



AGENDA REPORT

Meeting Date: August 2, 2011
Item Number: E-1
To: Honorable Mayor & City Council
From: Susan Healy Keene, AICP, Director of Community Development
Subject: Discussion of the City's demolition permit and project review procedures and consideration of whether revisions are necessary to address potentially historic structures.

Attachments:

1. City Demolition Procedures
2. City's Landmark Preservation Ordinance

RECOMMENDATION

Staff recommends the City Council discuss and provide direction to staff as appropriate.

INTRODUCTION

The Mayor requested that this item be placed on the agenda to provide a forum for the City Council to discuss whether changes are needed to the City's demolition or project review procedures as they apply to potentially historic properties.

DISCUSSION

The issuance of a demolition permit is a ministerial decision in Beverly Hills and, therefore, is not subject to the California Environmental Quality Act (CEQA). In instances where a replacement project is known and that replacement project requires discretionary review, demolition of a potentially historic structure would be evaluated under CEQA.

The owner, or its representative(s), of the Richard Neutra-designed residence (Kronish House) has begun the process of meeting certain city requirements in order to eventually obtain a demolition permit. One of the outstanding requirements is to post a notice of pending demolition on the property for a period of no less than 10 days before the City will issue a demolition permit. As of the time of this report, no site posting has occurred. Attached to this report is a Building & Safety Division handout to assist applicants through the demolition process, which details the specific requirements (Attachment 1).

There are a range of options the City Council could consider with respect to the subject discussion, including, but not necessarily limited to the following:

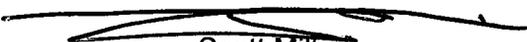
- Make no change to existing demolition procedures
- Modify the demolition procedures to increase the public notice requirement for certain properties
- Modify the demolition procedures to require a replacement project (see City Council Study Session Report, dated June 7, 2011: http://beverlyhills.granicus.com/MetaViewer.php?view_id=2&clip_id=2362&meta_id=132052)
- Make demolition procedure a discretionary action under CEQA
- Make amendments to the city's Landmark Preservation procedures to establish a more comprehensive preservation program

There are variable criteria that could be established for many of the above options. For instance, the City could expand the public notice period for demolition permits for certain properties designed by a master architect as defined by the historic preservation profession. This would limit the longer public notice period for only those properties that have the greatest potential to be historically significant and may encourage owners to seek other preservation-minded buyers, or seek opportunities to have the structure relocated, if feasible. Similarly, the City could require discretionary review of any demolition permit for a structure designed by a master architect. The above is not intended to be an exhaustive list of the options or criteria available and is intended for illustration purposes.

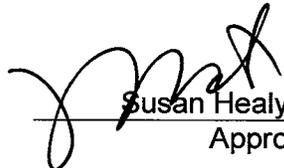
On a separate, but related matter, last Thursday the Planning Commission adopted a resolution forwarding a recommendation to the City Council for a Mills Act Pilot Program. It is anticipated that the program will be presented to the City Council later in August or September.

FISCAL IMPACT

The recommendation in this report does not have any significant budget or fiscal impacts.



Scott Miller
Finance Approval



Susan Healy Keene, AICP
Approved By

Attachment 1



DEMOLITION PERMIT CHECKLIST*

Single Family Dwelling - B.H.M.C. Section 10-3-4201

NOTE: This handout is provided as informational and as a convenience to summarize and interpret the intent and associated requirements of the municipal code. Please refer to the actual code section referenced for the exact wording of the municipal code.

A separate permit shall be obtained for each separate building or structure being demolished. The following conditions shall be satisfied prior to issuance of a structural Demolition permit.

A) Demolition permit issued at the same time as replacement Building permit(Article 42, Beverly Hills Municipal Code):

1. Asbestos Abatement permit (required for building construction prior to 1978)
2. Sewer Cap and associated permit
3. Construction / Demolition sign (posted at least 10 days prior to issuance of permit)
4. Construction fence w/screen
5. Temporary toilet
6. Water available at site
7. Disconnect utilities (Electrical, Gas, Telephone, and Cable Services)
8. Rodent Control report
9. Picture of existing building
10. Temporary power pole and associated permit
11. Pre-Construction Meeting
12. Construction parking plan and associated permit
13. Demolition bond
14. Site conditions verification (request for inspection)
15. Compliance with other Building Standard Codes, such as 2010 CalGreen Code and local Amendments as applicable

B) Demolition prior to a replacement Building permit:

1. All items listed under Section A above
2. Landscape, irrigation, fencing and property maintenance plans
3. Covenant and Agreement (obtain form from Building & Safety)

* Please see the following pages for detailed requirements

DEMOLITION PERMIT REQUIREMENTS

No person shall demolish any building or structure unless a demolition permit has first been obtained from the Building and Safety. A building owner or a demolition contractor (C-21 licensee) may obtain a demolition permit.

