

SEC. 12.20.2 -- COASTAL DEVELOPMENT PERMITS (PRIOR TO CERTIFICATION OF THE LOCAL COASTAL PROGRAM). *(Title amended by Ord. No. 160,524, Eff. 12/27/85, Added by Ord. No. 151,603, Eff. 11/25/78.)*

A. **Purpose.** It is the purpose of this section to provide for the approval or denial of Coastal Development Permits in accordance with Section 30600 (b) of the California Public Resources Code. In adopting the California Coastal Act of 1976 the State Legislature finds and declares:

"(a) That the California Coastal Zone is a distinct and valuable natural resource of vital and enduring interest to all the people and exists as a delicately balanced ecosystem."

"(b) That the permanent protection of the state's natural and scenic resources is a paramount concern to present and future residents of the state and nation."

"(c) That to promote the public safety, health, and welfare, and to protect public and private property, wildlife, marine fisheries, and other ocean resources, and the natural environment, it is necessary to protect the ecological balance of the coastal zone and to prevent its deterioration and destruction."

B. **Definitions.** For the purpose of this section the following words and phrases are defined:

Aggrieved Person means any person who, in person or through a representative, appeared at a hearing on the application for a Coastal Development Permit, or appeal hearing in connection with the decision or action appealed, or who, by other appropriate means prior to a hearing, informed the permit issuing authority or appeal body of the nature of his or her concerns or who for good cause was unable to do either. "Aggrieved person" includes the applicant for a Coastal Development Permit.

Coastal Zone shall mean that land and water area within the City of Los Angeles as specified on maps prepared by the California Coastal Commission, copies of which are on file with the Department of City Planning and the Office of City Engineer. Such "coastal zone" extends seaward to the City's outer limit of jurisdiction, and generally extends inland 1,000 yards from the mean high tide line of the sea. In significant coastal estuarine, habitat and recreational areas, it extends inland to the first major ridgeline paralleling the sea or five miles from the mean high tide line of the sea, whichever is less, and in developed urban areas, the zone extends inland 1,000 yards.

Development means, on land, in or under water, the placement or erection of any solid material or structure; discharge or disposal of any dredged material or of any gaseous, liquid, solid, or thermal waste; grading, removing, dredging, mining, or extraction of any materials; change in the density or intensity of the use of land, including, but not limited to, subdivisions pursuant to the Subdivision Map Act (commencing with Section 66410 of the

Government Code), and any other division of land, including parcel maps and private street divisions, except where any land division is brought about in connection with the purchase of such land by a public agency for public recreational use; change in the intensity of use of water, or of access thereto; construction, reconstruction, demolition, or alteration of the size of any structure, including any facility of any private, public, or municipal utility; and the removal or harvesting of major vegetation other than for agricultural purposes, kelp harvesting, and timber operations which are in accordance with a timber harvesting plan submitted pursuant to the provisions of the Z'berg-Nejedly Forest Practice Act of 1973 (commencing with Section 4511 of the California Public Resources Code).

As used in this definition, "*structure*" includes, but is not limited to any building, road, pipe, flume, conduit, siphon, aqueduct, telephone line, and electrical power transmission and distribution line.

Feasible shall mean capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social and technological factors.

Local Coastal Program (LCP) shall mean the City's land use plans and other applicable general plan elements, zoning ordinances, zoning district maps, and proposed implementing actions, which when taken together, meet the requirements of, and implement the provisions and policies of, the California Coastal Act of 1976.

Permit means any license, certificate, approval, or other entitlement for use granted, conditionally granted, or denied by any public agency which is subject to the provisions of this section.

Public Project shall mean any development initiated by the Department of Public Works or any of its bureaus, any development initiated by any other department or agency of the City of Los Angeles, and any development initiated or to be carried out by any other governmental agency which is required to obtain a local government permit. Public Project shall not include any development by any department or agency of the City of Los Angeles or any other governmental entity which otherwise requires action by or approval of the City Planning Commission, Area Planning Commission or the Office of Zoning Administration, or any development by any department or agency of the City of Los Angeles or any other government entity for which a permit from the Department of Building and Safety is required. Public Project shall also not include any development on tidelands, submerged lands, or on public trust lands, whether filled or unfilled. (*Amended by Ord. No. 173,268, Eff. 7/1/00.*)

Sea shall mean the Pacific Ocean and all harbors, bays, channels, canals, estuaries, salt marshes, sloughs and other areas subject to tidal action through any connection with the Pacific Ocean, excluding non-estuarine rivers, streams, tributaries, creeks, and flood control and drainage channels.

C. **Use.** No development shall be undertaken in the coastal zone unless and until an application for such development has been submitted to the city for a coastal development permit and such permit has been obtained from the

appropriate city department in conformance with the provisions of this section and has become final. Where the particular coastal project requires a coastal development permit from the Commission in addition to the one obtained from the city, no development may be commenced until both such permits have been obtained, and both have become final.

1. **Exception.** The provisions of this section shall not apply to developments which do not need locally issued coastal development permits under the Coastal Act of 1976 or the California Coastal Commission Regulations, Division 5.5 Title 14 of the California Administrative Code. A current copy of these regulations is on file with the Department of City Planning and the Office of City Engineer. This exception shall not relieve any person from obtaining from the proper authority a coastal development permit for a development within the coastal zone where such permit is required but can only be issued by the California Coastal Commission, the Regional Commission or the Executive Director. The provisions of this section shall also not apply to any development on tidelands, submerged lands, or on public trust lands, whether filled or unfilled; any development by a public agency for which a local government permit is not otherwise required; any emergency repair authorized by Section 30611 of the Public Resources Code; any permits authorized to be issued by the Executive Director of the California Coastal Commission or the Executive Director of the Regional Commission pursuant to Section 30624 of the Public Resources Code; and any other permits over which the city is not authorized to exercise the option provided for in Subdivision (b) of Section 30600 of the Public Resources Code.

D. **Initiation.** Proceedings for a permit shall be initiated by the filing of a verified application upon a form or forms prescribed for that purpose. An application for a Coastal Development Permit for a public project, or for a private project where the approval for the underlying permit is within the jurisdiction of the City Engineer shall be filed in the public office of the City Engineer. All other applications for coastal development permits shall be filed in a public office of the Department of City Planning.

All applications filed with the City Engineer and the Department of City Planning shall be accompanied by the following data:

1. An adequate description of the project including, but not limited to maps, plans, photographs, drawings, etc., of the proposed development, project site and vicinity sufficient to determine whether the project complies with all relevant policies of the California Coastal Act of 1976. Each application shall contain sufficient information concerning land and water areas in the vicinity of the site of the proposed project, (whether or not owned or controlled by the applicant) so that the permit issuing authority will be adequately informed as to present uses and plans, both public and private, insofar as they can reasonably be ascertained for the vicinity surrounding the project site. The description of the development shall also include any feasible alternatives or any feasible mitigation measures available which

would substantially lessen any significant adverse impact which the development may have on the environment. For purposes of this section the term "significant adverse impact on the environment" shall be defined as in the California Environmental Quality Act and the State and City Guidelines adopted pursuant thereto.

2. A description and documentation of the applicant's legal interest in the property on which the development is to be located if the application were approved (e.g., ownership, leasehold, enforceable option authority to acquire the specific property by eminent domain).

3. A dated signature by or on behalf of each of the applicants, attesting to the truth, completeness, and accuracy of the contents of the application and, if the signer of the application is not the applicant, written evidence that the signer is authorized to act as the applicant's representative and to bind the applicant in all matters concerning the application.

4. A statement of the status of the environmental documentation for the project and a copy of the required environmental documentation.

5. Any additional information as may be required by the permit granting authority.

E. Notice--Posting. At the time the application is submitted for filing, the applicant must post, at a conspicuous place easily read by the public and as close as possible to the site of the proposed development, a notice that an application has been made for a coastal development permit. Such notice shall contain specific information as to the nature of the proposed development and be in a form as prescribed for that purpose.

Notice--Mailing. The applicant shall furnish to the City, accompanying the application, a list containing the name and address of each property owner of record and the addresses of all residences, including apartments within one hundred feet from each boundary of the site of the proposed development. Where the hearing on the coastal development permit is to be combined with a public hearing otherwise required by this Code for the proposed development and the provisions of this Code require notification to persons beyond one hundred feet of the site of the proposed development, no separate list shall be required, and all persons notified of the hearing for the proposed development shall also be notified that the hearing shall include the application for a coastal development permit. Notice of such hearing shall also be sent to an occupant of all residences, including apartments within 100 feet of the boundary of the proposed development, all persons known, or thought to have a particular interest in the application, and all other persons requesting notice.

