



## **Attachment 5**

Public Comment Letters



May 28, 2015

523 West Sixth Street, Suite 826  
Los Angeles, CA 90014

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laconservancy.org

**Submitted electronically**

Beverly Hills Planning Commission  
Attention: Reina Kapadia, AICP, Associate Planner  
City of Beverly Hills  
Community Development Department  
455 N. Rexford Drive  
Beverly Hills, CA 90210  
Email: [rkapadia@beverlyhills.org](mailto:rkapadia@beverlyhills.org)

**RE: Proposed Revisions to Beverly Hills Historic Preservation Ordinance**

Dear Ms. Kapadia:

On behalf of the Los Angeles Conservancy, I am writing to submit comments for tonight's Planning Commission meeting, where I understand the Beverly Hills Historic Preservation Ordinance will be discussed. Our comments address the most recent draft of the ordinance and concerns we have in terms of long-term implications. Where possible, we suggest alternative language to be considered, previous provisions to be reinstated, and some amendments to be removed.

Throughout this process we have greatly appreciated the opportunity to work with the staff and members of the Cultural Heritage Commission, the Planning Commission and the City Council's Liaison Committee and provide comments. As the draft ordinance continues to evolve, we remain concerned as we strongly believe certain provisions potentially limit preservation opportunities and, in some instances, do not adhere to standard preservation practices applied elsewhere, in both other communities and at the state and national levels. If the current draft ordinance is adopted, the Conservancy believes it will severely limit the ability of the city and its Cultural Heritage Commission from being able to fully designate and protect historically significant properties.

Throughout this long process the Conservancy has provided written and oral comments, most recently on May 4th and 12th. We continue to highlight several sections of the proposed ordinance revisions and suggest recommendations for



modifying the language. Given the back and forth nature of ordinance revisions to date, we are focusing on the major rather than minor aspects at this time.

**10-3-3202: DEFINITIONS:**

**Exceptional Significance:**

This definition is highly unusual and does not follow standard preservation practices elsewhere. We strongly believe it arbitrarily sets the bar too high and potentially limits otherwise significant and worthy properties from being considered for local landmark designation. We strongly suggest this provision be removed.

**Person of Great Local Prominence:**

It's unclear what the purpose is of this definition, as it was added recently. It is very specific and prescriptive in nature, and limits local significance only to individuals who have had either streets or parks named after them [See Criteria B.4]. We strongly suggest this provision be removed.

**10.3.3207: CULTURAL HERITAGE COMMISSION:**

**Subsection B. Appointment and Qualifications:**

We suggest you retain "shall" rather than change to "should," as it has recently been amended. It is important to require and maintain a highly qualified makeup of commission members, with an interest, experience and knowledge to ensure a professional standard.

**Subsection C. Term:**

The previous language outlines terms for commission members. It is unclear why this is proposed for removal and we suggest this be reinstated.

**10-3-3212: LANDMARK DESIGNATION CRITERIA:**

To retain the integrity of the Historic Preservation ordinance's landmark designation criteria, the Conservancy recommends against adopting the proposed language, as currently stated. The criteria are so restrictive that they may create the unintentional effect of preventing a California Register-eligible structure in the city from attaining local landmark status.

Of greatest concern will be the large number of historically significant structures throughout the city that will be denied the protection afforded by landmark designation because they are unable to meet the highly specific and subjective designation criteria.

To ensure that local landmark designation criteria better align with state and national models, we recommend the following revisions for these particular criteria.



**Criteria B.3:**

We suggest the following modifications [in red and strikethrough] to address persons of great importance who may have occupied but not owned a property, as this qualifier is immaterial to establishing significance associated with a specific event. Further it should not limit events to those only at the national level.

“It is an exceptional work that was ~~owned and~~ occupied by a person of great importance for a period of time, and was directly connected to a momentous event in the person ~~or group’s~~ endeavors or the ~~broad patterns of history of~~ at the ~~city, state or national levels~~. For purposes of this paragraph, personal events such as birth, death, marriage, social interaction, and the like shall not be deemed to be momentous; “

**Criteria B. 4:**

This new criteria references a newly added definition of “Person of Great Local Importance,” which we provided comments on above [See Definition]. This is highly subjective and limits it to only individuals whereby a public street or park in the city were named after them. This is an unusual provision that appears to be intended to severely limit consideration of a property for landmark designation under local significance, and will apply only in extremely rare circumstances. As stated earlier, we recommend removing this definition and provision under Landmark Designation Criteria.

**10-3-3213: HISTORIC DISTRICT DESIGNATION CRITERIA:**

**Subsection C:**

The historic district designation criteria have been changed to prohibit the designation of historic districts in an area of the city zoned for single-family development, including but not limited to those areas zoned R-1. The introduction of restrictive criteria such as these would essentially curtail most, if not all, potential historic districts from being designated.

In many communities, local historic districts are comprised primarily of single-family residential structures. This is a fundamental element of most, if not all, preservation ordinances. The removal does not adhere to standard preservation practices and limits residents of the city from being offered this type of preservation planning tool. The Conservancy strongly recommends that it be reinstated.

While a local historic district in a single-family residential area may not be contemplated anytime in the near future, it is important to offer and enable its application should it be warranted in the future. The ordinance already sets high thresholds before a potential district might be considered and ultimately established.

