

Historic Designation: Process, Effects & CEQA

Historic Designation: Local, State, National

Any individual or group may apply to an appropriate government agency to have a building designated as a historic structure. There are many reasons why people attempt to have properties designated. It may be done for the sense of prestige that accompanies a building's recognition for its historic, cultural, or architectural importance. Designation can enable financial incentives, such as tax reductions, that are only available to owners of officially designated properties. The substantial body of evidence telling us that designation, especially through the creation of historic districts, enhances property values is a draw for many. Finally, in situations in which a historic building is threatened with demolition or inappropriate alteration, individuals and/or community groups often attempt to designate the threatened structure to provide legal measures that may be able to prevent its loss.

Local Designation

Local designation offers the strongest protections because it requires that a city government review and approve alterations or demolition to a property. Many of the large municipalities in Los Angeles County join the City of Los Angeles in having relatively strong preservation ordinances. These include: Glendale, Glendora, Long Beach, Monrovia, Pasadena, Pomona, Redondo Beach, Santa Monica, South Pasadena, West Hollywood, and Whittier. Unfortunately, some cities - notably Beverly Hills - have no provision for designating and protecting their historic resources.

Individual Designation in Los Angeles—Historic-Cultural Monuments

Applications for designation are made to the Cultural Heritage Commission, which conducts a series of public meetings (including a tour of the property) before voting on whether or not to designate the property. If affirmative, the Commission sends its recommendation to the City Council Planning and Land Use Committee. A hearing is held and the committee gives its recommendation to the City Council, which makes the final determination, also at a public meeting.

In Los Angeles, designation as a Historic-Cultural Monument (HCM) does not guarantee that the building cannot be demolished. Instead, it merely buys time in order to create opportunities for preservation solutions to emerge. The ordinance allows the Cultural Heritage Commission to object to the demolition, delaying the demolition for up to 180 days, plus another possible 180-day extension, to allow for time to preserve the monument. Designation also ensures that city staff with preservation and architectural training reviews and approves proposals for work on HCMs before any work permits are issued.

Historic Districts in Los Angeles: Historic Preservation Overlay Zones

The regulation of structures in Los Angeles Historic Preservation Overlay Zones (HPOZ) applies only to the exterior of buildings within the HPOZ boundary. The designation process is typically a grass-roots effort, with neighbors organizing enough support in an area to convince their Council Member to initiate the designation process. Subsequently, the area is surveyed, boundaries are determined, and research is conducted about the neighborhood's history and its



individual properties. In addition, consensus in favor of designation must be found among the residents and property owners in the affected area through a series of public workshops and meetings. Finally, the Cultural Heritage Commission, Planning and Land Use Committee, and City Council must all approve the designation. Once designated, most work on buildings within the HPOZ must be reviewed by a five-member neighborhood design review board (HPOZ Board) in conjunction with staff from the City Planning Department, which has regulatory authority over the HPOZs.

National Designation

The National Register of Historic Places is the nation's official list of historic resources -- buildings, structures, objects, sites and districts worthy of preservation. The National Register was established by the National Historic Preservation Act of 1966, and is maintained by the National Park Service. There is a general requirement that the resource be 50 years old, but there are exceptions so that more recently constructed buildings can be listed. (The Downey McDonald's, built in 1953, was listed on the NR when it was only 31 years old.) National Register nomination forms and information is available from the State Office of Historic Preservation.

The State Office staff reviews the nomination and then submits it to the State Historical Resources Commission, which meets quarterly. If approved, the nomination is sent to the National Register in Washington, D.C. The owner must consent to the listing in the Register; if the owner objects, the building becomes officially "determined eligible" for the Register, which has the identical impact of triggering environmental review for alterations to the property.

National Register listing allows owners of historic buildings to take advantage of the 20% federal rehabilitation tax credit, one of the most important financial incentives for rehabilitating historic buildings. Listed properties may use the California Historic Building Code, a more flexible alternative to standard building codes. Contrary to popular conception, there are generally not large sums of grant funding available to assist owners and local agencies in rehabilitating National Register properties.

National Register listing does not provide an iron-clad guarantee that a building cannot be demolished or significantly altered. However, listing in the National Register does automatically trigger environmental review in California (see below) for projects which have other discretionary actions associated with them.

State Designation

The California Register of Historical Resources is our state's authoritative guide to California's significant historic and archaeological resources. Historic buildings may be nominated to the California Register by local governments, private organizations, or individual citizens. All properties listed on, or formally determined eligible for the National Register of Historic Places are automatically listed in the California Register. In many cities that do not have historic preservation ordinances, the California Register provides an important statewide resource for official historic recognition. Applications are made to the State Office of Historic Preservation.



California Environmental Quality Act ("CEQA")

The State's California Environmental Quality Act (CEQA) requires that historic resources be recognized and considered by development projects which could destroy or negatively impact them. Environmental assessments are done through documents called negative declarations, mitigated negative declarations, or environmental impact reports. In the first two, any negative impacts are addressed and mitigated. For environmental impacts which cannot be mitigated, an Environmental Impact Report (EIR) is prepared.

First, it is necessary to determine whether a building should be considered a historical resource as defined by CEQA. Simply because a resource is not currently listed in the National Register or California Register does not mean that it is not an historical resource and is not subject to CEQA environmental review. Any resource eligible for listing in the California Register is also to be considered under CEQA. Local governments therefore have an obligation not only to determine whether a resource is listed, but also if it may be eligible for listing.

An EIR must consider alternatives to the proposed project that would preserve or reuse the historic resource and assess the feasibility of those alternatives. CEQA applies to historic properties when there is a discretionary action associated with an action or a project. For example, if someone applies for a demolition permit, and the local laws allow the permit to be issued automatically, there is no discretion, so CEQA review is not triggered. However, if the building is designated and the designation requires the local government to review demolition applications for historic buildings, the project is discretionary and CEQA is triggered. If a proposed demolition is for a replacement project on the site which requires zoning variances or conditional use permits, there is again discretion and CEQA is triggered.

An EIR will not necessarily save a building, but by studying alternatives to demolition, the project can possibly be changed. It provides specific information about the feasibility of preservation alternatives, allowing the public to make informed arguments to promote preservation.

