

Ken Bernstein, Principal City Planner and manager for the Office of Historic Resources (OHR), on the "background on SurveyLA and historic resources" and "a brief background on the general implementation."

(15 minutes long, from 2:30 to 17:30)

<http://planning.lacity.org/StaffRpt/Audios/West/2015/12-16-2015/6%20ZA-2014-2835-CDP-1A.mp3>

Transcript:

Ken B:

What this means in terms of City Planning's case processing and review under CEQA. OHR has been working for several years in partnership with the Getty, the Getty Conservation Institute, the J. Paul Getty Trust.

We have funding from the Getty Foundation, in an historic partnership with the Getty Conservation Institute, to conduct L.A.'s first ever historic resources survey. This is long overdue for L.A.

We are a huge city, approximately 470 square miles, and we have never previously taken comprehensive stock of our historic places across the entire city.

After several years of work, about 85% of the survey fieldwork is done.

We've completed survey field work in essentially all of the West L.A. APC areas.

The survey is not designating individual structures or districts as new designated resources.

This is distinct from our existing designation programs, which in L.A. are for individual sites, what we call Historic Cultural Monuments, or for historic districts, what we call HPOZ's (Historic Preservation Overlay Zones--we have 30 districts across the City).

The purpose of SurveyLA is to identify individual sites, properties or neighborhoods/districts as to whether they appear eligible for historic designation, and to use that as a planning tool to guide better decision making, better planning -- by our planners, by our commissions, by policy makers, and to inform better decisions by private investors, property owners and developers alike.

The idea is to flag information that we are developing through SurveyLA to inform investment decisions/development decisions before there is a final decision, before there is a problem or a project.

And to guide long-range planning as we develop community plans and to guide decision making on individual cases as well.

The implications of being identified in the survey are not the same as actual historic designation.

For an historic cultural monument in the City, any such historic designation requires that all permits on that property be referred to our Cultural Heritage Commission and our OHR for review.

In our 30 HPOZ's, inclusion in those HPOZ's means that any permit affecting the

exterior of the property gets to be referred to our HPOZ Boards, we have 5-member Boards for each HPOZ, and our OHR for review.

The same is not true for identification in the survey. Our main purpose is to guide good planning and this is really about the planning rather than the designation.

What complicates matters a bit and what may come into play on some of your future cases, is the intersection of SurveyLA and CEQA.

That's because under state law, CEQA, a property that is identified as significant in an historic resources survey, such as SurveyLA, is presumed to be an historical resource under CEQA. So where you have a case that is subject to CEQA and it has been identified as eligible for designation, there's a starting presumption that it needs to be looked at for historical resource impacts.

That said, there's a lot that can happen to historic buildings without CEQA impact, and in fact, properties can be altered or even demolished through what are often called ministerial actions, that are not subject to CEQA, and the fact that a property is identified in SurveyLA doesn't automatically make a matter discretionary, subject to CEQA, rather than ministerial.

But it is important to point out that the survey is something that should be taken into account, when you have a matter that is subject to CEQA that comes before you.

Our office has been working very closely with our Staff Planners and with Project Applicants to help inform decision making based on SurveyLA, to use it as it was intended, to guide good planning decisions.

We do offer applicants as well the opportunity to supplement the information in SurveyLA, recognizing that the survey is meant to be a starting point to guide good planning, we have 880,000 properties in the City to take into account. Our survey teams literally have gone down every street in L.A. There is considerable pre-survey research that still needs to be done as well, development of historic context statements that have been the framework in the past for evaluation of historic resources.

But we've not been able to do the detailed property by property assessment, pulling of every permit on every property in the history of work that's been done on every site in the City.

So we've been willing to accept information supplied by applicants or outside parties to supplement the information we've developed through SurveyLA.

In most cases we do reaffirm the initial Findings of SurveyLA. And again, the starting presumption is that if we do find it significant in SurveyLA that we will continue to find it significant in our environmental reviews.

But there have been many cases where there's been information provided to us indicating that a building or site might have suffered from cumulative alterations, or

uncovered additional information that has led us to reconsider our initial evaluations based on that information.

That is a very broad brush introduction to SurveyLA.