Further, there are other models that could be applied in Beverly Hills to ensure there is substantial buy-in and support for a district. Other cities have criteria and a designation process that set rigorous protocols



but yet do not discourage or outright forbid the formation of local historic districts in single-family residential areas. Glendale and Burbank are good examples. Both cities require a two-step process for the formation of local historic districts. District proponents distribute petitions through the neighborhood, with the first petition asking the City to conduct a historic resource survey requiring at least twenty-five percent property owner support, and the second petition asking the City to implement the historic district requiring at least fifty percent property owner support.

**Subsection E.**

This criterion stipulates that all of the contributing properties predominantly embody the distinctive characteristics of a single architectural style, type, or period. It is common for designated historic districts to feature a variety of architectural styles, though they may relate to one another through the cohesive development pattern of the neighborhood and other shared physical characteristics including similar scale, massing, and setbacks. We suggest removing the word “single.”

**10-3-3215: LANDMARK OR HISTORIC DISTRICT DESIGNATION PROCEEDINGS:**

Many of the proposed changes to this section of the historic preservation ordinance set higher thresholds aimed at making historic resource designation more difficult to achieve. These changes would compromise the City’s ability to designate many architecturally and culturally significant structures.

**Subsection A.1:**

When the application is by owners of contributing properties for designation of a historic district, it shall include a petition in support of the application signed by more than fifty percent (50%) of the property owners of legal lots within the proposed district, and shall also include a current list of names and legal mailing addresses of all property owners in the proposed district.

The Conservancy suggests that a demonstration of property owner support be part of the application review process and not tied to the application submission. Typically, a demonstration of property owner support for a proposed historic district is not required as part of the application process, but is instead submitted during the approval process, which allows applicants time to build support through various methods of outreach while the application is being considered for its architectural and cultural merits.

**Subsection A.2.a:**

This “eligibility requirement” limits the possible structures that can be initiated for landmark designation by the Cultural Heritage Commission or City Council to those that appear in the Inventory, were designed by a person identified on the master architect list, or were owned or occupied by a person of either great importance or great local prominence.

The Conservancy suggests that this language not be adopted, as it unnecessarily limits the actions of the Cultural Heritage Commission or City Council in initiating a landmark nomination. Such initiations



typically take place when the City feels that a particularly significant property might be threatened, and its ability to protect its architectural or cultural heritage should not be limited in this way.

**Subsection B:**

We suggest reinstating the following statement as it establishes a standard of excellence and scope that is appropriate to ensure a professional Historic Assessment Report, including the following:

“This historic assessment report shall be comprehensive in nature, and shall include not only the requisite findings but also all known facts and circumstances that either support or possibly refute those findings.”

**Subsection G:**

This subsection requires the vote of four members of the City Council, rather than a simple majority (three), for the approval of landmark designations or historic districts for which there is owner opposition, though in cases when only three Councilmembers are able to vote because of a conflict of interest, three votes are sufficient.

The Conservancy recommends that a simple majority be the requirement for the City Council to vote on landmark and historic district designations. Setting the threshold at four votes is unnecessarily high and will undoubtedly have the effect of limiting the number of successful designations.

**10-3-3220: CERTIFICATE OF ECONOMIC HARDSHIP:**

Subsection A has been amended to remove “a qualified historic preservation” condition from the list of consultants. It is important to establish and maintain a high standard of professionalism and expertise, especially when relying on consultant reports as part of consideration regarding granting certificates of economic hardship. We suggest reinstating this language.

**10-3-3221: CERTIFICATE OF INELIGIBILITY:**

The proposed process for applying for a Certificate of Ineligibility is currently limited to the discretion of the Director of the Community Development Department. The Conservancy suggests that any applications for a Certificate of Ineligibility be based on a qualified historic preservation consultant’s analysis and applicability to Landmark Designation Criteria. We strongly suggest the insertion of the following language [in red]; otherwise this is an entirely subjective process that has the potential to be abused and limit consideration of qualified and eligible historic properties:

**Subsection A, Applications:**

“Request for a certificate of ineligibility shall be made by filing a written application with the department of community development. The application shall be completed on a form provided by the department, and shall include all required information, **including a written preliminary**



evaluation, based on a qualified historic preservation consultant's analysis and applicability to Landmark Designation Criteria.”

**Subsection B, Administrative Procedure:**

As currently proposed, the ordinance language states “if the director fails to prepare and serve a preliminary evaluation regarding the subject property within the allotted thirty (30) days, such failure will be deemed a finding of ineligibility, and the director shall issue the requested certificate of ineligibility without further delay.”

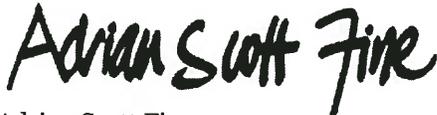
Because a finding of ineligibility will remain valid for a period of seven years for a particular property, a failure to act on the application should not automatically result in such a finding. Rather, we recommend that the applicant be required to resubmit if the allotted timeframe for a decision is not sufficient.

**About the Los Angeles Conservancy:**

The Los Angeles Conservancy is the largest local historic preservation organization in the United States, with over 6,500 members throughout the Los Angeles area. Established in 1978, the Conservancy works to preserve and revitalize the significant architectural and cultural heritage of Los Angeles County through advocacy and education.