F. Proceedings and Hearing.

1. **Time Limit--Hearing--Notice.** To the extent possible, any permit application for a development within the coastal zone shall be processed in accordance with established policies and procedures of a permit granting authority in conformance with the provisions of this Code. For those projects for which no hearing would otherwise be required by law, the appropriate city agency shall notify by mail, at least ten (10) days prior to the hearing, the following:

- (a) those persons whose names appear on the list of property owners within 100 feet of the boundary of the site of the proposed development;
- (b) an occupant of all residences, including apartments, within 100 feet of the boundary of the site of the proposed development. This requirement can be met by mailing such notice to "occupant" of the subject residence;
- (c) those persons known or thought to have a particular interest in the application; and
- (d) all other persons requesting notice.

At the public hearing, all interested persons shall be afforded a reasonable opportunity to testify and present evidence.

G. Determination.

1. **Authority.** A permit-granting authority shall have the authority to approve, conditionally approve or disapprove any application for a permit under the provisions of the California Coastal Act of 1976; and, standards as established by Division 5.5, Title 14 of the California Administrative Code. In making its determination under the provisions of this section, the permit-granting authority shall not approve or conditionally approve a permit unless it makes written findings, including specific factual findings, supporting the following conclusions:

(a) That the development is in conformity with Chapter 3 of the California Coastal Act of 1976 (commencing with Section 30200 of the California Public Resources Code).

(b) That the permitted development will not prejudice the ability of the City of Los Angeles to prepare a local coastal program that is in conformity with Chapter 3 of the California Coastal Act of 1976.

(c) That the Interpretive Guidelines for Coastal Planning and Permits as established by the California Coastal Commission dated February 11, 1977 and any subsequent amendments thereto have been reviewed, analyzed, and considered in light of the individual project in making its determination.

(d) That the decision of the permit-granting authority has been guided by any applicable decision of the California Coastal Commission pursuant to Section 30625 (c) of the Public Resources Code.

(e) If the development is located between the nearest public road and the sea or shoreline of any body of water located within the coastal zone, that the development is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act of 1976.

(f) Any other finding or findings as may be required for the development by the California Environmental Quality Act.

2. **Conditions of Approval.** In approving an application for a permit under the provisions of this section, the City shall impose such reasonable terms and conditions as it deems necessary to assure a development that is in accordance with the provisions of the California Coastal Act of 1976 and those other criteria set forth in the preceding paragraph.

3. **Notification.** A copy of the permit-granting authority's action approving, conditionally approving or disapproving any application for a coastal development permit, along with any findings made and conditions imposed in connection therewith, shall be mailed to the applicant and to any person or persons who, in writing, request a copy of such action.

H. **Appeals.** Appeals from the approval, conditional approval, or disapproval of a permit under the provisions of this section may be taken by the applicant or any aggrieved person as follows:

1. Where a coastal development permit hearing has been combined with the hearing on the project itself, an appeal may be taken to the appellate body that would hear and decide the appeal from the underlying project. If the appeal from any underlying project is further appealable to a second appellate body, the coastal development permit is likewise further appealable. The time within which to appeal shall be the same as that provided for an appeal of the project itself, but the decision of the permit-granting authority on the coastal permit may be separately appealed, without appealing the action on the underlying project. The times for notification of hearing and action on such appeal shall be the same as for the underlying project, whether or not such underlying project is also appealed.

2. Where a coastal development permit application is for a public project, the action of the City Engineer may be appealed to the Board of Public Works. Such appeal shall be filed with the Office of the City Engineer within ten days of the mailing of the decision of the permit granting authority.

3. Where a coastal development permit (other than for a Public Project) involves an underlying activity which is not otherwise appealable, the action of a permit-granting authority on an application may be appealed to the Area Planning Commission. That appeal shall be filed with the Area Planning Commission within ten days of the mailing of the decision of the permit-granting authority. (*Amended by Ord. No. 173,268, Eff. 7/1/00.*)

4. Any appeal filed with either the City Engineer or the Area Planning Commission shall be heard and decided within 30 days of the filing of the appeal. Notice shall be mailed to the required parties at least ten days prior to the hearing. (*Amended by Ord. No. 173,268, Eff. 7/1/00.*)

Action on any appeal shall be in writing, and if the appeal is granted, in whole or in part, such decision shall set forth wherein the permit-granting authority, or the lower appeal body erred in its action on the permit under the criteria set forth in Section 12.20.2 G 1 (a) through (e); If the action of any appeal body is further appealable within the City of Los Angeles appeal structure, notice of such intermediate appeal body's action approving, conditionally approving or disapproving any appeal of a coastal development permit along with any findings made and conditions imposed in connection therewith, shall be mailed to the applicant, the appellant, and to any person or persons who, in writing, request a copy of such action.

I. **Notification.** After the decision of the last appeal body, or the time within which any appeal can be taken has expired, the permit-granting authority, or any appeal body whose action became final on the permit, shall transmit a copy, by mail, with return receipt requested, of the notice of permit issuance or permit denial to the Executive Director of the Regional Coastal Commission. Such notice shall include the requisite findings, a project description and a verbatim copy of any conditions attached to the permit, all as required by Section 13302 (g) of the California Coastal Commission Regulations. Notice shall also be mailed to the applicant, the appellant, and any persons who, in writing, requested such notice.

The decision of the permit-granting authority, or any appeal body to approve issuance of a permit shall not be deemed to be final and no coastal development permit may be issued until 20 working days have expired from the date said notice of permit issuance is deemed received by said Executive Director and without an appeal having been taken to the South Coast Regional Commission.

If a timely, valid appeal is taken to the Regional Commission, the operation and effect of the coastal development permit is stayed pending final action on the appeal by the Regional Commission or the Commission, and the City shall, within five working days of the receipt of such notice, deliver to the Executive Director copies of all relevant documents and materials used by the city in its consideration of the permit application.

If no appeal is taken within 20 working days of the date of the notice to the City's decision to issue a permit is deemed received by the Executive Director, the applicant may commence utilization of the permit. If no timely appeal is taken from the city's decision to deny a permit, such decision is final.

Neither an applicant nor any other aggrieved party may appeal the approval, conditional approval, or disapproval of any permit to the Regional Commission unless and until all of the City's appeal procedures for such permit have been taken, and a decision thereon has been made.

J. **Revocation.** Any permit application filed or approved under the provisions of this section or code may be immediately terminated or revoked by the permit granting authority upon a finding that one or more of the following grounds exist:

1. That inaccurate, erroneous or incomplete information was filed or presented in conjunction with said permit application.

2. That names and addresses of all property owners, as shown on the records of the City Clerk or of the County Assessor, were not provided within the required radius of the involved property in conformity with the requirements of this section and Code.

3. That the addresses of all residential occupancies within one hundred feet of each boundary of the site of the proposed development were not provided.

4. That the applicant failed to post and maintain the required notice at the project site in accordance with Subsection E of this section.

K. **Exception.** Notwithstanding any other provisions of this section or code, an applicant may file an application for a permit at any point of the project approval process relating to his or her development. However, upon initiation of the project approval process by the applicant, said applicant shall sign and notarize a form prescribed for this purpose which shall contain the following:

1. A statement advising the applicant that no permits or permission for a development in the coastal zone shall be issued unless and until a permit has been approved in accordance with the provisions of this section.

2. A statement relieving the City of any legal or other responsibility in the event that failure to apply for a permit results in, or contributes to, a violation of Sections 65950, 65951 or 65952 of the California Government Code.

L. **Violations.** Any violation of the provisions of this section and code relating to the processing of permits shall be subject to enforcement and penalties of Chapter 9 of the California Coastal Act of 1976 and subsequent amendments thereto.

M. **Charges for Notification.** No person requesting notification of any application, hearing or decision on any appeal therefrom shall be required to bear the cost of any such notification.

N. **Extensions of Permits.** Prior to the expiration of a Coastal Development Permit, an applicant may apply to the initial approving authority of the original permit for an extension of the permit for a period of one year. This request shall automatically extend the expiration date of the permit until the approving authority has acted upon the request and the approving authority's action becomes effective. However, if construction has not commenced at the time the application for extension is made, construction may not commence during the period of the automatic extension until the approving authority has acted upon the request and it becomes effective. The application shall state the reasons for the request and shall be accompanied by evidence of a valid, unexpired permit and of the applicant's continued legal ownership interest in the property. The applicant shall also furnish to the City the information required in Subsection E of this section.

