



Presentation to the Land Use and Housing Committee

Modification to the Municipal Code Chapter 12, Article 9, Division 5, Section 129.0503

[Exemptions from a Demolition/Removal Permit]

LU&H Committee, April 16, 2008



Present Demo Permits and Regulations

- n According to current City regulations, historical structures over 45 years old are required to be reviewed for potential historical value if the structure is proposed to be **demolished** or **substantially altered**.



The Loophole

How Does Chapter 12, Article 9, Division 5, Section 129.0503 Read?

Exemptions from a Demolition/Removal Permit

- n (a) A demolition/removal permit is **NOT** required to demolish or remove any structure that is exempt from a building permit in accordance with Section 129.0203.
- n (b) A Demolition/Removal Permit is **NOT** required to demolish the following:
 - n (1) A one-story frame *structure* that is 500 square feet or less in area, unless the *structure* has been determined to be a contributing element to a designated *historical structure* or site;
 - n (2) A temporary construction shed or office; or
 - n (3) A temporary tract or *subdivision* office for which a temporary *construction permit* had been previously issued.

The Damage

- n In a single day, this little charming garage [approx 12X17: 204 sq ft] was used as an excuse to demolish the garage along with the rest of the existing 1930's [over 45 yrs old] house without a demo permit and historical review.



Muni-Code § 129.05.03 is used to stage overnight attacks on existing structures in older communities of color and poverty by aggressive Remodeling.

- n The other Approx 296 sq. ft was applied to demo the rest of the house.



NO Proper Lead Paint Containment or Proper Disposal and Recycling Plans

- n And also this other 1930's house was peeled-off, all the way to the bones, in a single weekend.



- n The damage done to these structures is a clear violation of Sections 129.0501 & 0502 and done with **IMPUNITY**.



Lead Paint

- n Section 129.0501 clearly states the purpose of this section to be the “*The safeguard of public health, safety and welfare*”.
- n Older neighborhoods, like Fox Canyon, are awash in **lead paint**, and the public health, safety and welfare is endangered when structures to be known to contain **lead paint** are demolished overnight without lead dust containment and proper abatement.



Neighborhood Character and Charm

- n This Code Section is used as a loophole to demo entire older and potentially historical structures without **historical review, proper lead paint containment** with the increased destruction of neighborhood ***character, scale and texture.***



Community Recommended Solutions

- n Refer this Code Section to the **City Attorney's Office** and **Development Services** with the recommendation to Remove **Subsection (b)(1)** from Section 129.0503, and then for City Council's approval.
- n Refer to **Neighborhood Code Compliance Department** to apply a **\$1,000** or higher value **Administrative Citation** for this type of aggressive behavior, offences and Code violations. Fines are to be paid at plan check.



Fox Canyon's Petition

**n Please Repeal Chapter
12, Article 9, Division 5,
Section 129.0503,
Subsection (b) (1)**