Please do not hesitate to contact me at (213) 430-4203 or [afine@laconservancy.org](mailto:afine@laconservancy.org) should you have any questions and if we can be of assistance.

Sincerely,



Adrian Scott Fine  
Director of Advocacy

cc: Beverly Hills Heritage  
Beverly Hills Cultural Heritage Commission





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1. Restore eliminated definitions that follow standardized language utilized by the Office of Historic Preservation and National Park Service, which were meant to provide clarity while referencing existing historic preservation-related programs and elements in place beyond Beverly Hills. These definitions include:
  - a. California Register
  - b. Certified Local Government
  - c. Exceptional Significance
  - d. Historic Resource
  - e. Integrity
  - f. Register of Historic Properties (local)
  - g. Significant Persons
  - h. Site
  
2. Definitions that should be eliminated (with the original definition restored) or revised:
  - a. **SUBSTANTIAL INTEGRITY.** The original “Integrity” definition provides the standard language for understanding the concept of integrity, which is sufficient for determining the extent to which a property possesses this key quality. The proposed “substantial integrity” definition fails to properly define what integrity consists of, and only maintains that complete or near-complete integrity should exist for a structure considered for landmark designation.
  - b. **PERSON OF GREAT IMPORTANCE.** The original “Significant Persons” definition provides standardized language for understanding the qualities that lead to a determination of a person of significance being associated with a particular property. Corresponding with the local historic preservation ordinance, the original definition was focused on “individuals associated with Beverly Hills.” The proposed “person of great importance” definition requires not only a determination of national significance, but suggests that the individual’s widespread fame continues to this day. Such a restrictive definition hinders the City of Beverly Hills in identifying and protecting structures

Submitted at the Cultural Heritage  
Commission meeting of:

2/11/15

By: Adrian Scott Fine



associated with local individuals who have shaped and influenced the growth of the city by their possibly not qualifying as a person of significance.

- c. **PROPERTY OF EXTRAORDINARY SIGNIFICANCE.** The original “Exceptional Significance” definition provides the standard language for understanding this concept as established by the National Park Service. The proposed “Property of Extraordinary Significance” definition introduces incorrect terminology to what had been a straightforward definition.
- d. **MASTER ARCHITECT.** The original definition of “Master Architects” was defined as “an architect of recognized greatness in the field of architecture who is included in the list of such architects compiled by the Cultural Heritage Commission, and updated from time to time.” The revised definition removes the Cultural Heritage Commission’s purview and involvement in the maintenance of this list, and seeks to greatly restrict the number and scope of architects that appear in that list by requiring non-professional thresholds such as inclusion in a specified quantity of published works, photographs, monographs, etc. The Cultural Heritage Commission’s purview should be restored, as this group is the city’s appointed body of experts for Historic Preservation. Furthermore, the proposed definition of what constitutes a “Master” is highly subjective and could cause confusion, whereas the definition of “Master” as recommended by the National Park Service is standardized in a National Register Bulletin “How to Apply the National Register Criteria for Evaluation.”
- e. **ICONIC PROPERTY.** This proposed definition is subjective in its wording. The City of Santa Monica quantifies the meaning of a definition of similar intent with the following language, which serves as Criterion 6 of that city’s local landmark designation criteria: “It has a unique location, a singular physical characteristic, or is an established and familiar visual feature of a neighborhood, community, or the City.
- f. **EXCEPTIONAL WORK.** This proposed definition is based on highly subjective criteria such as publication in journals and monographs, rather than relying on standardized landmark designation criteria to determine which properties meet the threshold for local landmark designation.





# BEVERLY HILLS HERITAGE

PO Box 7642, Beverly Hills, California 90212

[www.beverlyhillsheritage.org](http://www.beverlyhillsheritage.org)

December 11, 2014

## STATEMENT OF BEVERLY HILLS HERITAGE IN OPPOSITION TO THE PROPOSAL TO AMEND THE BEVERLY HILLS HISTORIC PRESERVATION ORDINANCE

I write on behalf of BEVERLY HILLS HERITAGE in opposition to the proposal to amend the City's historic preservation ordinance. It is perplexing that serious consideration is being given to a proposal to weaken an ordinance, the enactment of which raised the esteem of the City not just in the eyes of the local community but throughout the nation – even the *New York Times* took note in a favorable article applauding the City's recognition of the need to preserve its history before it is lost forever. The proposal is all the more troubling because it would make meeting the requirements for listing an historic site or structure on the local register more difficult than qualifying for the State of California's register. In essence, the proposal would create a narrower and higher hoop than currently exists, its only apparent purpose being to make nearly impossible the opportunity of anyone seeking landmark or historic district designation to jump through it.

**PROPOSED CRITERIA FOR LANDMARK DESIGNATION:** The proposed criteria to designate a local landmark are too onerous and restrictive. They could prevent properties that would qualify for landmark designation listing on the California Register from being listed on the City's register. They go even further by demanding that nominated properties, including those whose nominations are uncontested, meet the following, additional requirements:

1. Be at least forty five (45) years of age, or a property of extraordinary significance;
2. Be a remarkable example of a single, specific architectural style, type, or period;
3. Be an exceptional work by a master architect;
4. Be an iconic property; and
5. Have been owned and occupied by a person of great importance for a period of at least ten (10) years, and directly connected to a momentous event in the person's endeavors or the history of the nation; however, significant personal events such as births, deaths, marriages, social interactions, and the like are excluded, quite cynically, from the definition of "momentous."