The approving authority, in considering the request for extension, shall determine whether there are changed circumstances that may affect the consistency of the project with the findings required under Subsection G of this section.

If the approving authority determines that there are no charged circumstances that may affect the consistency of the project with the findings required under Subsection G of this section, notice of the determination, including a summary of the procedures set forth in this subsection, shall be posted on the subject property by the applicant and shall be mailed, by first class mail by the appropriate City agency, to all persons who testified at any public hearing on the original permit and left their names and addresses, or submitted written testimony or to any other persons requesting notice.

If no written objection to the determination is received within 10 working days of the posting and mailing, the extension shall be approved.

If the approving authority determines that, due to changed circumstances, the proposed development is no longer consistent with the findings required in Subsection G of this section, or if objection is made to the determination of consistency, the approving authority shall set the matter for public hearing and give notice in accordance with the provisions of Subsection F of this section. In addition, the approving authority shall notify any persons who objected to the approving authority's determination of consistency.

The approving authority shall make a determination based on the facts presented at the public hearing. If the proposed development is determined to be consistent with the findings required in Subsection G of this section, the extension shall be approved. If the proposed development is determined to be inconsistent with these requirements, the extension shall be denied.

Notice of any action taken by the approving authority on an application for an extension of a permit shall be provided as set forth in Subdivision 3 of Subsection G of this section.

Any action taken by the approving authority on an application for an extension of a permit is appealable to the first City appellate body referenced in Subsection H of this section in the same manner as an appeal of the original permit as set forth in Subsection H.

The notification procedures and the procedures applicable to appeals to the Coastal Commission set forth in Subsection I of this section are applicable to applications for extensions of permits.

(Added by Ord. No. 171,424, Eff. 1/4/97.)

O. Amendments To Permits.

1. The holder of a Coastal Development Permit may apply to amend the permit by filing a written application with the initial approving authority who approved the original permit. The application shall contain a description of the proposed amendment, the reason for the amendment, together with maps, plans or any other information as may be required by the approving authority, and shall be accompanied by evidence of a valid, unexpired permit and of the applicant's continued legal ownership interest in the property. The applicant shall also furnish to the City the information required in Subsection E of this section. If the application is deemed complete and accepted, the approving authority shall determine if the requested amendment constitutes an immaterial or material change to the permit.

2. For applications representing immaterial changes, the approving authority shall prepare a written notice containing the same information required for the notice of the original application for a Coastal Development Permit, a description of the proposed amendment and a summary of the procedures outlined in this subsection. The notice shall be posted on the subject property by the applicant and shall also be mailed, by first class mail by the appropriate City agency, to all persons who testified at any public hearing on the original permit and left their names and addresses, or submitted written testimony or to any other persons who requested to be notified. If no written objection is received by the approving authority within 10 working days of the posting and mailing, the approving authority shall approve the amendment provided the following findings are made:

(a) that the proposed amendment will not lessen or avoid the intended effect of the original permit, as approved or conditioned consistent with the findings required in Subsection G of this section, unless the proposed amendment is necessitated by a change in circumstances, and the applicant has presented newly discovered material which he or she could not, with reasonable diligence, have discovered and produced before the original permit was granted; and

(b) that the proposed amendment will not lessen or eliminate any conditions imposed for the purpose of protecting a coastal resource or coastal access consistent with the findings required by Subsection G of this section; and

(c) that all of the findings required by Subsection G of this section can still be made; and

(d) that the proposed amendment will not result in any increase in the density or intensity of the project; and

(e) that the proposed amendment will not cause any adverse impact on surrounding properties.

3. For applications representing material changes, applications whose immateriality has been challenged or applications for amendments which affect coastal resource or coastal access protection as required by California Public Resources Code Section 30604, the approving authority shall set the matter for public hearing and shall give notice in accordance with the provisions of Subsection F of this section. The approving authority shall also notify all persons who objected to the approving authority's determination of immateriality. If the approving authority can make the findings contained in Subdivision 2 of this subsection, it shall approve the application for amendment to the permit. If the approving authority cannot make the findings referenced above, the application for amendment shall be denied.

4. Notice of any action taken by the approving authority on an application for an amendment to a permit shall be provided as set forth in Subdivision 3 of Subsection G of this section.

5. Any action taken by the approving authority on an application for an amendment to a permit is appealable in the same manner as an appeal on the original permit as set forth in the Subsection H of this section.

6. The notification procedures and the procedures applicable to appeals to the Coastal Commission set forth in Subsection I of this section are applicable to applications for amendments to permits.

(Added by Ord. No. 171,424, Eff. 1/4/97.)

SECTION 12.20.2.1 – COASTAL DEVELOPMENT PERMITS (AFTER CERTIFICATION OF THE LOCAL COASTAL PROGRAM FOR THE COASTAL ZONE PORTION OF THE PALMS-MAR VISTA-DEL REY DISTRICT PLAN AND FOR CERTAIN PORTIONS OF THE COASTAL ZONE WITHIN THE WESTCHESTER-PLAYA DEL REY DISTRICT PLAN).
(Added by Ord. No. 160,524, Eff. 12/27/85.)

A. Applicability.

Except as provided below, any applicant wishing to undertake a development in the coastal zone shall obtain a Coastal Development Permit in accordance with the provisions of this section, in addition to any other permit required by law. Development undertaken pursuant to a Coastal Development Permit shall conform to the plans, specifications, terms and conditions approved in granting the permit. Where a development that is required by this section to obtain a Coastal Development Permit also is required to obtain other permits and approvals, the application for a Coastal Development Permit shall be filed and processed concurrently with the application for other permits and approvals. The procedural requirements governing the Coastal Development Permit application shall be filed and processed concurrently with the application for other permits and approvals. The procedural requirements governing the Coastal Development Permit application shall be the same as the procedural requirements, including appeal procedures, applicable to such other permits and approvals, provided that the minimum requirements as specified in this section are assured. An appeal of the initial decision on a Coastal Development Permit application pursuant to such procedural requirements shall automatically constitute an appeal of the decision on the application for such other permits and approvals. No fees shall be charged for any such appeal.

B. Definitions.

For the purpose of this section, the following words and phrases shall have the meaning specified below:

"Aggrieved Person" shall mean any person who, in person or through a representative, appeared at a public hearing of the City in connection with the decision or action appealed, or who, by other appropriate means prior to a hearing, informed the City of the nature of his concerns.

"Allowable Use" shall mean any use allowed by right which does not require a public hearing or any discretionary permit from the City.

"Appealable Development" shall mean, in accordance with Public Resources Code Section 30603(a), only the following developments which, after a decision has been made by the City, are appealable to the Coastal Commission:

a. Any development which is located within that portion of the coastal zone zoned OS(PV) under Playa Vista Area B Specific Plan, Ordinance No. ____.

b. Any development which constitutes a major public works projects or a major energy facility. The phrase "major public works project or a major energy facility" as used in Public Resources Code Section 30603 (a) (5) or energy facility as defined by Public Resources Code Section 30107, with a value exceeding \$100,000, as adjusted from the 1982 base year per the Engineering News Record Construction Cost Index.

"Appellant" shall mean any person who may file an appeal and includes an applicant, any Aggrieved Person, or any two members of the Coastal Commission.

"Applicant" shall mean the person, partnership, corporation, or other entity or state or local government agency applying for the Coastal Development Permit.

"Approving Authority" shall mean the Director of Planning, City Engineer, Zoning Administrator, City Planning Commission, Area Planning Commission, Board of Public Works, City Council or other applicable decision-making person or body within the City of Los Angeles, which has the authority to approve a Coastal Development Permit pursuant to this section or by reason of jurisdiction over other permits and approvals sought in conjunction with an application for a Coastal Development Permit. If more than one approval is required, the initial decision-maker and the appellate body shall be the person or body designated to act in multiple approvals pursuant to Charter Section 564 and Section 12.36 of this Code. (*Amended by Ord. No. 173,268, Eff. 7/1/00.*)

"Categorically Excluded Development" shall mean a development (upon request of the City, public agency or other person) which the Coastal Commission has determined, pursuant to Section 30610(e) of the Public Resources Code, to have no potential for significant adverse environmental effects and therefore has been issued an exclusion from the Coastal Development Permit requirements.

"Coastal Commission" shall mean the California Coastal Commission.

"Coastal Development Permit" shall mean a letter or certificate entitled "Coastal Development Permit" and issued by the City in accordance with the provisions of this section, after the applicant has submitted all necessary supplementary documentation required to satisfy the conditions precedent in the Notice of Intent to issue a Coastal Development Permit.