We wanted to share this with you in part as we anticipate that now that the survey has been completed in your region you'll continue to be hearing more about it in subsequent cases, or as issues related to CEQA or related to some of our long range planning may come before you.

Commissioner Donovan:

Could you put together a memorandum that would lay out the procedure for our commission with a notation as to the code or the case law, if applicable, so that we could have something that would give us a framework for this because we are seeing cases and reports on this, just to help us procedurally.

We actually are developing a technical bulletin that is meant to be shared both with our staff planners as well as an externally facing one for project applicants, to help make some of these procedures clearer, that will reference as well sections of our state CEQA guidelines.

We'll be finalizing that in January.

Commissioner Halper:

What would be the significance of the designation of a contributing property when we're looking at a CDP?

Ken B:

We have identified a number of districts in Coastal Zones that again the survey has identified as "eligible historic districts"---these are not designated HPOZ's and don't have official historic status and don't go through our HPOZ review process, but they appear eligible for historic designation.

The important consideration is that in most situations the district itself is the primary historic resource, and so it's important to think about that the neighborhood is really the historic resource.

And what you'd be looking at in terms of CEQA is whether the proposed project may have an adverse affect/may materially impair (the term the CEQA guidelines use) the significance of the historic resource.

So what does that mean? What we typically guide project applicants and guide our staff to look at is there are two levels of potential impact:

1. the loss of a contributor or multiple contributors to the district, if a site has been identified as a contributing structure
2. the impact to the overall integrity of the historic district--would the project materially impair its continued eligibility as an historic district.

It's important to consider in this regard as well, and something that we are *starting to look at in the Coastal Zone and particularly in Venice where we're aware there are multiple cases, the potential for cumulative impacts under CEQA and that there are multiple applications.*

This is an analysis and a conversation we're having increasingly in the Coastal Zone and I think it's an important question to ask because in most areas of the City most of the activity that takes place for properties identified in SurveyLA is ministerial and not subject to CEQA.

You have the luck in the West LA APC that much of what you see because it is in the Coastal Zone is discretionary and is subject to CEQA, so this is coming into play much more often than in most other regions of the City where much of the day to day permit activity doesn't face these questions in terms of CEQA impacts.

Commissioner Marguilles:

Re. being in the Coastal Zone and working with the Coastal Commission, it seems like in Venice and in some areas of San Pedro also where we have the issue that we're in a special neighborhood and with special character, and that the history and historic structures and districts have a direct connection to that coastal designation.

Do you have direct conversations and work sessions going on with the state Coastal Commission?

Ken B:

We do not. Our planning staff does so on a regular basis on a number of fronts in terms of planning. I would have to admit not so much in terms of the identification of historic resources. I think clearly we need to do that now that the survey has been completed, to do some more outreach and coordination with the Coastal Commission staff so that there's a mutual understanding of the survey results.

Commissioner Marguilles:

Could you also clarify the process of whether an HPOZ is something that is likely for Venice and what it would take to do that.

Ken B:

We've identified in SurveyLA at least three districts that are eligible for potential HPOZ status in Venice. They are the Lost Canals district, some of the lost original Abbot Kinney canals, as well as two historic districts of Venice Walk Streets.

So there are at least three that we did identify that could be eligible for HPOZ status.

We've identified perhaps dozens of districts across L.A. that would be potentially eligible for HPOZ status. I don't think we would have the capacity to go ahead and designate all of them as HPOZ's. Whether they do move forward as HPOZ's depends in part upon political support, community support within those neighborhoods, and I know that there are Venice community members who are working within each of

those districts to try to build that type of support in their neighborhoods.

There's also a question of staff capacity within our department to be able to both move forward those as HPOZ's, and then to administer what now is a growing program. We have 30 HPOZ's across the City, with about 18,000 structures currently.

We have another 6 proposed HPOZ's that we're working on currently that will grow the program by another 20% in the next 18 months if each of those moves forward to adoption, so we have our hands full with the six that we're moving forward now.

So what we've told the Venice Community is that if there is community support in those areas, we can look at whichever ones are ready to move forward as part of a future phase. It's a lengthy process to be honest.

It would take probably a couple of years from this point, to be able to go through the steps of building community support and moving through the adoption process, as well as a little bit of additional survey work that's needed to refine the SurveyLA work and bring it to the next level of an HPOZ survey.