**RECOMMENDATION:** BEVERLY HILLS HERITAGE rejects these criteria because they lack any rational basis. Their purpose is antithetical to historic preservation. They are designed to remove from consideration for landmark status an unreasonably large proportion of the City's historically significant properties and prevent them from obtaining the protection landmark designation would provide. Moreover, the highly subjective and overly limited criteria would have the effect of preventing many properties that would qualify for listing on the California Register from being designated as landmarks on the City's register. The restrictive definition of "momentous" makes the word meaningless – it is simply nonsensical.

**PROPOSED CRITERIA FOR HISTORIC DISTRICT DESIGNATION:** The proposed criteria for designating an historic district designation would (1) prohibit such districts in areas zoned for single-family development, including but not limited to those areas zoned R-1, and (2) require that the distinctive qualities of a single architectural style, type, or period predominate all of the homes in a proposed historic district. Such criteria are so limiting that virtually no neighborhood could meet them. Furthermore, the procedure for determining whether or not a petition to establish an historic district should be granted would be made more difficult through the implementation of a more stringent process that would require a petitioner to submit with the petition the signatures of more than fifty percent of the property owners of legal lots within the proposed district and a current list of the names and legal mailing addresses of all property owners in the proposed district; this would be instead of allowing the petitioner to gather signatures during a set time after submitting the petition.

**RECOMMENDATION:** BEVERLY HILLS HERITAGE rejects the proposed criteria. Their enactment would have the effect of stopping virtually any district within the City from being designated historic. The criteria ignore reality, that most local historic districts consist mostly of single-family residences and commonly feature a variety of architectural styles. This variety could be the result of various factors that demonstrate a relationship amongst the properties, for example, the period when they were built, the architects who designed them, and a variety of qualities, such as mass, scale, setbacks, and landscaping that were popular during a specific era. The more stringent petition process would make it unnecessarily onerous for a property owner to initiate the process. It should be obvious to any reasonable observer that these proposals are not submitted for the purpose of protecting historic properties but to make it nearly impossible to ensure their continued existence.

**PROPOSED PROCEDURAL CHANGES:** The following changes in the procedure provided by ordinance for designating an historic landmark are being proposed:

1. Unless a structure meets the "eligibility requirement," the possible structures that can be initiated for landmark designation by the Cultural Heritage Commission or City Council would be limited to those that appear in the Inventory or were designed by a listed master architect.
2. The number of structures that the Cultural Heritage Commission could initiate for designation in a single year would be limited to four.
3. It would delete from the current ordinance the "Interim Protection Measures" subsection that protects a structure with a pending nomination by placing a hold on permit activity for the duration of the pending status.
4. It would allow the owner of a property that is pending historic designation to petition for a Certificate of Appropriateness or Certificate of Economic Hardship, allowing demolition, before a final determination of the status of the property is made.
5. It would require a supermajority, rather than a simple majority, vote of the Cultural Heritage Commission.
6. It would prohibit a property whose nomination for historic status was moved by the City and denied by the Cultural Heritage Commission from being renominated for a period of fifteen years, rather than the current five-year period.

**RECOMMENDATION:** BEVERLY HILLS HERITAGE holds that all of these proposals should be rejected because they do nothing but hinder historic preservation. Limiting nominated structures to those that appear in the Inventory or on the master architects list would prevent the Commission and/or Council from taking action

when a property not previously identified is threatened. Limiting to four the number of designations that could be initiated in a single year would prevent the Commission from acting to protect a threatened significant property because of a quota that bears no reasonable relationship to the purpose of engaging in historic preservation. Deleting the "Interim Protection Measures" subsection and granting a Certificate of Appropriateness or Economic Hardship before a final determination is made serves no purpose but to thwart any serious implementation of the preservation ordinance by the City. The same is true of the proposal to require a supermajority vote, a higher bar than that currently must be met. Finally, the fifteen-year period during which a rejected property could not be reconsidered is unnecessarily long, triple the statewide standard, and intended to facilitate the razing of a properties before any action can be taken again to save them.

**CONCLUSION:** An historic preservation ordinance amended to include the proposed provisions would be nothing more than an historic preservation ordinance in name only. The proposals have nothing to do with preservation. They are clearly intended to prevent the City from taking reasonable action to save significant examples of its history. Any claim to the contrary cannot be seriously accepted. The historic preservation ordinance as it now stands is accomplishing exactly what it is intended to do. No evidence of harm resulting from its implementation exists. No acceptable reason for gutting it has been presented. Any serious proponent of historic preservation would not suggest that the hands of the Commissioners and Council Members be tied. Should the Planning Commission recommend to the Council that the proposed criteria be adopted, BEVERLY HILLS HERITAGE will continue to actively oppose such action. We urge you not to let the matter go that far and instead deny each and every change in the ordinance under consideration.

Respectfully submitted,

BEVERLY HILLS HERITAGE



ROBERT J. SWITZER  
Communications Chair  
Board of Directors

robt.j.switzer@gmail.com  
(323) 394-1240

(Rev.: v.2)

**Lisa Dolon**

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**From:** Karen Myron  
**Sent:** Thursday, December 11, 2014 4:39 PM  
**To:** Lisa Dolon  
**Subject:** Fwd: PC Agenda Item 4

Can you please print 10 copies of this and bring it up to me?