"Coastal Zone" shall mean, for the purposes of this section, those portions of the Palms-Mar Vista-Del Rey District Plan and the Westchester-Playa del Rey District Plan which are contained in the Playa Vista Area B Specific Plan, Ordinance No. _____, and the Playa Vista Area C Specific Plan, Ordinance No. _____.

"Director of Planning" shall mean the Director of Planning of the City of Los Angeles or his duly authorized representative.

"Discretionary Permit" shall mean any use, permit, approval or other entitlement of use which requires a public hearing under the Code, exclusive of this section, including, without limitation, uses permitted under Section 12.24 of the Code.

"Notice of intent to Issue Coastal Development Permit" shall mean a letter or certificate issued by the City in accordance with the provisions of this section, approving a development subject to fulfillment of conditions prior to issuance of the Coastal Development Permit.

"Other Permits and Approvals" shall mean any discretionary permit, approval, or other entitlement of use, other than a Coastal Development Permit, required to be issued by the City before a development may proceed.

C. **Exemptions.** The following are exempt from the requirement to obtain a coastal development permit in accordance with the provisions of this section:

1. Repair and maintenance activities which do not result in a material addition to or enlargement or expansion of the object of such activities, except as otherwise specified by the Coastal Commission in Subchapter 7, Title 14, California Administrative Code, and any amendments thereafter adopted.

2. Activities of public utilities as specified in repair, maintenance and utility hook-up exclusion adopted by the Coastal Commission on September 5, 1978.

3. Certificates of occupancy.

4. Improvements to single-family residences, except as otherwise specified by the Coastal Commission in Subchapter 6, Title 14, California Administrative Code and any amendments thereafter adopted.

5. Improvements to any structure other than a single-family residence or a public works facility, except as otherwise specified by the Coastal Commission in Subchapter 7.5, Title 14, California Administrative Code, and any amendments thereafter adopted.

6. Dredging of waterways and flood control channels for maintenance and repair purposes.

7. Repair, reconstruction or replacement of structures damaged or destroyed by fire, flood, storm, earthquake or similar casualty.

8. Approval of any division of land, including any subdivision, in connection with the purchase or annexation of any real property for public recreational purposes in accordance with Section 30106 of the Public Resources Code.

9. Repair and maintenance of seawalls, levees, jetties and similar structures.

10. Approval of leases or subleases of any public land.

11. Approval or issuance of any ministerial license or permit to operate a particular building, or conduct a particular business therein.

D. Initiation. Proceedings for a Coastal Development Permit or a determination of exemption from the coastal development permit requirements of this section shall be initiated by the filing of a verified application upon a form or forms prescribed for that purpose. An application for a coastal development permit for a development that is solely within the jurisdiction of the City Engineer shall be filed in the public office of the City Engineer.

All other applications for coastal development permits or for an exemption determination shall be filed in a public office of the Department of City Planning.

All applications filed with the City Engineer and the Department of City Planning shall be accompanied by the following:

1. An adequate description of the proposed development including, but not limited to maps, plans, photographs, drawings, etc., of the development, project site and vicinity sufficient to determine whether the development is in conformity with the certified local coastal program.
2. A description and documentation of the applicant's legal interest in the property on which the development is to be located if the application were approved (e.g., ownership, leasehold, enforceable option, authority to acquire the specific property by eminent domain).
3. A dated signature by or on behalf of each of the applicants, attesting to the truth, completeness, and accuracy of the contents of the application, and, if the signer of the application is not the applicant, written evidence that the signer is authorized to act as the applicant's representative and to bind the applicant in all matters concerning the application.
4. A statement of the status of the environmental documentation for the development and a copy of the required environmental documentation.
5. Any additional information as may be required by the approving authority.
6. The required filing fee as established under Section 19.06 of the Code.

E. Notice of Exempt Development.

A notice of exemption issued by the Director of Planning pursuant to Subsection K of this section for a development which is exempt from the Coastal Development Permit requirements shall be exempt from the notice and hearing requirements of this section. The City shall maintain a record for all notices issued for exempt developments which shall be made available to the Coastal Commission or any interested person upon request. This record may be in the form of any record of issued permits or approvals currently maintained by the City, provided that such record includes the applicant's name, the location of the development, and a brief description of the development.

F. Notice of Appealable Developments.

Within ten (10) calendar days of accepting an application for an appealable development or at least seven (7) calendar days prior to the first public hearing on such appealable development, the City shall provide notice by first class mail of pending application for appealable development. This notice shall be provided to each applicant, to all persons who have requested to be on the mailing list for that development project or for coastal decisions within the coastal zone, to all property owners and residents within 100 feet of the perimeter of the parcel on which the development is proposed, exclusive of streets, and to the Coastal Commission. The notice shall contain the following information:

- a. A statement that the development is within the coastal zone;
- b. The date of filing of the application and the name of the applicant;
- c. The number assigned to the application;
- d. A description of the development and its proposed location;
- e. If applicable, the date, time, and place at which the public hearing on the application will be heard;
- f. If applicable, a brief description of the general procedure concerning the conduct of public hearing and City actions; and
- g. The system for City and Coastal Commission appeals, if any, including any local fees required.

G. Public Hearing on Appealable Developments.

At least one public hearing shall be held on any application for a coastal development permit for an appealable development. The public hearing shall occur no earlier than seven calendar days following the mailing of the notice required in Subsection F of this section, and shall be conducted in conjunction with a public hearing before the applicable approving authority for Other Permits or Approvals application for the appealable development. If there is no Other Permit or Approvals application, then the applicable approving authority shall be the Zoning Administrator, and the procedures that shall apply to a decision by the Zoning Administrator shall be those procedures set forth in Subsections B through Q of Section 12.24. (*Amended by Ord. No. 173,268, Eff. 7/1/00.*)

H. Continuation of Public Hearing--Notice.

If a decision on a coastal development permit is continued to a time which is neither (i) previously stated in the notice provided pursuant to Subsection F of this section nor (ii) announced at the hearing as being continued to a time certain, notice of the further hearings (or action on the proposed development) shall be provided in the same manner, and within the same time limits, as established in Subsection G of this section.

I. Notice Non-Appealable Developments that Require a Public Hearing by Reason of Other Permits and Approvals: Discretionary Permits.

Notice of the developments shall be given at least ten calendar days before a hearing in the manner described in Subsection F of this section. (*Amended by Ord. No. 173,268, Eff. 7/1/00.*) (*Amended by Ord. No. 173,374, Eff. 8/3/00.*)

J. Notice of Non-Appealable Developments that Do Not Require a Public Hearing: Allowable Uses.

Notice of such developments shall be provided in a manner prescribed in paragraphs (a) through (d) of Subsection F of this section. In addition, the notice shall contain the date the application will be acted upon by the approving authority and the general procedure of the approving authority concerning the submission of public comments either in writing or orally prior to the decision of the approving authority.

K. Determination of Applicable Notice and Hearing Procedures.

The determination of whether a development is exempt, a categorically excluded development, an appealable development or non-appealable for the purposes of the notice, hearing and appeal procedures set forth in this section shall be made by the Director of Planning at the time the application for development is submitted. Where an applicant, interested person, or the Director of Planning has a question as to the appropriate procedures, the following procedures shall be followed:

1. The Director of Planning shall make its determination as to what type of development is being proposed (i.e., exempt, categorically excluded, appealable, non-appealable) and shall inform the applicant of the notice and hearing requirements, if any, for that particular development.

2. If the determination of the Director of Planning is challenged by the applicant or an interested person within 14 days after such determination is made, or if the Director of Planning wishes to have a Coastal Commission determination as to appropriate designation, the Director of Planning shall notify the Coastal Commission by telephone of the dispute/question and shall request an Executive Director's opinion.

3. The Executive Director shall, within two (2) working days of such request (or upon completion of a site inspection where such an inspection is warranted), transmit a determination as to whether the development is exempt, categorically excluded, appealable or non-appealable.

4. Where, after the Executive Director's investigation, the Executive Director's determination is not in accordance with the determination by the Director of Planning, the Coastal Commission shall hold a hearing for the purpose of determining the appropriate designation at the next Coastal Commission meeting in the appropriate geographic region following the Director of Planning's request.

L. Finality of City Action.

A decision by the approving authority on an application for a coastal development permit shall be deemed final when (i) the decision of the application has been made and all required findings have been adopted by

the approving authority, including specific factual findings supporting the legal conclusions that the proposed development is or is not in conformity with the certified local coastal program, and that the required conditions of approval adequate to carry out the certified local coastal program as required by this section have been imposed, and (ii) all local rights of appeal have been exhausted as defined in Subsection P of this section.

