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CLOSE THE LOOPHOLES

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Subject: Strong Opposition & Mandatory Revisions: Draft Infill Objective Design Standards (ODSs) for HPOZs

Body Text:

Dear Mayor Bass, Mr. Bertoni, Mr. Bernstein, Council Members, and Staff:

I am writing about the second draft of the Objective Design Standards (ODS) for the City's 35 Historic Preservation Overlay Zones.

Thank you for removing the provision that allowed new buildings to be taller than the existing HPOZ neighborhood. Close to 1,000 residents asked for that change, and Planning delivered it.

But the second draft still contains three dangerous loopholes. Because new development in our HPOZs will be approved ministerially, without public input on individual projects, the ODS are the only protection our historic neighborhoods will have. Developers will exploit every gap. I ask that all three loopholes be closed, using the language below.

CLOSE LOOPHOLE #1.
Clean Up The Exception That Swallows Every Other Standard.

Planning has written a blanket "exception" into the ODS. It says that the City cannot impose an ODS if the standard reduces or precludes density that is allowed by State or local law. Fair enough. We don't gain anything by creating ODS conflicts with laws already on the books. But what does this exception actually mean? How will it be applied? Can a developer ignore the ODS height limit if he wants more height so that he can add both a second house and a swimming pool to his lot? Can the ODS side and rear yard setbacks be ignored to make room for this design? Does any part of the ODS survive the whims of an applicant? Who decides? Planning says these critical questions will be answered in implementation procedures that it will write later.

Without specifics now, developers and their lawyers will have a field day. We think Planning knows this. Please urge Planning to add unassailable limits to the exception. We suggest these companion sentences: "All projects must nonetheless be designed and proposed in a manner that complies with the HPOZ ODS standards to the maximum extent physically possible, while at the same time achieving mandated housing density. Further, height as limited by the ODS shall not be waived under this exception unless and until a height increase is the only physical solution to achieve

mandated housing density, and even then only the smallest height increase that is necessary shall be allowed." Whatever the precise words, only mandated housing density can benefit from the exception and only then after every ODS is implemented to the fullest extent physically possible.

CLOSE LOOPHOLE #2.
Apply the Prevailing Architectural Style.

Because the HPOZ ODS will replace our Preservation Plans when new development is proposed, your earlier emails asked Planning to require that new development be consistent with "prevailing" standards. In other words, new development must follow the existing norms for the block. Planning again listened. But they only applied the prevailing concept to roof forms, walkways, and setbacks -- and not to entryways, doors, windows and materials or to subdivisions. This loophole means that a developer could propose the prevailing Craftsman roof style with a mismatched Spanish Colonial covered entry. Ugh. Frankenstein buildings will be possible.

The prevailing architectural styles within each of our 35 HPOZs are already codified. In writing. They are stated in our Preservation Plans and in the City Style Guide. Please ask Planning to add links in the ODS to the Preservation Plans and the City Style Guide and to require developers to apply an existing, prevailing architectural style from the applicable HPOZ to new development. This small fix will have a potent impact on preserving the historic integrity and character-defining features of our unique HPOZ neighborhoods.

CLOSE LOOPHOLE #3.
Add Back "Street Visible," Not Just Street-Facing Facade.

Our HPOZ Preservation Plans repeatedly rely on the concept "visible from the street" to distinguish design elements that are regulated from those that are not. In the latest draft HPOZ ODS, the phrase "visible from the street" has been replaced with the much narrower phrase "street-facing building or facade." This limits the ODS protections to the face of the buildings along the street. The integrity of our HPOZs comes from everything that is seen from the street, not just the building face. Consider this real world example: the revised ODS would allow 6 units going up behind a street-facing Craftsman on Ridge Way in Angelino Heights to have a flat roof with AC units on the rooftops which are 100% visible from the street.

Please insist that Planning restore "visible from the street" or "street visible" as the ODS standard. The Planning Code and the draft ODS Glossary already contain a definition

for "street visible area" that could be amended to remove discretionary words and used here. ("Any portion of the front, side, and rear facades that can be seen from any adjacent street, alley, or sidewalk, or that would be visible but are currently obstructed by landscaping, fencing, or freestanding walls. It also includes undeveloped portions of the lot where new construction would be visible from the adjacent street or sidewalk; facades that are generally visible from non-adjacent streets due to steep topography; or second stories visible over adjacent one story structures.") Or, much simpler, add a new definition for "visible from the street," such as "what a person who is 5'5" or taller can see within 25 feet of the property line when standing on the street in front of the building." But don't supplant "street visible" with "front facade". The two concepts aren't interchangeable. They don't equally protect our HPOZs from incompatible development.

Respectfully,

(ADD YOUR NAME)
(ADD YOUR HPOZ OR NEIGHBORHOOD AND ADDRESS OR ZIP CODE)