

Chapter 9.25 Demolition and Relocation

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9.25.010 Purpose

The purpose of this Chapter is to implement the City's General Plan and to protect and promote the public health, safety, peace, comfort, convenience, prosperity and general welfare. More specifically, the regulations are intended to protect and promote preservation of the quality and character of Santa Monica's built environment by:

- A. Discouraging demolition or substantial alteration of structures that contribute to defining the character of the City and the distinguishing features and diversity of existing residential neighborhoods by protecting character-defining buildings, historic resources, and older smaller scale multi-unit structures;
- B. Ensuring that the purpose of demolition, when it does occur, is to protect public safety or to allow projects that will further implementation of the General Plan and any other plans or policies the City adopts to improve the quality of the City's built environment;
- C. Providing a basis for considering the impact of demolition, substantial alterations, and building removal on the cultural, social, historic, and political characteristics of neighborhoods as well as their architectural and aesthetic attributes;
- D. Establishing a process for allowing identification of a building that may be a historic resource prior to approving its demolition, substantial alteration, or removal;
- E. Protecting and enhancing real property values by safeguarding and enhancing the appearance of the City and its neighborhoods; and
- F. Defining duties and powers of administrative bodies and officers responsible for implementation of the procedures.

9.25.020 Applicability

- A. No building or structure in the City shall be demolished, removed, or relocated except as authorized under the provisions of this Chapter.
- B. **Exceptions.** The following buildings or structures are exempt from the provisions of this Chapter:
 - 1. An accessory building containing less than 400 square feet of floor area that is not a City-Designated Historic Resource or listed on the Historic Resources Inventory; and

2. If a building or structure is unsafe, presents a public hazard and is not securable and/or is in imminent danger of collapse so as to endanger persons or property, as determined by the City's Building Official, it may be demolished. The Building Official's determination in this matter shall be governed by the standards and criteria set forth in the most recent edition of the California Building Code that is in effect.

9.25.030 Demolition Defined

- A. A demolition subject to the provisions of this Chapter and all other applicable City regulations occurs when any of the following takes place:
 1. At any time over a 5 year period, more than 50 percent of the exterior wall elements are removed, or are no longer a necessary and integral structural component of the overall building.
 - a. Exterior wall elements include, but are not limited to, the subsurface or non-decorative cladding necessary for structural support, columns, studs, cripple walls, or similar vertical load-bearing elements and associated footings, windows, or doors.
 - b. Existing exterior walls supporting a roof that is being modified to accommodate a new floor level or roofline shall continue to be considered necessary and integral structural components, provided the existing wall elements remain in place and provide necessary structural support to the building upon completion of the roofline modifications.
 - c. The calculation for determining whether a structure has been demolished pursuant to this Section shall be based on a horizontal measurement of the perimeter exterior wall removed between the structure's footings and the ceiling of each story, as defined in Chapter 8.12 of the Municipal Code.
 2. In commercial or industrial buildings not principally supported by exterior bearing walls, more than fifty percent of the principal support structure including columns, structural frames, and other similar primary structural elements is removed or is no longer a necessary and integral structural component of the overall building.
 3. At any time over a 5 year period, for structures over 40 years of age and identified on the City's Historic Resources Inventory, the following occurs:
 - a. Removal of more than 25 percent of the wall(s) (including exterior cladding) facing a public street(s) (or a street facing elevation if the parcel is a through lot or landlocked) or 50 percent of all exterior walls; or
 - b. Enclosure or alteration (i.e. new window and/or window relocation) of more than 25 percent of the wall(s) (including exterior cladding) facing a public street (or a street facing elevation if the parcel is a through lot or is landlocked) or 50 percent of the exterior walls so that they no longer function as exterior walls;

All remaining exterior walls must be contiguous and must retain the existing exterior cladding. No new exterior wall covering shall be permitted over the existing exterior cladding.