M. Final City Action--Notice.

Within seven (7) calendar days of a final decision on an application for any development (except categorically excluded or exempt developments), the approving authority shall provide notice of its action by first class mail to the Coastal Commission and to any persons who specifically requested notice of such final action by submitting a self-addressed, stamped envelope to the approving authority. Such notice shall include conditions of approval, written findings, and if applicable, the procedures for appeal to the Coastal Commission.

N. Failure to Act--Notice.

1. Notification by Applicant.

If the approving authority has failed to act on an application within the time limits set forth in Government Code Sections 65950-65957.1, thereby approving the development by operation of law, the person claiming a right to proceed pursuant to Government Code Sections 65950-65057.1, shall notify, in writing, the approving authority and the Coastal Commission of his or her claim that the development has been approved by operation of law. Such notice shall specify the application which is claimed to have been approved.

2. Notification by Approving Authority.

When the approving authority determines that the time limits established pursuant to Government Code Sections 65950-65957.1 have expired, the approving authority shall, within seven (7) calendar days of such determination, notify any person entitled to receive notice pursuant to Subsection M of this section that it has taken final action by operation of law pursuant to Government Code Sections 65950-65957.1. The appeal period for developments approved by operation of law shall begin to run only upon the receipt of the approving authority's notice at the office of the Coastal Commission. (This subsection shall apply equally to an approving authority determination that the development has been approved by operation of law and to a judicial determination that the development has been approved by operation of law.)

O. Local Government Action--Effective Date.

The decision of the approving authority on an application for an appealable development shall become effective after the ten (10)-working-day appeal period to the Coastal Commission has expired or after the twenty-first (21st) calendar day following the final action of the approving authority, provided that

no such appeal is filed and provided that the notice of final approving authority action has met the requirements of Subsections M and N of this section. Where such appeal is filed, or where notice of final approving authority action has not met the requirements of Subsections M and N of this section, the final decision of the approving authority shall become effective unless the Coastal Commission, within five (5) calendar days of receiving notice of that circumstance, notifies the approving authority and the applicant that the effective date of the approving authority action has been suspended.

P. Exhaustion of Local Appeals.

1. An appellant shall be deemed to have exhausted local appeals for purposes of filing an appeal under the Coastal Commission's regulations and be an aggrieved person where the appellee has pursued all available appeals to the City's appellate bodies as required by the City's appeal procedures, except that exhaustion of all local appeals shall not be required if any of the following occur:

(a) The City requires an appellant to appeal to more local appellate bodies than have been certified as appellate bodies for permits in the coastal zone in the implementation section of the local coastal program;

(b) An appellant is denied the right of the initial local appeal by a City ordinance which restricts the class of persons who may appeal a local decision;

(c) An appellant is denied the right of local appeal because City notice and hearing procedures for the development did not comply with the minimum requirements on this section; or

(d) The City charges an appeal fee for the filing or processing of appeals from decisions on coastal development permits.

2. Where the City has rendered a final decision on an appealable development and where such development is thereafter appealed by any two (2) members of the Coastal Commission within the ten (10) working-day appeal period, there shall be no requirement of exhaustion of City appeals, provided, however, that notice the Coastal Commissioner appeals shall be transmitted to the City's appellate body, if any, which considers appeals from the City's decision-making person or body that rendered the final decision, and the appeal to the Coastal Commission shall be suspended pending a decision of the City appellate body. If the decision of the City appellate body modifies or reverses the previous decision, the Commissioners shall be required to file a new appeal from that decision.

Q. Revocation. If the conditions of any Coastal Development Permit granted pursuant to this section have not been complied with, the approving authority, upon knowledge of such fact, may give notice to the record owner or lessee of the real property affected thereby to appear at a time and place fixed by the approving authority and show cause why the determination of the approving authority granting the coastal development permit should not be repealed or rescinded, as the case may be. After such hearing, the approving authority may revoke the coastal development permit.

Any application filed or approved under the provisions of this section may be immediately terminated or revoked by the approving authority upon a finding that one or more of the following grounds exist:

1. That inaccurate, erroneous or misleading information was intentionally filed or presented in conjunction with said application.
2. That names and addresses of all property owners as shown on the records of the City Clerk or the County Assessor were not intentionally provided within the required radius of the involved property in conformity with the requirements of this section and the Code.
3. That the addresses of all residential occupants within 100 feet of each boundary of the site of the proposed development were not intentionally provided.

SEC. 12.20.3 – “HP” HISTORIC PRESERVATION OVERLAY ZONE. The following regulations shall apply in an HP Historic Preservation Overlay Zone: *(Added by Ord. No. 152,422, Eff. 6/27/79.) (Amended by Ord. No. 173,268, Eff. 7/1/00.)*

A. **Purpose.** It is hereby declared as a matter of public policy that the recognition, preservation, enhancement, and use of structures, landscaping, natural features, sites and areas within the City of Los Angeles having historic, architectural, cultural or aesthetic significance are required in the interest of the health, economic prosperity, cultural enrichment and general welfare of the people. The purpose of this section is to:

1. Protect and enhance the use of structures, features, sites, and areas that are reminders of the City's history or which are unique and irreplaceable assets to the City and its neighborhoods or which are worthy examples of past architectural styles;
2. Develop and maintain the appropriate settings and environment to preserve these structures, landscaping, natural features, sites and areas;
3. Enhance property values, stabilize neighborhoods and/or communities, render property eligible for financial benefits, and promote tourist trade and interest;
4. Foster public appreciation of the beauty of the City, of the accomplishments of its past as reflected through its structures, landscaping, natural features, sites and areas;
5. Promote education by preserving and encouraging interest in cultural, social, economic, political and architectural phases of its history.
6. To ensure that all procedures comply with the California Environmental Quality Act.

B. **Definitions.** For the purpose of this ordinance, the following words and phrases are defined:

1. **ADDITION** is an extension or increase in floor area or height of a building or structure.

2. **ALTERATION** is any exterior change or modification of a structure, landscaping, natural feature or site within a Historic Preservation Overlay Zone including but not limited to changing exterior paint color, removal of significant trees or landscaping, installation or removal of fencing, and similar projects, and including street features, furniture or fixtures.

3. **ARCHITECTURAL** is anything pertaining to the science, art or profession of designing and constructing buildings or structures.

4. **BOARD** is any Historic Preservation Board as established by this section.

5. **CERTIFICATE OF APPROPRIATENESS** is an approved certificate issued for the construction, demolition, alteration, removal, or relocation of any publicly or privately owned structure, landscaping, natural feature or site within a Historic Preservation Overlay Zone, including street features, furniture or fixtures.

6. **CONTRIBUTING STRUCTURE** is any structure identified on the Historic Resources Survey as contributing to the historic significance of the Historic Preservation Overlay Zone, including a structure which has been altered, where the nature and extent of the alterations are determined reversible by the Historic Resources Survey.

7. **CULTURAL** is anything pertaining to the concepts, skills, habits, arts, instruments or institutions of a given people at any given point in time.

8. **HISTORIC** is any structure, landscaping, natural feature, or site, including street features, furniture or fixtures which depicts, represents or is associated with persons or phenomena which significantly affect or which have significantly affected the functional activities, heritage, growth or development of the City, State, or Nation.

9. **HISTORIC RESOURCES SURVEY** is a document which identifies all contributing and non-contributing structures and all contributing landscaping, natural features and sites, individually or collectively, including street features, furniture or fixtures, and which is certified as to its accuracy and completeness by the Cultural Heritage Commission.

10. **LANDSCAPING** is the design and organization of landforms, hard scape, and softscape including individual groupings of trees, shrubs, groundcovers, vines, pathways, arbors, etc.

11. **MONUMENT** is any structure, landscaping, natural feature or site designated as a City Historic-Cultural Monument.

12. **NATURAL FEATURE** is any significant tree, plant life, geographical or geological site or feature identified individually or collectively on the Historic Resources Survey as contributing to the cultural or historical significance of the Historic Preservation Overlay Zone.

13. **NON-CONTRIBUTING STRUCTURE** is a structure identified on the Historic Resources Survey as not contributing to the historical significance of the Historic Preservation Overlay Zone.

14. **OWNER** is any person, association, partnership, firm, corporation or public entity identified as the holder of title on any property as shown on the records of the City Clerk or on the last assessment roll of the County of Los Angeles, as applicable. For purposes of this section, the term owner shall also refer to an appointed representative of an association, partnership, firm, corporation, or public entity which is a recorded owner.