Thank you!

Sent from my iPad

Begin forwarded message:

**From:** Roy Oldenkamp <[royoldenkamp@gmail.com](mailto:royoldenkamp@gmail.com)>  
**Date:** December 11, 2014 at 3:14:31 PM PST  
**To:** <[Kmyron@beverlyhills.org](mailto:Kmyron@beverlyhills.org)>  
**Subject:** PC Agenda Item 4

The West Hollywood Preservation Alliance urges the Commission to retain the existing list of Master Architects. Additionally, we urge Beverly Hills to address issues of "economic hardship" via homeowner outreach, Mills Act incentives and tax abatement. We are proud of our neighbor city's efforts and hope no dilution of preservation efforts move forward.

Roy Oldenkamp  
VP West Hollywood Preservation Alliance  
323-252-8907

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Norman S. Kulla, Retired  
Mandy Tilles, Retired

Writer's email: [swebb@twkglaw.com](mailto:swebb@twkglaw.com)

December 10, 2014

VIA EMAIL

To: Planning Commission Chairman Howard Fisher and Commissioners

Re: *Proposed Revised Historical Preservation Ordinance*

Gentlemen:

Firstly, my appreciation to the efforts of Craig Corman and Howard Fisher concerning their efforts that have resulted in the proposed draft Ordinance under discussion. I believe that the proposed Ordinance before you goes a long way towards making this a more just process. As such, I am wholeheartedly in support of the adoption of this Ordinance subject to a few comments as follows:

1. Under the definition of "ECONOMIC HARDSHIP" and other related provisions, I believe there is a category of impacts that is missing. In particular, when dealing with a personal residence, there must be a process to obtain such a certification that has nothing to do with the impacts on the "value" of a residential structure; rather, on a property owner's financial ability to make necessary repairs to the premises.

For example, if you have a residential property that might qualify for landmark designation or is in the process of being designated a landmark, and there are necessary maintenance or repairs required for the overall habitability and safety of the occupants of that house that are prohibitively expensive, and that the owner cannot afford to make those repairs and believes that it makes more economic sense to demolish the property and build something new, there needs to be a process that allows for that to occur.

2. Paragraph 10-3-3209 entitled "PRESERVATION INCENTIVES" should be modified to include the new Ordinance on incentives that the City Council just adopted.

3. There are a few places within the Ordinance that require action within so many days from the date that the Commission or Council "initiates designation

proceedings” but there appears to be some ambiguity as to when such proceedings are “initiated.” In paragraph 2, page 17, the Ordinance states in relevant part, “the Commission . . . may initiate designation proceedings . . . by requesting that the matter be placed on its agenda at a noticed hearing.” Is it the “request” by someone on the Commission to place it on the agenda what constitutes the initiation, is it when the matter is actually placed on the agenda and so noticed, or is it at a hearing when the Commission votes to place it on the agenda?

4. This ties into another ambiguity found at paragraph D on page 20 that provides for the time limit of 45 days “from the date set for the initial public hearing” as to what is meant by the phrase “initial public hearing.” If the Commission, at public hearing, directs staff to place the issue of designation on the calendar of the next meeting, does that constitute the initial meeting or is it the subsequent actual hearing that is being set?

5. If you look at page 18, paragraph 5B relating to preliminary hearings, is it this preliminary hearing that constitutes the initial meeting?

6. Because of the necessary time limits imposed to protect property owners and the insertion of a “preliminary hearing,” I would strongly recommend that this Ordinance be modified to provide that Commission meetings should take place monthly rather than quarterly.

7. Paragraph 10-3-3217 provides for a “hold” on issuing permits from the time that a proceeding is “initiated” to a final determination or resolution. There is an important exception that relates to the issuance of building permits if the proposed work would not alter any of the character defining features of the subject property, etc. However, as worded it gives the Director complete discretion whether to hold or not, and in my opinion, this should be mandatory because of the extreme prejudice imposed on a property owner who is opposing landmark designation. For example, if a property is being considered for designation and the property owner wants to construct a swimming pool in the backyard which would in no way affect the character defining features of the façade of the building, a permit should issue as a matter of course rather than allowing for any type of discretion not to issue such a permit. This discretion appears elsewhere in the Ordinance.

8. “CONTRIBUTING PROPERTY.” This concept only appears in the Ordinance when addressing historic districts. However, there are circumstances in which a portion of a residence or commercial structure might be otherwise designated a landmark also contains

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structures that have been added on over the years that readily can be determined as to be “non-contributing” features of an otherwise historical property. By way of example, a master architect designs and builds a structure in the 20’s and 40 years later an owner builds an attached garage or other structure that is totally inconsistent with the original design and would be a non-contributing addition to the property. As such, a permit for demolition or remodeling of that non-contributing portion of the structure should not be allowed, notwithstanding the possibility of designating the main structure as a landmark.

