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Major revisions proposed for Los Angeles' preservation ordinance

The changes would give the city's Cultural Heritage Commission the power to block demolition of designated landmarks.
By Martha Groves

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A proposed overhaul of the city's historic preservation ordinance would grant the Los Angeles Cultural Heritage Commission the authority to bar demolition of designated monuments, a power it now lacks.

The ability to deny demolition permits to property owners is among several proposed revisions the Planning Commission is to consider Thursday. If approved, the changes would mark the first major revamping of the city's preservation ordinance since it was enacted in 1962.

"Most people have the impression that if a building is designated as a monument then it's protected," said Ken Bernstein, director of the city Planning Department's Office of Historic Resources. "In fact, in Los Angeles almost the opposite is true."

The changes are designed to align Los Angeles' preservation rules with those of other cities, such as Pasadena, San Diego and San Francisco. Bernstein said he expected property owners to speak out against the changes on Thursday, but he contended that the revisions were long overdue.

Los Angeles affords greater protection for mundane buildings in historic preservation overlay zones than for its nearly 950 historic-cultural monuments, Bernstein said. Under the current ordinance, demolition of a landmark can be delayed by six months but not denied.

"It's strange we have a set of preservation laws that doesn't allow denial of demolition outright for some of our most cherished individual landmarks while it is almost impossible to demolish an often modest building within our historic districts," Bernstein said.

Los Angeles was one of the first large cities in the United States to pass a preservation ordinance. Its rules predated those even of New York City, which began drafting its law after Penn Station -- a marble, granite and steel Beaux Arts gem -- was unceremoniously razed in 1963 and replaced by Madison Square Garden.

A delegate from the Central City Assn., which represents downtown property owners, participated in the 16-month public process of crafting the amendments, but the organization now says stakeholders should take more time to consider the implications.

"We hope the commission will give us more time to negotiate," said Carol E. Schatz, the group's president and chief executive.

"The city is now dramatically changing the rules and, I believe, usurping major property rights," said Karen L. Hathaway, chief executive of Laaco Ltd., which owns the Los Angeles Athletic Club. Her great-grandfather, Frank Garbutt, opened the building that houses the club at 7th and Olive streets in 1912 after razing the Hotel Baltimore to make way for it.

Bernstein emphasized that, under the proposed revisions, the commission could not prohibit demolition if the owner demonstrated economic hardship. Demolition would also be allowed if the benefits of an alternative use significantly outweighed the benefits of preservation. In addition, Bernstein said, the revised ordinance would allow an owner to appeal the denial of a demolition permit to the City Council.

Among other proposed changes:

* The new ordinance would require that property owners be notified as soon as a building is nominated for monument status so that they could participate in all public hearings. Under the current ordinance, owners are not formally notified of nomination and often feel blindsided when they find out through the grapevine. "We are trying to improve due process for property owners," Bernstein said.

The current ordinance provides for halting demolition while a site is being considered for monument status, but that stay goes into effect only after the commission's first hearing is completed. Earlier notification to owners, Bernstein said, would make it less likely that they would "put a bulldozer into action in the night."

* The number of commissioners would rise to seven from five to allow for broader representation and make it easier to reach a quorum.

* The ordinance would create a more "up-front" system of review to avoid delays during the permitting phase.

* It would make clear that certain work, such as ordinary maintenance and repair, is exempt from review. And it would clarify the long-standing review process for proposed alterations (interior and exterior) to local monuments.

"We think it's an important step forward for the city's preservation program," said Michael Buhler, the Los Angeles Conservancy's director of advocacy.

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