15. **PRESERVATION PLAN** is a document governing each Historic Preservation Overlay Zone, that is prepared by the Board as set forth in Subsection D 8.

16. **PRESERVATION ZONE** is any area of the City of Los Angeles containing structures, landscaping, natural features or sites having historic, architectural, cultural or aesthetic significance and designated as a Historic Preservation Overlay Zone under the provisions of this section.

17. **PROJECT** is the addition, alteration, construction, demolition, reconstruction, rehabilitation, relocation, removal or restoration of the exterior of any building, structure, landscaping, natural feature or site within a Preservation Zone, except as provided under Subsection F 2 (c). A project may or may not require a building permit, and may include but not be limited to changing exterior paint color, removal of significant trees or landscaping, installation or removal of fencing, window and door replacement which are character-defining features of architectural styles, changes to public spaces and similar projects.

18. **RECONSTRUCTION** is the act or process of reproducing by new construction the exact form, features and details of a vanished building, portion of a building, structure, landscape, or object as it appeared at a specific period of time and on its original site.

19. **REHABILITATION** is the act or process of returning a property to a state of utility, through repair or alteration, which makes possible an efficient contemporary use while preserving those portions or features of the property which are significant to its historical, architectural and cultural values.

20. **RENTER** is any person association, partnership, firm, corporation, or public entity which has rented or leased a dwelling unit or other structure within a Preservation Zone for a continuous time period of at least three years. For purposes of this section, the term renter shall also refer to an appointed representative of an association, partnership, firm, corporation, or public entity which is a renter.

21. **RESTORATION** is the act or process of accurately recovering the form, features and details of a property as it appeared at a particular period of time by means of the removal of later work or by the replacement of missing earlier work.

C. **Use.** Whenever the City Council shall establish, add land to, eliminate land from or repeal in its entirety a Preservation Zone, the provisions of the section shall not be construed as an intent to abrogate any other provision of this Code. When it appears that there is a conflict, the most restrictive requirements of this Code shall apply.

D. Historic Preservation Board.

1. **Establishment and Composition.** There is hereby established within each Preservation Zone a Historic Preservation Board. Each Board shall have, as part of its name, words linking it to its area of administration and distinguishing it from other similar boards. A Board shall be comprised of five members. At least three members shall be renters or owners of property in the Preservation Zone. In the event the Preservation Zone is primarily residential, at least three members shall be owners or renters who reside in the zone. When property is owned or rented by corporations, governments or other organizations, the Board members may be appointees of those organizations. In the event a Preservation Zone is established for an area insufficient in size to provide for a Board whose members meet the requirements of this subsection, for appointment purposes only, the area may be expanded to include the community plan area in which the Preservation Zone is located. In the event a Board still cannot be comprised with members who meet the requirements of this subsection, the Cultural Heritage Commission shall assume all the powers and duties and perform all the functions otherwise assigned to the Board for the Preservation Zone, until a time the Board can be established.

2. **Term of Membership.** Members of the Board shall serve for a term of four years, except that initial appointments of members shall be staggered as provided in Subsection 3 below. Members of the Board whose terms have expired shall stay on the Board until their replacements are approved.

3. **Appointment of Members.** To the maximum extent practicable members shall be appointed as follows:

(a) One member having extensive real estate or construction experience shall be appointed by the Mayor. The initial appointee shall serve a one-year term.

(b) One member who is a renter or owner of property in the Preservation Zone shall be appointed by the councilmember of the district in which the Preservation Zone is located. In cases where the Preservation Zone is located in more than one council district, the appointment shall be made by the councilmember representing the greatest land area in the Preservation Zone. The initial appointee shall serve a two-year term. In predominantly residential Preservation Zones, the owner or renter shall also be a resident of the zone.

(c) Two members, one of which shall be an architect licensed by the State of California, shall be appointed by the Cultural Heritage Commission. In the event only one appointment under (a) or (b) above is a renter or owner in the Preservation Zone, then at least one of the appointees shall be a renter or owner of property in the Preservation Zone. In predominantly residential Preservation Zones, the owners or renters shall also be residents of the zone. Both initial appointees shall serve three-year terms.

(d) One member at large selected by a majority vote of the previously listed four members. The member shall be a renter or owner in the Preservation Zone unless at least three of the other four members are renters or owners in the Preservation Zone. In predominantly residential Preservation Zones, the owners or renters shall also be residents of the zone. The initial appointee shall serve a four year term. All members shall have demonstrated a knowledge of, and interest in, the culture, structures, sites, historic architecture, history and features of the area encompassed by the Preservation Zone and, to the extent feasible, shall have experience in historic preservation. Appointees serve at the pleasure of the appointing authority and the appointment may be rescinded at any time prior to the expiration of a member's term.

4. **Vacancies.** In the event of a vacancy occurring during the term of a member of the Board, the same body or official, or their successors, who appointed the member shall make an interim appointment of a person to fill out the unexpired term of the member. Where the member is required to have specified qualifications, the vacancy shall be filled for the unexpired term of the member by interim appointment of a person having these qualifications. If the appointing authority does not make an appointment within 60 days of the vacancy, the President of the City Council shall make a temporary appointment to serve until such time as the appointing authority makes an appointment to occupy the seat.

5. **Expiration of Term.** Upon expiration of a term for any member of the Board, the appointment for the next succeeding term shall be made by the same body or official, or their successors, which made the previous appointment. No member of a Board shall serve more than two consecutive four year terms.

6. **Organization and Administration.** Each Board shall hold regular meetings at fixed times within the month with a minimum of two meetings a month. Meetings may be canceled if no deemed complete applications are received at least seven calendar days prior to the next scheduled meeting. There shall be at least one meeting a year. The Board shall establish rules, procedures and guidelines as it may deem necessary to properly exercise its function. The Board shall elect a Chairperson and Vice-Chairperson who shall serve for a one year period. The Board shall designate a Secretary and Treasurer who shall serve at the Board's pleasure. Three members shall constitute a quorum. Decisions shall be determined by majority vote of the Board. Public minutes and records shall be kept of all meetings and proceedings showing the attendance, resolutions, findings, determinations and decisions, including the vote of each member. To the extent possible, the staffs of the Department of City Planning and Cultural Affairs Department may assist the Board in performing its duties and functions.

7. **Power and Duties.** When considering any matter under its jurisdiction, the Board shall have the following power and duties:

(a) To evaluate any proposed changes to the boundaries of the Preservation Zone it administers and make recommendations to the City Planning Commission, Cultural Heritage Commission and City Council.

(b) To evaluate any historic resources survey undertaken within the Preservation Zone it administers and make recommendations to the City Planning Commission, Cultural Heritage Commission and City Council.

(c) To study, review and evaluate any proposals for the designation of Historic-Cultural Monuments within the Preservation Zone it administers and make recommendations to the Cultural Heritage Commission and City Council, and to request that other City departments develop procedures to provide notice to the Boards of actions relating to Historic-Cultural Monuments.

(d) To evaluate applications for a Certificate of Appropriateness and make recommendations to the Director of Planning or the Area Planning Commission.

(e) To encourage understanding of and participation in historic preservation by residents, private business, private organizations and governmental agencies.

(f) In pursuit of the purposes of this section, to render guidance and advice to any owner or occupant on construction, demolition, alteration, removal or relocation of any Monument or any structure, landscaping, natural feature or site within the Preservation Zone it administers. This guidance and advice shall be consistent with approved procedures and guidelines, and the Preservation Plan, or in absence of a Plan, the guidance and advice shall be consistent with the Secretary of Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings.

(g) To tour the Preservation Zone it represents on a regular basis, to promote the purposes of this section and to report to appropriate City agencies matters which may require enforcement action.

(h) In cooperation with the Cultural Heritage Commission, to provide for the updating of Historic Resources Survey for the Preservation Zone utilizing the criteria in Subsection E 3 below.

(i) To make recommendations to decision makers concerning facade easements, covenants, and the imposition of other conditions for the purposes of historic preservation.

(j) To make recommendations to the City Council concerning the utilization of grants and budget appropriations to promote historic preservation.

(k) To employ its own staff or hire such consultants as may be required in the performance of its duties using available Board funds.

(l) To accept donations from outside sources to be utilized for historic preservation efforts, and to maintain public records accounting for the funds.

8. Preservation Plan. The Board shall be responsible for the preparation of a Preservation Plan which clarifies and elaborates upon these regulations as they apply to the Preservation Zone, and which contains the following elements relating to the specific zone:

(a) A mission statement.