- B. For purposes of this Ordinance, the removal of a building for relocation to another parcel is considered a demolition. Structures may be relocated subject to the requirements of Section 9.25.050 of this Chapter.
- C. **Verification that work will not result in a demolition.** Prior to issuance of a building permit for a project where the work will result in the removal of over 40 percent of the exterior walls [or for structures over 40 years of age and identified on the City's Historic Resources Inventory, 20 percent of the wall(s) facing a public street(s) or a street facing elevation if the parcel is a through lot or landlocked], the developer shall submit written verification from a registered structural engineer, certifying that the exterior walls shown to remain are structurally sound and will not be required to be removed for the project. Prior to issuance of a building permit, the property owner and contractor shall sign an affidavit to the City that they are aware of the City's definition of a demolition and the penalties associated with an unlawful demolition.
- D. A nonconforming building that is a City-Designated Historic Resource or on the City's Historic Resources Inventory that is demolished may be replaced or rebuilt in-kind when undertaken pursuant to Section 9.27.030(F).

9.25.040 Requirements

The City shall not approve the demolition of any building or structure unless the applicant has complied with all of the following conditions:

- A. A removal permit has been granted by the Rent Control Board, when required.
- B. For multi-unit dwelling structures or structures within a Neighborhood Conservation Overlay District, the final permit to commence construction for a replacement project has been issued, or the building or structure is exempt from this requirement pursuant to Section 9.25.020. A property maintenance plan has been approved in writing by the Director.
- C. Prior to filing an application for a demolition permit, a notice of intent to demolish in a form approved by the Director has been prominently posted on the property.
- D. A Certificate of Appropriateness or Economic Hardship has been approved by the Landmarks Commission or City Council on appeal, for demolition of any City-Designated Historic Resource.
- E. In addition to any other requirements imposed by this Section, no demolition of buildings or structures, the original permit for which was issued more than 40 years before the date of filing of the demolition permit application, shall be permitted unless the following requirements have been met:
 - 1. Within 7 days of receipt of all filing materials for a demolition permit for such structures, the City shall transmit a copy of such application to each member of the Landmarks Commission. Filing materials shall consist of a completed application form, site plan, 8 copies of a photograph of the building, and photo verification that the property has been posted with a notice of intent to demolish.
 - 2. If no application for the designation of a structure of merit, a landmark or a historic district is filed in accordance with Chapter 9.56 within 75 days from receipt of a complete application for demolition, demolition may be approved subject to compliance with all other legal requirements, including this Section.

3. If an application for, a landmark, a historic district, or a structure of merit is filed in accordance with Chapter 9.56 within 75 days from receipt of a complete application for demolition, no demolition permit may be issued until after a final determination is made by the Landmarks Commission, or the City Council on appeal, on the landmark, historic district, or structure of merit designation application. The application shall be processed in accordance with the procedures set forth in Chapter 9.56.

- a. The 75-day period can be extended by the property owner by written consent.

- b. No landmark, structure of merit, or historic district application can be filed after the 75-day period has expired unless the demolition permit expires.

F. No application subject to review by the Planning Commission, Architectural Review Board, or Zoning Administrator, shall be accepted for filing unless the applicant has completed the requirements of 9.25.040(E), as applicable.

9.25.050 Relocation of Buildings and Structures

Buildings and structures may be relocated if the following requirements are met:

- A. In addition to meeting the requirements of 9.25.040, the relocated structure shall comply with all regulations of this Ordinance including the property development standards for the Zoning District in which the structure is to be relocated, including building height, setback, parcel coverage, and unit density requirements. However, if the relocated structure is a City-Designated landmark or structure of merit, the Landmarks Commission may approve a Certificate of Appropriateness authorizing non-conforming setbacks and site orientation on the new lot.
- B. Construction or rehabilitation related to the structure proposed to be relocated shall commence within 30 days and shall be completed within 365 days of the date the structure is relocated onto the property.
- C. Prior to issuance of a building permit, a notice of intent to relocate approved as to form by the Building Officer shall be posted on the parcel where the building is to be relocated.