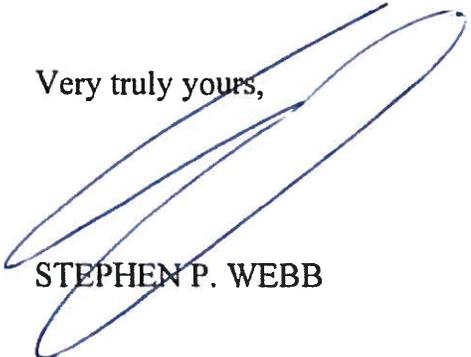
9. Section 10-3-3220 Certificate of Economic Hardship. Again, I believe, there should be a separate section for the economic hardship that may be imposed on a property owner to undertake substantial repairs relating to the habitability and health and safety in order to permit demolition and rebuilding rather than restoration which is far more expensive.

Paragraph C of this Section uses the term “unconscionably” less than the projected net value of the property. . . . which, in my opinion is too difficult a threshold to meet. We are dealing with economics, and an analysis should be based on the materiality of the diminution in value not the “unconscionability” which I feel is an inappropriate term when dealing with economic issues.

10. Section 10-3-3223 dealing with disclosure should have added a section that states nothing herein is meant to limit a property owner or agent’s obligations to make disclosures under State law. I mention this because there could be a circumstance in which a disclosure relating to historical preservation might arise under State law that has a more liberal interpretation than the strict construction of the language in this provision.

Lastly, I take issue with some of the projected increased costs by staff and urge you to have healthy discourse regarding this topic as well. I want to thank you for your attention to the above.

Very truly yours,



STEPHEN P. WEBB



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CONSERVANCY**

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November 21, 2014

**Submitted electronically**

Beverly Hills Planning Department  
Attention: William Crouch, Urban Designer  
455 N. Rexford Drive  
Beverly Hills, CA 90212  
Email: [wrouch@beverlyhills.org](mailto:wrouch@beverlyhills.org)

**RE: Proposed revisions to Beverly Hills Cultural Heritage Ordinance**

Dear Bill,

On behalf of the Los Angeles Conservancy, I am writing to express our serious concerns with the latest, extensive revisions to Beverly Hills' Cultural Heritage Ordinance which, if adopted, will greatly compromise the ability of the city to protect its architectural and cultural heritage.

The Conservancy has worked closely with Beverly Hills during the past few years, providing technical assistance in the creation and adoption of an innovative historic preservation ordinance in 2012 which earned the city the grade of "A+" in the Conservancy's 2014 Historic Preservation Report Card for Los Angeles County.

The present ordinance adopted in 2012 is based on widely accepted models, including landmark designation criteria modeled on those of the California Register of Historical Resources, yet was tailored specifically for Beverly Hills. However, the Planning Commission's proposed revisions, which fundamentally seek to restrict both the quantity and type of resources able to be protected, would insert subjective designation criteria and policies aimed at preventing all but the most exceptional properties from attaining protection through landmark designation. The revised ordinance would also severely restrict the city's ability to protect potential historic resources that may be threatened, effectively limiting the ordinance as an advocacy tool.

**10-3-3212: LANDMARK DESIGNATION CRITERIA:** The landmark designation criteria have been changed from a set that were largely based on those found in the California Register into a two tiered set, with unconsented

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nominations required to meet additional criteria. A review of the proposed criteria demonstrates the high

The subjective landmark designation criteria include:

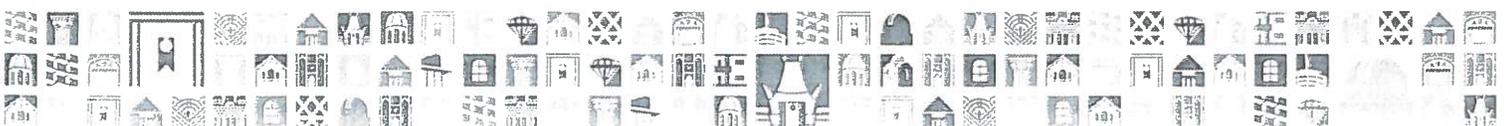
- It is at least forty five (45) years of age, or is a property of extraordinary significance
- It is a remarkable example of a single, specific architectural style, type, or period
- It is an exceptional work by a master architect:
- It is an iconic property
- It was owned and occupied by a person of great importance for a period of at least ten (10) years, and was directly connected to a momentous event in the person's endeavors or the history of the nation. For purposes of this paragraph, personal events such as birth, death, marriage, social interaction, and the like shall not be deemed to be momentous.

To retain the integrity of the Historic Preservation ordinance's landmark designation criteria, the Conservancy recommends against adopting those proposed by the Planning Commission. The proposed criteria are so restrictive that they may create the unintentional effect of preventing a California Register-eligible structure in the city from attaining local landmark status. Of greatest concern will be the large number of historically significant structures throughout the city that will be denied the protection afforded by landmark designation because they are unable to meet the highly specific and subjective designation criteria.

**10-3-3213: HISTORIC DISTRICT DESIGNATION CRITERIA:** The historic district designation criteria have been changed to prohibit the designation of historic districts in an area of the city zoned for single-family development, including but not limited to those areas zoned R-1. Additionally, another proposed criterion stipulates that all of the contributing property predominantly embody the distinctive characteristics of a single architectural style, type, or period.