A separate permit shall be obtained for each separate building or structure.

The demolition permit will not be issued until all following documents are provided and the work completed.

1) ASBESTOS REMOVAL (required if building was constructed prior to 1978)

- a) All buildings constructed prior to 1978 are required to obtain a pre-demolition or a pre-remodeling investigation by a person or a firm that specialize in asbestos abatement removal. The person or the firm shall submit a **survey** that asbestos is or is not present in the building prior to obtaining the **Demolition Permit**.
 - **If Asbestos exists** in the building, the report shall specify the location(s) of the asbestos. Prior to the issuance of the permit, a copy of the South Coast Air Quality Management Notification of demolition and asbestos removal form must be submitted to this department.
- b) The building owner then shall secure the services of a licensed asbestos abatement contractor. The contractor **must** obtain an **Asbestos Abatement Permit** from the Building and Safety Department to remove the asbestos. When obtaining a permit, the contractor shall provide the following items:
 - Schedule of work:
 - Date and time the work will begin.
 - Estimated completion date.
 - Evidence of state certification for asbestos removal.
 - Copy of the OSHA certification.
 - Copy of the AQMD notification letter.
- c) When all the asbestos is removed, the contractor shall submit a written **Certificate of Completion** that the asbestos has been removed in accordance with the state requirements.

2) SEWER CAP

- a) The building owner or a licensed plumbing contractor shall obtain a **plumbing permit** to cap the sanitary sewer within 5' of the property line **and** provide water service to the property, for dust control during demolition.

- b) The building owner or demolition contractor shall install a **temporary security fence with screen or construction barricade around the property**. Fences or barricades constructed in the public right-of-way require separate permits as well as permits from the Public Works Department.
- c) The building owner or contractor shall make arrangements for a portable toilet to be located at the rear property or as otherwise specified by the department. **This toilet shall not be located on the public right-of-way.**

Such temporary toilet shall be located within twenty-five (25') feet of the rear property line and shall be set back at least twenty (20) feet from any other adjacent side property line unless the Director of Building and Safety approves an alternate location because the requirements of this subsection prevent servicing the toilet or are otherwise infeasible.

3) **ELECTRICAL, GAS, TELEPHONE, AND CABLE SERVICE SHALL BE DISCONNECTED**

4) **TEMPORARY POWER PERMIT SHALL BE OBTAINED**

5) **RODENT CONTROL REPORT IS REQUIRED**

The building shall be inspected for rat and rodent infestation by qualified individuals and a report shall be submitted certifying that the building is free of any rats or rodents prior to issuance of the demolition permit. If the building is found to be infested, then proper eradication measures by qualified individuals shall be implemented and a report certifying to the eradication of the pest problems shall be submitted prior to issuance of the demolition permit.

6) **DEMOLITION SIGN**

The property owner or the owner's representative shall post at the construction site a notice of intent to do grading, construction, or demolition that is readily visible at least ten (10) days prior to issuance of permit (whenever the Director of Building and Safety determines that the grading, construction, or demolition work will have a significant impact on the surrounding properties). This sign shall be obtained from the Building and Safety Department and posted at the sewer cap time.

7) **PHOTO REQUIRED**

A color 8"×10" photograph or a digital photo of the building, taken from a sufficient distance and perspective depicting the entire building, shall be submitted to the Building and Safety Department. (Denote Address and Data)

8) **INSPECTION IS REQUIRED**

A request for inspection shall be made to the Building and Safety Department when the above work is completed. When these requirements have been completed, the **Sewer Cap Permit** and the **Asbestos Permit** (if required) will be approved and finalized.

9) **DEMOLITION BOND (required for any structural Demolition)**

Landscape, Irrigation, Fencing, Bond, and recordation of the Covenant is required if Demolition is proposed prior to New Construction Permit.

When all the above conditions have been met, inspected and approved; the building owner or the demolition contractor may apply for a demolition permit. The demolition contractor shall provide a schedule of work that specifies the date and time when work will begin and estimated completion date.

