

# Navigating the Political Process

As much as one might wish that it weren't, designation is a political process. While some nominations sail through without controversy, others can become vicious battles between owners who don't want their building designated and members of the community who believe that designation is the only way to protect their shared cultural heritage. Sometimes, City Council members or other officials step into the ring – for one side or the other. It's a fascinating process, but don't forget that sometimes solid nominations for important buildings get rejected. We may not save every structure that we set out to, but at least we tried.

## The Designation Process

It can take several months between the time you submit a nomination and the time it is formally approved by City Council. There are two successive levels of review that you must proceed through. First, the Cultural Heritage Commission reviews the nomination. The Commission is composed of five mayoral appointees with some background in preservation, architecture, real estate, or related fields. Second, a nomination that successfully makes it through Commission review is then voted on by the City Council, which can either ratify or overturn the Commission's decision.

### Cultural Heritage Commission Level:

- Submit nomination to staff of the Office of Historic Resources – City Hall, 200 N. Spring Street, Los Angeles, 6<sup>th</sup> Floor
- Staff reviews nomination for completeness – if it's not complete, they will let you know what else is needed.
- If complete, staff schedules a hearing and writes a recommendation for the Cultural Heritage Commissioners, who will hear the application. There are two possible recommendations: “take under consideration” and “do not take under consideration.” Staff will let you know when the hearing will be held. The owner will not be notified unless the applicant chooses to do so (or is the owner).
- 1st Hearing: decision about whether or not to take the nomination under consideration. The applicant makes a presentation to the Commission, which also hears testimony from people who support the nomination and those who oppose it. If the Commission decides to take under consideration, the process moves on; if not, the nomination is dead.
- 2nd Hearing: the Commission tours the site (since this is a public meeting, the applicant and other interested parties may join the tour unless the property owner objects).
- 3rd (and Final) Hearing: the Commission decides whether or not to designate the property. The Commission considers the testimony of the applicant, proponents, and opponents once again. A “no” vote means the nomination is dead; a “yes” vote moves the nomination to the City Council for ratification.

### City Council Level:

- Commission staff forwards the Commissioners' recommendation that a property be placed on the city's list of Historic-Cultural Monuments to the staff of the Planning and Land Use Committee (PLUM) of City Council. Staff schedules a hearing date and notifies the applicant.
- PLUM consists of three members of the City Council who review all planning-related issues and make recommendations to the full Council.
- Non-controversial nominations that are made with the consent of the property owner typically go through the PLUM and City Council process smoothly; contested nominations may not. The applicant will require a presentation



- For contested nominations, PLUM will ask for testimony from the proponents and opponents and will then vote on whether to recommend that the full City Council approve or deny the nomination. For uncontested nominations, the chair of PLUM will often put the item on the “consent calendar” meaning that it is approved without public testimony. It is important to carefully gauge the likelihood of opposition and be ready to testify at PLUM – you never know who might come out of the woodworks in opposition to your nomination.
- FINALLY – the full City Council votes on the recommendation of PLUM. Once again, contested nominations may require a great show of strength from a nomination’s supporters. If uncontested, the nomination may go through on consent, which may seem anticlimactic, but don’t worry: you’ve accomplished your goal and the city has a new monument, one that will hopefully be around for the enjoyment and appreciation of generations to come.

### **Analyzing Your Nomination**

You can see how important the City Council is in this process. The Council Member representing the district in which a nominated building lies has a great deal of power in determining the final outcome of the nomination. Be sure to contact the Council Member early and often if you think a nomination may face any serious opposition. Getting the Council Member on your side early on will help you get through the process smoothly.

Political reality, however, may stand between your building and its protection through designation. In many cases, the Council Member may favor the demolition of a historic site in favor of a new development. Lobbyists, attorneys, and campaign contributors may get involved and attempt to sway a Council Member’s decision. Once a Council Member decides whether he or she will support or oppose a nomination, other Council Members are likely to vote accordingly because there is great hesitance among the Council membership to interfere with specific development issues in a colleague’s district.

Because of this, it’s important to make a political analysis of your nomination. Questions you should consider include:

- Threshold question: do the benefits of designation outweigh the risks?
- How likely is the nomination to be approved?
- Who are the likely supporters, how influential are they?
- Who are the likely opponents?
- Will the Council office support my position?
- Does the site already have protection? If so, does it need more?
- Will the designation prove counter-productive with the property owner?

In addition, your decision about whether and how to proceed with a nomination needs to take the property owner’s likely position into account. Issues to consider include:

- Is the owner likely to support the nomination or actively oppose it?
- Is there a risk of the owner obtaining a demolition permit? If so, it is critical that the owner not know about the first Cultural Heritage hearing. If the property is taken under consideration, a permit activity is frozen until a final decision is made.
- If owner may be convinced to support the nomination, explain the benefits of designation
- Will or has the owner hired a lobbyist, attorney, or consultant to oppose the nomination?

The answers to these questions will help you decide whether a nomination is worthwhile to pursue and, if it is, how best to do so. This aspect of the designation process can be quite complicated, especially for beginners. The staff of the Los Angeles Conservancy is always available for consultation regarding any questions you have about a potential nomination – don’t hesitate to call us.



### **Tips for Public Hearing Presentations**

Speaking in front of a group – particularly a group of city officials – can be intimidating at first. It is important that you appear confident of your nomination as you testify in front of the Commission and City Council. They're used to people being nervous, though, so don't worry about that. What you do need to make sure of, however, is that you get them the information they need to make a decision in as concise and effective a manner as possible. Here are a few tips:

- Be clear about your goals – make them understand why this nomination is important to you and to their constituents
- Be concise - avoid historical minutiae; don't get bogged down in unnecessary details that might cause you to lose your audience.
- Tell a compelling story – organize your facts in a manner that demands interest rather than stringing them together without concern for the overall “storyline.”
- Attempt to bring other members of the community to the hearing. Testimony from a diverse constituency is more likely to gain the support of officials than that of a single-minded group. For example, if a building is nominated because it's threatened with demolition, don't just bring tenants from that building to the hearing - find neighbors and business owners who value and benefit from the presence of historic buildings in their community. Also call the Conservancy and other advocacy groups to see if they will support your nomination.
- Before the hearing, organize your supporters to avoid repetitive testimony. Help them make complementary but distinct points
- Avoid NIMBYism – a successful nomination benefits the entire city, not just the immediate neighbors. Make a strong case for the “greater good” that will be realized through designation.
- Anticipate your opponents' arguments and try to preemptively defuse them in your testimony. Generally, the proponent goes first and doesn't have an opportunity to offer a formal rebuttal of your opponent's position. Put yourself in your opponent's head!