(b) Goals and Objectives.

(c) The Historic Resources Survey, including the inventory of contributing structures, landscaping, natural features and sites and distinguishing between contributing and non-contributing structures.

(d) A brief context statement which identifies the historic, architectural and cultural significance of the Preservation Zone.

(e) Design guidelines for rehabilitation or restoration of single and multi-family residential, commercial and other non-residential structures and public areas. The guidelines shall use the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings. The Preservation Plan may be prepared with the assistance of historic preservation groups and shall be submitted for recommendation to the Cultural Heritage Commission, and to the City Planning Commission which shall have final authority for action.

The Preservation Plan shall be made available by the Board to property owners and renters within the Preservation Zone, and shall be reviewed by the Board at least every two years. Any modifications to the Plan resulting from the review shall be submitted to the Cultural Heritage Commission for recommendation, and the City Planning Commission for approval.

E. Procedure for Establishment, Change or Repeal of a Preservation Zone.

1. **Requirements.** The processing of an initiation or an application to establish, change the boundaries of or repeal a Preservation Zone shall conform with all the requirements of Section 12.32 A through D and the following additional requirements.

2. **Initiation of Preservation Zone.** Proceedings to establish, change boundaries of, or repeal a Preservation Zone may also be initiated by the Cultural Heritage Commission.

3. **Application.** The proceedings for the establishment of a district may only be initiated by a verified application of one or more of the owners or renters of property within the boundaries of the proposed or existing Preservation Zone. Upon receipt of the application, a copy will be sent to the Cultural Heritage Commission for evaluation. An application shall be accompanied by any information deemed necessary by the Department.

4. **Historic Resources Survey.** As a part of the evaluation of an application for establishment or change of boundaries of a Preservation Zone, an historic resources survey of the involved area shall be prepared identifying all contributing and non-contributing structures. The survey may also identify contributing landscaping, natural features or sites. The survey shall also consider whether a Preservation Zone possesses a significant concentration, linkage, or continuity of sites, buildings, structures or objects united historically or aesthetically by plan or physical development. The survey shall be certified as to its accuracy and completeness by the Cultural Heritage Commission.

5. **Finding of Contribution.** For the purposes of the historic survey only, no structure, landscaping, natural feature or site shall be considered contributing unless it is identified in the survey. The historic resources survey shall also include a context statement supporting a finding establishing the relation between the physical environment of the Preservation Zone and its history, thereby allowing the identification of historic resources in the area as contributing or non-contributing. The context statement shall represent the history of the area by theme, place and time. It shall define the various historical factors which shaped the development of the area. It may include, but not be limited to, historical activities or events, associations with historic personages, architectural styles and movements, master architects, building types, building materials, or pattern of physical development that influenced the character of the Preservation Zone at a particular time in history. To be contributing, structures, landscaping, natural features or sites within the involved area or the area as a whole shall meet one or more of the following criteria:

- (a) adds to the historic architectural qualities or historic associations for which a property is significant because it was present during the period of significance, and possesses historic integrity reflecting its character at that time; or
- (b) owing to its unique location or singular physical characteristics, represents an established feature of the neighborhood, community or city; or
- (c) retaining the structure would help preserve and protect an historic place or area of historic interest in the City.

6. **Cultural Heritage Commission Determination.** The Cultural Heritage Commission shall approve, conditionally approve, or disapprove the establishment of or change in boundaries of a Preservation Zone only upon (1) a majority vote and (2) a written finding that structures, landscaping, natural features and sites within the Preservation Zone meet one or more of criteria (a) through (c), inclusive, in Subdivision 5 of Subsection E.

7. In making its determination for approval, the Cultural Heritage Commission shall also certify the Historic Resources Survey as to its accuracy and completeness. In the event that the Cultural Heritage Commission cannot reasonably complete its evaluation within a 45-day time period from the filing of an application, if any, or from the date of initiation by the City Council, City Planning Commission or Cultural Heritage Commission, the Cultural Heritage Commission shall notify the City Planning Commission in writing and the time period may be extended for a specified further time period.

8. **Authority. Decision by City Planning Commission and City Council.** Upon action or failure to act by the Cultural Heritage Commission within the 45-day time, the application, if any; historic resources survey; comments, if any, regarding the proposed Preservation Zone boundary's appropriateness; and any related file shall be transmitted to the City Planning Commission and thereafter to the City Council for action. The City Planning

Commission, and thereafter the City Council, shall proceed to approve, approve with changes or disapprove the initiation or application, if any, as filed. Before approving an application to establish or modify a Preservation Zone the City Planning Commission, and thereafter the City Council, shall find that the proposed boundaries are appropriate and make the findings of contribution required in Subsection 3 above. In granting approval, the City Planning Commission, and thereafter the City Council, may recommend conditions to be included in the Preservation Plan as appropriate to further the purpose of this section. The City Planning Commission, and thereafter the City Council, in its deliberations shall carefully consider the historic resources survey and any and all aspects of the Cultural Heritage Commission determination.

F. **Certificate of Appropriateness.**

1. **Purpose.** It is the intent of this section to require the review of a project by way of a Certificate of Appropriateness as set forth in Subsection F 3. It is the further intent of this section to require a Certificate of Appropriateness for some projects which may, or may not, require a building permit, including, but not limited to, changing exterior paint color, removal of significant trees or landscaping, installation or removal of fencing, window and door replacement which are character-defining features of architectural styles, changes to public spaces and similar projects.

2. **Requirements.**

(a) **Prohibition.** No person shall construct, add to, alter, demolish, relocate or remove any structure, landscaping, natural feature or site designated as contributing on the Historic Resources Survey within a Preservation Zone unless a Certificate of Appropriateness has been approved for that action pursuant to this section. No Certificate of Appropriateness shall be approved unless the plans for the construction, demolition, alteration, addition, relocation, or removal conform with the provisions of this section. Any approval, conditional approval, or denial shall include written findings in support.

(b) **Maintenance and Repair.** Nothing in this section shall be construed to require a Certificate of Appropriateness for the ordinary maintenance and repair of any exterior architectural feature of a property within a Preservation Zone which does not involve a change in design, material, color, or outward appearance.

(c) **Exceptions.** The provisions of Subsection F shall not apply to the following conditions:

(1) Where the structure, landscaping, natural feature or site within the Preservation Zone is being restored to its original appearance and the restoration is being undertaken with prior written approval of the Board;

(2) Where a structure, landscaping, natural feature or site within a Preservation Zone has been damaged by fire, earthquake or other natural disaster to the extent that it cannot be repaired or restored with

reasonable diligence and where demolition of the structure, landscaping, natural feature or site is being undertaken with prior written approval of the Board (subject to the provisions of Public Resources Code Section 5028, where applicable);

(3) Where emergency or hazardous conditions currently exist as determined by the Department of Building and Safety, and the emergency or currently hazardous conditions must be corrected in the interest of the public health, safety and welfare; when feasible, the Department of Building and Safety shall consult with the Board on how to correct the hazardous condition, consistent with the goals of the Preservation Zone;

(4) Where ordinary maintenance or repair work is undertaken with respect to any structure, landscaping, natural feature or site, and the work does not require the issuance of a building permit, and the ordinary maintenance or repair work is being undertaken with prior written approval of the Board;

(5) Where a proposed Public Works improvement to be carried out, in whole or in part, within a Preservation Zone is submitted to the Cultural Affairs Commission, or to the Cultural Heritage Commission for a determination whether there exist historic, architectural or cultural properties within the Preservation Zone of "potential environmental impact" that meet the criteria for an evaluation of eligibility for inclusion in the National Register of Historic Places, pursuant to Title 36 of the Code of Federal Regulations, and the relevant Board has been notified of the project, including a description of the project;

(6) Where the project consists of an addition of less than 250 square feet to any structure, no increase in height is proposed, and is being undertaken with prior written approval of the Board.

(7) Where a structure, landscaping, natural feature or site has been designated as City Cultural and Historical Monument by the City Council, unless proposed for demolition. All decisions of the Board shall be based on the Secretary of Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings.