Should a dangerous condition develop during the demolition of a structure, the demolition contractor shall immediately barricade the dangerous area, notify the Building and Safety Department and take immediate steps to minimize the hazard. No further demolition work shall be done until approval to proceed is given by the Building and Safety Department.

No permit for demolition work will be issued until satisfactory plans and procedures have been submitted to and approved by the Building and Safety Department.

Demolition Plan Requirement for Multi-Family/Condominium

- Plot plan
- Type of construction (wood, steel, concrete, or masonry)
- Specifications for the building (number of stories, square footage, and occupancy)
- Photos of Existing Building
- Basement specifications (if any)
- Any pre-stressed or post-tensioned concrete construction
- Method and sequence of demolition (hand wrecking, dozer or loader wrecking, clam shell wrecking, cable wrecking, or ball wrecking).
- Underpinning of adjacent buildings

Pool Demolition - Complete removal shall be required when demolishing pools.

The building owner or contractor shall obtain a **Heavy Hauling Permit** from the Public Works Department. The permit shall specify hauling routes and other traffic related conditions as deemed necessary.

- ❖ Grading permit is required when any excavation exceeds two (2) feet in depth or any fill exceeds one (1) foot in depth.

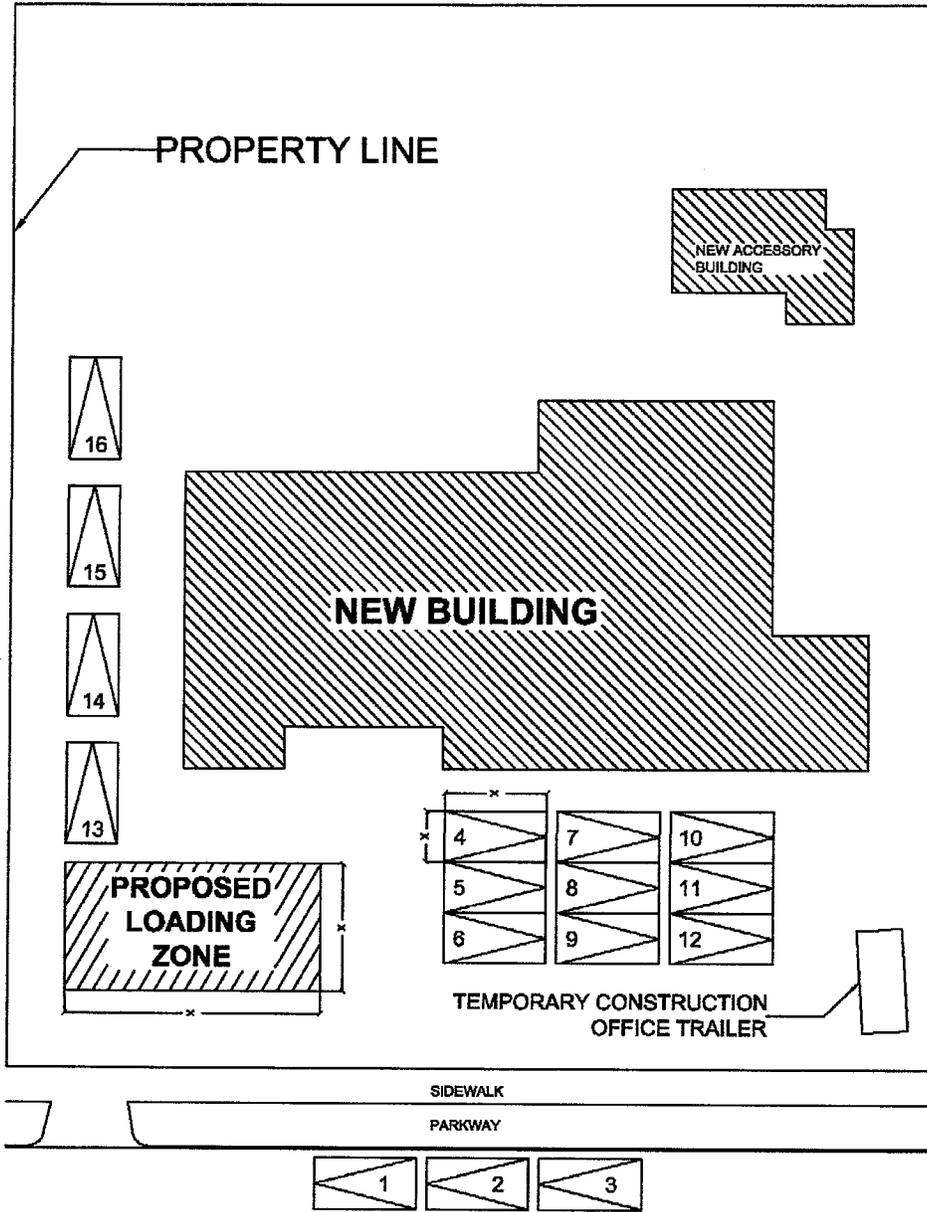
Demolition work can only begin when a demolition permit is issued. A building inspector shall be present at the site when the job begins, and will visit the site periodically as the work progresses. When the demolition is completed the grading work shall commence and the inspector should be called for **Bottom Excavation Inspection**. When the grading is complete then the contractor shall request for **Final Grading Inspection and provide Compaction Report**.

