

# Memo

**To:** The Beverly Hills Planning Commission  
**From:** Craig Corman  
**CC:**  
**Date:** 10/20/14  
**Re:** Summary of Key Proposed Changes to Historical Preservation Ordinance

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To my fellow commissioners:

Because I have recommended such extensive revisions to the Historical Preservation Ordinance, I wanted to provide you with a brief summary of the highlights, to aid in your review of the red-lined draft in your packet.

**Clearer Requirements for Landmark Designation.** The vague and frequently overlapping grab bag of designation criteria has been replaced with more clearly defined standards. (§§ 3212.A and 3212.B)

**More Stringent Requirements for Involuntary Designation.** Unless the property owner files an application for designation, the property must either be a demonstrably exceptional work by a real master architect, a place where a nationally important figure lived and did something historically significant, or an iconic property that is essentially part of the city's image (e.g., the Beverly Hills Hotel). All of these concepts are objectively defined in the ordinance and not left to subjective, open-ended interpretation. Moreover, designation by the city council would require 4 votes, not just 3, to clearly signal the city's intent that only properties that are widely recognized as being exceptional will become landmarks. (§§ 3212.B, 3212.G, and 3202)

**Reduction of Properties on the City's Inventory.** By raising the bar for involuntary designations, eliminating historic districts in R-1 zones (see below), and re-defining eligible properties as only those that can meet the new stringent requirements, the number of properties listed on the city's inventory of potential landmarks can be dramatically reduced, thereby removing a potential cloud on the title of many single-family residences. (§§ 3212.B, 3213.C, and 3202)

**Expedited Review of Potential Landmarks.** To speed up the evaluation of potential landmarks, particularly where the property owner has not applied for landmark status, there is now a two-tiered procedure, with the bulk of properties being "cleared" within 30 days through a gateway determination as to whether the property could even meet the new, tougher requirements. If not, the property would be rejected without further expense to the owner or the city. Even where a property could meet the tough new requirements, for involuntary designations the commission would also need to make some evaluation of the property's importance, because the commission may only involuntarily examine in-depth and nominate up to four properties per year (as a stop-gap protection, the city council is under no such restriction). (§§3215.A-D)

**New Procedure to Exempt Properties from the Ordinance.** Through a simple 30-day administrative procedure, the owner of any property that has not already been determined to be an eligible landmark can ask the city to “clear” the property and remove any doubt that it can be easily re-developed. (§ 3221)

**New Requirements for Allowing Redevelopment Based on Economic Hardship.** Instead of requiring the owner of a landmark or contributing property in a historic district to essentially prove a property is worthless before redevelopment can occur, the new draft would introduce a market-based analysis that would allow redevelopment when the owner can show that no amount of rehabilitation or restoration will yield at least 50% of the property’s full potential value. (§ 3220)

**Elimination of Historic Districts in R-1 Zones.** As the commission has previously recognized, historic districts in R-1 areas are especially pernicious because: 1) they have the demonstrated potential of inciting internecine warfare that can permanently scar neighborhoods; 2) they can impose a cloud on the title of whole city blocks when only one neighbor, or a small group of neighbors, agitate for the designation of a historic district; and 3) they can frustrate the ordinance’s original intent to forcibly preserve only exceptional properties, by preserving non-exceptional properties as contributing properties. The commission originally went along with the cultural heritage commission’s recommendation to simply raise the percentage of property owners who must agree to designation to something more than the current 50% (the cultural heritage commission originally suggested 70%, and we raised it to 75%) as a way of guarding against these dangers while also preserving the city’s eligibility for Certified Local Government status. However, as we learned at our last meeting, the State Office for Historic Preservation (which administers the CLG program) has told the city it will not accept anything above the current 50%, so there is no longer any reason to engage in half-way measures. An outright prohibition on historic properties in R-1 zones will also have the salutary effect of removing all properties from the city’s inventory which might be placed on it simply because they are potential contributing properties in potential historic districts; it is my understanding that this amounts to over half the properties currently on, or slated to be added to, the list. (§ 3213.C)

**Reduction of Ties to CEQA.** Except where absolutely necessary, the draft severs the ordinance from CEQA to avoid any possibility that CEQA’s more relaxed “historic resource” standards could be imported into its analytical framework. (§ 3208; see also the deletion throughout of references to “resources”)

**Relationship to Prior Proposed Changes.** Where appropriate, changes previously proposed by staff, the cultural heritage commission, or the city council have been incorporated into the draft. Proposals that generally would have broadened rather than narrowed the scope of the ordinance were not. Accordingly, the draft represents a comprehensive proposal to the commission that can be forwarded “as is” to the city council. (*see, e.g.*, §§ 3215.F (old) and 3217 (new); 3215.G (old) and 3215.O (new); 3223 (old and new); 3228 (old and new))