3. Procedures for Obtaining a Certificate of Appropriateness.

(a) Any plan for construction, addition, alteration, demolition, reconstruction, relocation or removal of a structure, landscaping, natural feature or site, or any combination, within a Preservation Zone shall be submitted, in conjunction with an application, to the public counter of the Department of City Planning upon a form provided for that purpose. Upon receipt of an application, two copies each of the application and relevant documents shall be mailed by the Department of City Planning to both the Cultural Heritage Commission and the Board for the Preservation Zone for evaluation. Within 30 days of the postmarked date of mailing of the application from the City Planning Department, the Cultural Heritage

Commission and the Board shall submit their respective recommendations that the Certificate be approved, conditionally approved or disapproved. In the event that the Cultural Heritage Commission or Board does not submit its recommendations within the subject time period, the Cultural Heritage Commission or Board shall be deemed to have forfeited all jurisdiction in the matter and the Certificate may be approved, conditionally approved or disapproved as filed.

(b) The Director of Planning shall have the jurisdiction to approve, conditionally approve or disapprove a Certificate of Appropriateness for construction, addition, alteration or reconstruction. The Area Planning Commissions shall have the jurisdiction to approve, conditionally approve or disapprove a Certificate of Appropriateness for demolition, removal or relocation.

(c) The Director of Planning or Area Planning Commission, whichever has jurisdiction, shall render a determination on a Certificate of Appropriateness within 75 days after receipt of the application, unless the applicant consents to a longer period. A copy of the determination shall be mailed to the applicant, the Board, the Cultural Heritage Commission and any other interested parties. No Certificate of Appropriateness shall be issued until the appeal period, as set forth in Subsection F 7, has expired or until any appeal has been resolved. The requirements for a Certificate of Appropriateness are in addition to other City approvals (building permits, variances, etc.) or other legal requirements, such as Public Resources Code Section 5028, which may be required. Except for the appeal periods, the time periods specified above may be extended if necessary with the consent of the applicant.

4. Standards for Issuance of Certificate of Appropriateness for Construction, Addition, Alteration, or Reconstruction.

(a) The Director of Planning shall base a determination whether to approve, conditionally approve or disapprove a Certificate of Appropriateness for construction, addition, alteration or reconstruction on each of the following:

- (1) whether the project complies with Standards for Rehabilitation approved by the United States Secretary of the Interior; and
- (2) whether the project's:
 - (i) architectural design;
 - (ii) height and bulk of buildings and structures;
 - (iii) lot coverage and orientation of buildings;
 - (iv) color and texture of surface materials;
 - (v) grading and site development;
 - (vi) landscaping;
 - (vii) changes to natural features;

- (viii) antennas, satellite dishes and solar collectors;
- (ix) off-street parking; signs;
- (x) light fixtures and street furniture;
- (xi) steps, walls, doors, windows, screens and security grills;
- (xii) yards and setbacks

protect and preserve the historic and architectural qualities and the physical characteristics which make the building, structure or property a contributing feature of the Historic Preservation Overlay Zone.

(b) Alterations, additions, and replacement of non-contributing structures shall require written approval of the Board to assure compatibility with the character of the Preservation Zone and to assure that the new construction is undertaken in a manner that it does not impair the essential form and integrity of the historic character of its environment.

5. Standards for Issuance of Certificate of Appropriateness for Demolition, Removal or Relocation. Any person proposing to demolish, remove or relocate any contributing structure, landscaping, natural feature or site within a Preservation Zone not qualifying for an exception pursuant to Subsection F 2 (c) shall apply for a Certificate of Appropriateness and the appropriate environmental review.

No Certificate of Appropriateness shall be issued and the application shall be denied unless the owner can demonstrate to the Area Planning Commission that the owner would be deprived of all economically viable use of the property. In making its determination of economic hardship, the Area Planning Commission shall consider any evidence presented concerning the following:

(a) Any opinion from a licensed engineer or architect with experience in renovation, restoration or rehabilitation as to the structural soundness of the structure and its suitability for continued use, renovation, restoration or rehabilitation;

(b) Any estimate of the cost of the proposed alteration, construction, demolition, or removal and an estimate of any additional cost that would be incurred to comply with the recommendation of the Board for changes necessary for it to be approved,

(c) Any estimate of the market value of the property in its current condition; after completion of the proposed alteration, construction, demolition, or removal; after any expenditure necessary to comply with the recommendation of the Board for changes necessary for the Area Planning Commission to approve a Certificate of Appropriateness; and, in the case of a proposed demolition, after renovation of the existing structure for continued use,

(d) In the case of a proposed demolition, any estimate from architects, developers, real estate consultants, appraisers, or other real estate professionals experienced in rehabilitation as to the economic feasibility of restoration, renovation or rehabilitation of any existing structure or objects. This shall include tax incentives and any special funding sources, or government incentives which may be available.

6. **Notice and Public Hearing.** Before making its recommendation to approve, conditionally approve or disapprove any Certificate of Appropriateness, the Board shall hold a public hearing and shall notify the owners and occupants of all properties abutting, across the street or alley from, or having a common corner with the subject property at least fifteen days prior to the date of the hearing. Notice of the public hearing shall be posted by the applicant in a conspicuous place on the subject property at least ten days prior to the date of the public hearing. A copy of the final determination by the Director of Planning or Area Planning Commission shall be mailed to the Board, to the Cultural Heritage Commission, to the applicant and other interested parties.

7. **Appeals.** For any application for a Certificate of Appropriateness as defined in this section, the action of the Director of Planning or the Area Planning Commission shall be deemed to be final unless appealed. No Certificate of Appropriateness shall be deemed approved nor issued until the time period for appeal has expired. An initial decision of the Director of Planning may be appealed to the Area Planning Commission. An initial decision by the Area Planning Commission may be appealed to the City Council. An appeal may be filed by the applicant or any aggrieved party. An appeal may also be filed by the Mayor or a member of the City Council. Unless a board member is an applicant, he or she may not appeal any initial decision of the Director of Planning or Area Planning Commission as it pertains to this subsection. An appeal shall be filed at the public counter of the Planning Department within 15 days of the date of mailing of the decision to approve, conditionally approve, or disapprove the application for Certificate of Appropriateness. The appeal shall set forth specifically how the petitioner believes the findings and decision are in error. An appeal shall be filed in triplicate, and the Planning Department shall forward a copy to the Board and the Cultural Heritage Commission. The appellate body may grant, conditionally grant or deny the appeal. Before acting on any appeal, the appellate body shall set the matter for hearing, giving a minimum of 15 days notice to the applicant, the appellant, the Cultural Heritage Commission, the relevant Board and any other interested parties of record. The failure of the appellate body to act upon an appeal within 75 days after the expiration of the appeal period or within an additional period as may be agreed upon by the applicant and the appellate body shall be deemed a denial of the appeal and the original action on the matter shall become final.

G. **Authority of Cultural Heritage Commission not Affected.** Notwithstanding any provisions of this section, nothing here shall be construed as superseding or overriding the Cultural Heritage Commission's authority as provided in Los Angeles Administrative Code Sections 22.132 and 22.133.

H. **Publicly Owned Property.** The provisions of this section shall apply to any structure, landscaping, natural feature or site within a Preservation Zone which is owned or leased by a public entity to the extent permitted by law.

I. **Enforcement.** The Department of Building and Safety shall make all inspections of properties which are in violation of this section when work has been done or is required to be done pursuant to a building permit. Violations, the correction of which do not require a building permit, shall be investigated and resolved jointly by the Planning Department and the Department of Building and Safety, and if a violation is found, the Planning Department may then request the Department of Building and Safety to issue appropriate orders for compliance. Any person who has failed to comply with the provisions of this section shall be subject to the provisions of Section 11.00 (m) of this Code. The owner of the property in violation shall be assessed a minimum inspection fee, as specified in 98.0412 of the Municipal Code for each site inspection.

J. **Injunctive Relief.** Where it appears that the owner, occupant or person in charge of a structure, landscaping, natural feature, site or area within a Preservation Zone threatens, permits, is about to do or is doing any work or activity in violation of this section, the City Attorney may forthwith apply to an appropriate court for a temporary restraining order, preliminary or permanent injunction, or other or further relief as appears appropriate.

K. **Termination.** Any Certificate of Appropriateness or Exception which has been approved under the provisions of this section shall expire 24 months from the date of issuance if the work authorized is not commenced within this time period. Further, the Certificate or Exception will expire if the work authorized is not completed within five years of the date of issuance.

L. **Severability.** If any provision of this section or its application to any person or circumstance is held invalid, the remainder of this section and the application of the provision to other persons or circumstances shall not be affected, and to this end the provisions of this section are hereby declared severable.

M. **Conflict of Interest.** No Board member shall discuss with anyone the merits of any matter pending before the Board other than during a duly called meeting of the Board or subcommittee of the Board. No member shall accept professional employment on a case that has been acted upon by the Board in the previous 12 months or is reasonably expected to be acted upon by the Board in the next 12 months.