Integrated Waste Management – Recycling Demolition Material

To ensure that the city meets the statutory obligations imposed by the California integrated waste management act (AB 939), the director of building and safety, in issuing permits for construction, renovation, and demolition projects of a specified magnitude, is authorized to impose and to enforce requirements related to the salvaging, recycling, and reuse of construction and demolition debris. Those requirements will be established by resolution of the city council. (Ord. 03-O-2436, eff. 1-15-2004)

NOTE: When the building to be demolished contains residential rental units as defined in the Municipal Code, building owners must also obtain all necessary approvals and permits for a new project and meet the necessary tenant-notice requirements prior to obtaining a demolition permit.

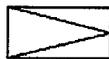
CONSTRUCTION PARKING PLAN SAMPLE



NOTE: NO PARKING ALLOWED IN FRONT OF ANY NEIGHBORING PROPERTY

STREET

LEGEND



STANDARD PARKING SPACE



NEW STRUCTURE



LOADING ZONE

Attachment 2

ARTICLE 32. PRESERVATION OF LANDMARKS

10-3-3201: **ADVISORY COMMISSION:** In addition to the duties and functions provided in article 30 of this chapter, the architectural commission shall serve in an advisory capacity to the council on the preservation of historic and cultural landmarks in the city. (Ord. 75-O-1563, eff. 4-10-1975)

10-3-3202: **DEFINITION OF LANDMARK:** For the purposes of this article, a "historical or cultural landmark" is any site (including significant trees or other plant life located thereon), building, or structure of particular historic or cultural significance to the city, such as historic structures or sites in which the broad cultural, political, economic, or social history of the nation, state, or community is reflected or exemplified, or which are identified with historic personages or with important events in the main currents of national, state, or local history, or which embody the distinguishing characteristics of an architectural type specimen, inherently valuable for a study of a period style or method of construction, or a notable work of a master builder, designer, or architect whose individual genius influences his age. (Ord. 75-O-1563, eff. 4-10-1975)

10-3-3203: **POWER AND DUTIES:** In its capacity as an advisory commission to the council on the preservation of historic and cultural landmarks, the architectural commission shall have the following powers and duties:

- A. To inspect and investigate any site, building, or structure within the city which it has reason to believe is or in the near future will be a historical or cultural landmark;
- B. To compile and maintain a current list of all such sites, buildings, or structures which it has determined from such inspections and investigations to be historical or cultural landmarks. Such list shall contain a brief description of the site, building, or structure and the reasons for its inclusion in the list; and
- C. To publish and transmit such a list to all interested parties and disseminate any public information concerning the list or any site, building, or structure contained therein. (Ord. 75-O-1563, eff. 4-10-1975)

10-3-3204: NOTICE OF LANDMARK DESIGNATION:

- A. The architectural commission shall give thirty (30) days' written notice to the owner of each building, structure, or site that his property is proposed to be included in the list and shall give such person a written notice of any further action which the architectural commission proposes to take with respect to such property. For the purposes of this section, the owner of such property shall be deemed to be the person appearing as the owner of such property on the last equalized assessment roll of the county.
- B. The owner may protest the designation of his property as a landmark, and, if so, the owner shall be granted a hearing before the architectural commission. The owner may appeal any such action taken by the architectural commission to the council as provided in section 10-3-3011 of this chapter.
- C. The architectural commission shall transmit to the building and safety department, the recreation department, the public works department, and the board of education current copies of such list, including additions and deletions. (Ord. 75-O-1563, eff. 4-10-1975)