5. Work consisting of Maintenance and Repair only, or in-kind replacement with same materials, provided that the work will not change a defining exterior architectural feature, as determined by the Department of City Planning through reference to a completed historic resources survey or prevailing neighborhood architectural styles.

For purposes of this ordinance, Maintenance and Repair shall be as defined in Section 12.20.3.B of the LAMC, and shall include any work done to correct the deterioration, decay of, or damage to, a building, structure or lot, including in-kind replacement where required, and that does not involve a change in the existing design, materials or exterior paint color;

6. Installation of rear yard swimming pools or spas;
7. Installation of rear or side yard fencing;
8. Re-roofing with no change in building materials; or
9. Installation of solar energy systems, as defined by California Government Code Section 801.5.

Sec. 5. HARDSHIP EXEMPTIONS. The City Council, by resolution, may grant an exemption from the provisions of this ordinance in cases of extreme hardship duly established to the City Council's satisfaction. An application for hardship exemption shall be filed with the City Clerk on forms provided by the Department of City Planning.

Sec. 6. DURATION OF ORDINANCE. This ordinance shall be in force and effect for 45 days from its date of adoption. The City Council may extend this ordinance for an additional 22 months and 15 days. Any extension shall be based on the City Council finding that demolitions of or alterations to historically significant resources continues to pose a current and immediate threat to the public health, safety or welfare.

Sec. 7. APPLICABILITY OF ZONING CODE. The provisions of this ordinance supplement those set forth in LAMC, Chapter 1 ("Planning and Zoning Code") and any other City ordinance, and do not confer any right or benefit not otherwise conferred under existing law.

Sec. 8. SEVERABILITY. If any provision of this ordinance is declared unconstitutional or otherwise invalid by a court of competent jurisdiction, such invalidity shall not affect other provisions of this ordinance that can be implemented without the invalid provisions. To this end, the provisions of this ordinance are severable.

Sec. 9. SAVINGS CLAUSE. The provisions of this ordinance do not apply to the extent that their application would result in a taking requiring compensation, would deprive any person of constitutional or statutory rights or privileges, or would otherwise be inconsistent with state or federal law.

Sec. 10. URGENCY CLAUSE. The City Council finds that there is a current and immediate threat to the public welfare because the continued processing of building and demolition permits will result in the loss of irreplaceable, historically significant structures and neighborhoods, thereby thwarting City efforts to create HPOZs or other neighborhood conservation tools meant to preserve these public resources.

Sec. 11. 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, by a vote of not less than four-fifths of all of its members, 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  _____
SARO BALIAN
Deputy City Attorney

Date 2-11-15

File No. _____