The introduction of restrictive criteria such as these would essentially curtail most, if not all, potential historic districts from being designated. Most local historic districts are comprised primarily of single-family residential structures. Additionally, it is common for designated historic districts to feature a variety of architectural styles, though they may relate to one another through the cohesive development pattern of the neighborhood and other shared physical characteristics including similar scale, massing and setbacks.

As we previously stated in our letter to the city dated March 26, 2014, other models of historic district designation criteria and designation exist that do not discourage the formation of local historic districts, such as that utilized by both Glendale and Burbank. This example requires a two-step process for the formation of local historic districts: district proponents distribute petitions through the neighborhood, with the first petition asking the city to conduct a historic resource survey requiring at least twenty-five percent property owner support, and the second petition asking the city to implement the historic district requiring at least fifty percent property owner support. This alternative model has proven to be successful. Since 2008, Glendale has successfully designated five local historic districts, with two additional districts currently pending.



**10-3-3215: LANDMARK OR HISTORIC DISTRICT DESIGNATION PROCEEDING:**

Many of the proposed changes to this section of the historic preservation ordinance set higher thresholds aimed at making historic resource designation more difficult to achieve, and will compromise the city's ability to designation many architecturally and culturally significant structures.

**Subsection A.1:** When the application is by owners of contributing properties for designation of a historic district, it shall include a petition in support of the application signed by more than fifty percent (50%) of the property owners of legal lots within the proposed district, and shall also include a current list of names and legal mailing addresses of all property owners in the proposed district.

The Conservancy suggests that a demonstration of property owner support be part of the application review process and not tied to the application submission. Typically, a demonstration of property owner support for a proposed historic district is not required as part of the application process, but is instead submitted during the approval process, which allows applicants time to build support through various methods of outreach while the application is being considered for its architectural and cultural merits.

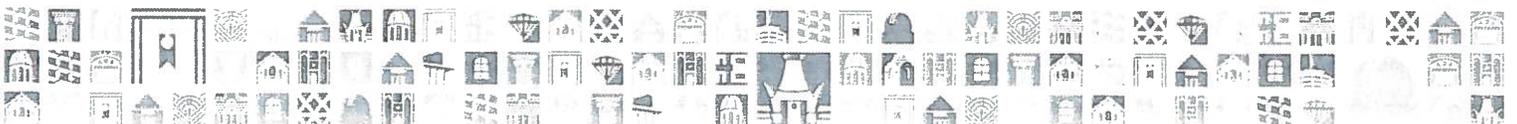
**Subsection A.2.a:** This "eligibility requirement" limits the possible structures that can be initiated for landmark designation by the Cultural Heritage Commission or City Council to those that appear in the Inventory or were designed by a person identified on the master architect list.

The Conservancy suggests that this language not be adopted, as it unnecessarily limits the actions of the Cultural Heritage Commission or City Council in initiating a landmark nomination. Such initiations typically take place when the city feels that a particularly significant property might be threatened, and the city's ability to protect its architectural or cultural heritage should not be limited in this way.

**Subsection A.2.d.3:** This subsection limits to four the number of structures the Cultural Heritage Commission can initiate for designation in one year.

The Conservancy suggests that this proposed cap not be adopted. Because the city's historic preservation program is still young, we recommend more time to evaluate the policy surrounding city initiated designations to determine what the average quantity may be. This is the city's tool for protecting potentially threatened resources, and the city cannot predict at what point in any given year that such a situation may arise.

**Subsection F (original):** The "Interim Protection Measures" subsection, which currently protects a structure with a pending nomination by placing a hold on permit activity for the duration of the pending status, is proposed for removal from the ordinance.



The Conservancy suggests that this language remain in the ordinance, as it allows the city the time to properly evaluate a nominated structure without threat of alterations or demolition.

**Subsection F (proposed):** This subsection allows the owner of a nominated structure or historic district contributor to request a Certificate of Appropriateness or Economic Hardship (for demolition) at the same time that the nomination process is pending.

The Conservancy suggests that this proposed language not be adopted, and that the original Subsection F language remain. The city cannot properly evaluate a request for a Certificate of Appropriateness or a Certificate of Economic Hardship when the landmark status of a subject property is pending and yet to be established.

**Subsection G (proposed):** This subsection requires the vote of four members of the City Council, rather than a simple majority (three), for the approval of landmark designations or historic districts, though in cases when only three Councilmembers are present, three votes are sufficient.

The Conservancy recommends that a simple majority be the requirement for the City Council to vote on landmark and historic district designations. Setting the threshold at four votes is unnecessarily high, and will undoubtedly have the effect of limiting the number of successful designations.

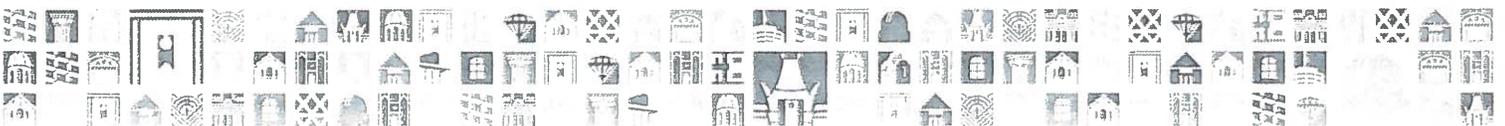
**Subsection K (proposed):** This subsection proposed language stating if a property nominated by the Cultural Heritage Commission or City Council is denied landmark designation, the city cannot initiate nomination of the same property again for 15 years. Previously, the time period had been five years, and was consistent regardless of whether the property was nominated by the city or a resident/individual.

