

PLANNING AND LAND USE MANAGEMENT COMMITTEE REPORT relative to penalties imposed for unpermitted remodels, additions, and demolition of buildings and structures.

Recommendations for Council action, as initiated by Motion (O'Farrell - Koretz - Ryu):

1. ADOPT enhanced non-monetary penalties effectuated by the Cities of Pleasanton and Glendale, requiring that a replacement project not exceed the height, square footage, and footprint of the demolished structure, which would serve as an effective deterrent to unpermitted demolition, as follows:
 - a. The City of Pleasanton's proposed ordinance allows for a fine to be imposed based on the appraised value of the building before demolition, or the replacement value of the demolished building; and, states that new or replacement development needs to be no larger than the demolished historic building by square footage, floor area ratio, height, and location, with this development restriction in place for 20 years.
 - b. The City of Glendale prohibits the issuance of new construction permits for three years from the date of demolition.
 - c. The City of Glendale's Demolition Deterrence Ordinance also contains affirmative maintenance of lot provisions as property maintenance requirements.
 - d. The City of Glendale requires in-kind reconstruction of destroyed or deteriorated features of a building that is illegally demolished, or demolished by through demolition by neglect.
 - e. The City of Glendale requires new structures to maintain the footprint, height, and square footage of demolished structures.
2. ADOPT increased fines via civil penalties tied to a property's fair market value, as adopted by the Cities of New York and San Antonio, as follows:
 - a. The City of New York's Landmarks Preservation Law imposes a civil penalty for unpermitted demolition in the amount of up to the fair market value of the improvement parcel, with or without the improvement.
 - b. The City of San Antonio levies a fine for unpermitted demolition in the amount of 90 percent of the fair market value of the cost of replacement or repair of such building, object, or structure; such fines collected are to be used for the benefit, rehabilitation, or acquisition of local historic resources.
 - c. The City of San Antonio considers demolition by neglect as a civil offense and imposes penalties of \$1,000 per day.
3. CONSIDER a future Motion seeking a report back to the Council on the feasibility of directing the Department of City Planning (DCP), Los Angeles Department of Building and Safety (LADBS), and the City Attorney to develop amendments to the Los Angeles

Municipal Code and the Cultural Heritage Ordinance to ensure that stronger deterrent and enforcement mechanisms are codified; and, that property owners are duly notified of the changes to help safeguard the City's historical resources.

4. REQUEST the City Attorney to prepare and present an Ordinance, with the assistance of the LADBS, if new fines are recommended to be added, or existing fees are increased.
5. INSTRUCT the LADBS, in coordination with the Los Angeles Housing and Community Investment Department (HCIDLA) and the DCP, to prepare any necessary fee study and conduct public hearings.
6. DIRECT the LADBS, in coordination with the HCIDLA and DCP, to add protected housing units, such as Rent Stabilization Ordinance, covenanted affordable housing, etc., to the types of buildings that will be subject to the additional penalties set forth in the policy; and, INSTRUCT the HCIDLA to join the effort and work with the existing City departments on the matter.
7. DIRECT the LADBS, in coordination with the DCP and the City Attorney, to draft ordinance language that would enhance non-monetary penalties for unpermitted demolition by requiring the replacement project to maintain the footprint, height, and square footage of demolished structures; for properties whose zoning designations allow for multi-family housing, property owners may exceed the footprint and size of the demolished structure, up to the existing zoning capacity, if they set aside a mandatory percentage of new units for covenanted affordable housing, or pay an in-lieu fee for affordable housing.
8. DIRECT the HCIDLA, in coordination with the LADBS, DCP, and the City Attorney, to conduct an analysis on the tipping point for the affordable housing requirement, setting the percentage to exceed any affordable unit requirements from other housing programs, including the Transit Oriented Communities Guidelines, or Density Bonus, while ensuring that a replacement project is not rendered economically infeasible.

Fiscal Impact Statement: None submitted by the LADBS. Neither the City Administrative Officer nor the Chief Legislative Analyst has completed a financial analysis of this report.

Community Impact Statement: Yes.
For: Mar Vista Community Council

Summary

At a special meeting held on February 4, 2021, the PLUM Committee considered the reports from the LADBS and Cultural Heritage Commission relative to the penalties that can be imposed for unpermitted remodels, additions, and demolition of buildings, mainly designated historic buildings and historic resources, in response to Motion (O'Farrell - Koretz - Ryu). Staff from the LADBS and DCP provided an overview of the matter. Council District 13 staff provided comments in support of the LADBS' recommendations. After providing an opportunity for public comment, the Committee moved to approve the recommendations contained in the subject LADBS report, as amended. This matter is now submitted to the Council for its consideration.

Respectfully Submitted,

PLANNING AND LAND USE MANAGEMENT COMMITTEE

<u>MEMBER</u>	<u>VOTE</u>
HARRIS-DAWSON:	YES
CEDILLO:	YES
LEE:	YES
BLUMENFIELD:	ABSENT
RIDLEY-THOMAS:	ABSENT

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