The Conservancy recommends that the customary five-year period, which is the statewide standard, be retained. If a nominated structure is denied landmark designation, it may gain significance through the passage of time and additional scholarly research related to the property within the initial five year period.

Given that the proposed revisions will likely have a chilling effect on local preservation and runs counter to Beverly Hills' commitment to protect its architectural heritage, we urge you to consider the alternatives the Conservancy has suggested. The Conservancy is happy to work with you and planning staff to explore options. Accordingly, the Conservancy urges the city to recommend against adopting the aforementioned proposed revisions to the Cultural Heritage Ordinance.

#### **About the Los Angeles Conservancy:**

The Los Angeles Conservancy is the largest local historic preservation organization in the United States, with nearly 6,500 members throughout the Los Angeles area. Established in 1978, the Conservancy works to preserve and revitalize the significant architectural and cultural heritage of Los Angeles County through advocacy and education.



Please do not hesitate to contact me at (213) 430-4203 or [afine@laconservancy.org](mailto:afine@laconservancy.org) should you have any questions and if we can be of assistance.

Sincerely,

*Adrian Scott Fine*

Adrian Scott Fine  
Director of Advocacy





March 26, 2014

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**Submitted electronically**

Beverly Hills Planning Department  
Attention: William Crouch, Urban Designer  
455 N. Rexford Drive  
Beverly Hills, CA 90212  
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**RE: Proposed revisions to sections 10-3-3213 and 10-3-3215 of the  
Beverly Hills Cultural Heritage Ordinance**

Dear Bill,

On behalf of the Los Angeles Conservancy, I am writing to express some concerns we have in regards to substantive revisions to sections of Beverly Hills' Cultural Heritage Ordinance. If adopted, the Conservancy believes these would severely limit the ability of the city to designate local historic districts in the future.

The Conservancy is specifically concerned about three proposed revisions affecting the historic district designation criteria and procedures. If adopted, these will change the required percentage of contributing structures within a proposed historic district, increasing it from seventy to seventy-five percent. The required percentage of property owner support within a proposed district will increase from fifty to seventy-five percent. Further, a new provision is proposed that would require single-family residential district boundaries to conform to entire blocks.

Combined, these three proposed amendments set harder-to-attain thresholds for establishing local historic districts and represent requirements that are much more stringent than standard models generally employed by other communities, especially so for jurisdictions with CLG status which strive to follow accepted state and national models.

While there has been some neighborhood interest to date in establishing a local historic district, no application has yet been submitted with which to test the historic district designation process as currently established, or to base any conclusions that it might be ineffectual as currently written. In the absence of such a pilot historic district application, the proposed revisions appear to be premature



and instead will discourage the formation of local historic districts by setting the bar too high.

Of the three proposed revisions, the newly introduced provision stating “In the R-1 zone, a Historic District shall be comprised of a continuous city block or blocks, and not partial blocks” is particularly problematic. It departs from standardized national, state, and local models for historic district designation criteria and could lead to scenarios that unduly render proposed historic districts ineligible. Requiring complete blocks for boundaries would likely lead to the otherwise unnecessary inclusion of more non-contributing structures within proposed district boundaries, which could in turn lower the percentage of contributors to a level insufficient for local historic district status. Similarly, this requirement could potentially lead to the otherwise unnecessary inclusion of more property owners unsupportive of the proposed district, thus undermining the ability to achieve the proper percentage of property owner support.

Other models of historic district designation criteria and designation exist that do not discourage the formation of local historic districts, such as that utilized by both Glendale and Burbank. This example requires a two-step process for the formation of local historic districts: district proponents distribute petitions through the neighborhood, with the first petition asking the city to conduct a historic resource survey requiring at least twenty-five percent property owner support, and the second petition asking the city to implement the historic district requiring at least fifty percent property owner support. This alternative model has proven to be successful. Since 2008, Glendale has successfully designated five local historic districts, with two additional districts currently pending.

The city of Beverly Hills has made exceptional progress in historic preservation over the past few years, adopting an innovative historic preservation ordinance in 2012 and earning the grade of “A+” in the Conservancy’s 2014 Historic Preservation Report Card for Los Angeles County. The Conservancy works to encourage strong preservation practices throughout the county and applauds those communities, such as Beverly Hills, which have made significant improvements in establishing historic preservation programs. Beverly Hills’ goal of attaining CLG status is particularly notable—it would become only the twelfth jurisdiction in all of Los Angeles County to bear that distinction.

Given that the proposed amendments will likely have a chilling effect on local preservation and runs counter to Beverly Hills’ commitment to protect its architectural heritage, we urge you to consider alternatives. The Conservancy is happy to work with you and planning staff to explore options. Accordingly, the Conservancy urges the city to recommend against adopting the aforementioned proposed revisions to the Cultural Heritage Ordinance and the local historic district designation process.

**About the Los Angeles Conservancy:**

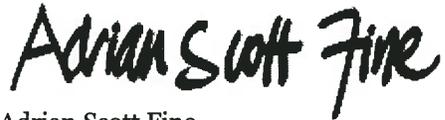
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Sincerely,



Adrian Scott Fine  
Director of Advocacy

