

**City of Culver City, California
Agenda Item Report**

Meeting Date: 07/28/2014		Item Number: <u>A-1</u>	
CITY COUNCIL AGENDA ITEM: (1) Consideration of a Recommendation from the Cultural Affairs Commission Related to a Cultural Resource Designation of the Culver City Ice Arena Located at 4545 Sepulveda Boulevard; and (2) Accept, Modify or Disapprove the Cultural Affairs Commission's Recommendation for Designation as Deemed Appropriate.			
Contact Person/Dept.: B. Christine Byers		Phone Number: 310-253-6543	
Fiscal Impact: Yes ☐ No ☒		General Fund: Yes ☐ No ☐	
Public Hearing: ☐		Action Item: ☒ Attachments: ☒	
Commission Action Required: Yes ☒ No ☐		Dates: 04/22/2014	
Cultural Affairs Commission			
Public Notification: Agenda and Meetings – City Council (07/10/14 and 07/24/14); Agendas and Meetings - Cultural Affairs Commission (07/10/14); Michael Karagozian, Trustee/Miron Karagozian Trust (07/10/14); Kevin Healy (07/10/14); Eleta Engelbrecht and Therese Steinlauf (7/10/14); Shannon Takahashi (7/10/14); Culver Ice Foundation (7/10/14); Culver City Historical Society (7/10/14); Julie Lugo Cerra/Culver City Historian (7/10/14); Los Angeles Conservancy (7/10/14); and Property Owners, Occupants, and Businesses within 500' Radius (to End of Block) (Sent via US Mail on 07/07/14).			
Department Approval: Sol Blumenfeld (07/24/14)		City Attorney Approval: Carol Schwab (07/24/14)	
Chief Financial Officer Approval: Jeff Muir (07/24/14)		City Manager Approval: John M. Nachbar (07/24/14)	
<u>RECOMMENDATION:</u> Staff recommends the City Council: (1) consider a recommendation from the Cultural Affairs Commission related to a Cultural Resource Designation for the Culver City Ice Arena (Ice Arena) located at 4545 Sepulveda Boulevard; and (2) after considering what, if any, designation is appropriate for the Ice Arena, accept, modify or disapprove the Cultural Affairs Commission's recommendation for designation as deemed appropriate. <u>BACKGROUND:</u> Culver City established a Historic Preservation Program (HPP) by Ordinance in 1991 which is codified as part of the Culver City Municipal Code (CCMC) as Chapter 15.05 (Historic Preservation Program). A copy of Chapter 15.05 is attached for the City Council's reference. The HPP establishes a process for designating a structure or district in the City as a Cultural Resource. It identifies three Cultural Resource classification categories for both individual structures and districts: "Landmark," "Significant," and "Recognized." The "Landmark" and "Significant" categories have certain protections associated with them; the "Recognized" category is honorary only. Pursuant to CCMC Section			

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15.05.025 (Classification of Structures and Districts), on February 11, 1991, the City Council adopted Resolution 91-R015 which created a ranking system for determining which of the three designation levels may apply. A copy of Resolution 91-R015 is attached for the City Council's reference. The Historic Preservation Program makes provisions for individual nominations for Cultural Resource designation under Section 15.05.015. A structure or district may be nominated by a resident of Culver City, the property owner, the Cultural Affairs Commission, or the City Council.

On January 31, 2014, a nomination was submitted to the City by Kevin A. Healy, a resident of Culver City, for the Ice Arena.

Nomination for Cultural Resource Designation – Culver City Ice Arena

Pursuant to the CCMC, the City studied the nomination and retained Architectural Resources Group, Inc. (ARG) (www.argsf.com) to prepare a full report entitled "Culver City Ice Arena Historic Resource Evaluation" (HRE Report). Based upon the recommendations in the HRE Report, the Community Development Director made a recommendation to the Cultural Affairs Commission, as to the appropriateness and qualifications of the application for consideration by the CAC.

At their meeting of April 22, 2014, the CAC considered the material of record and, after considering such material and comments provided by members of the public, took the following action:

"MOVED BY COMMISSIONER WILLIAMS, SECONDED BY VICE CHAIR KLEIN AND UNANIMOUSLY CARRIED, THAT THE CULTURAL AFFAIRS COMMISSION RECOMMEND THAT THE CITY COUNCIL DESIGNATE THE CULVER (CITY) ICE ARENA A CULTURAL RESOURCE AT THE "SIGNIFICANT" LEVEL."

A copy of the CAC Staff Report (including all attachments) and an excerpt from the Commission-approved minutes for that meeting are attached for the City Council's reference. Additionally, a representative from ARG will be at the City Council meeting to make a short presentation on this subject and answer any questions posed by the City Council.

DISCUSSION:

The process for designating a structure as a Cultural Resource is set forth in CCMC Section 15.05.030.B.1 and provides in pertinent part:

"a. Structures recommended for designation by the Cultural Affairs Commission shall be subject to review and approval by the City Council. All owners of such structures shall be notified in writing of the proposed designation at least ten (10)

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working days prior to the date of the meeting at which the City Council will make its decision. Each owner shall be given the opportunity to be heard on the proposed designation of his or her structure. The City Council shall either **accept, modify or disapprove** the Cultural Affairs Commission recommendations for designation of specific structures. **Structures shall be designated by resolution of the City Council**" (emphasis added).

Under subsection (b), any modification or disapproval by the City Council **shall be supported by a finding** explaining the basis of such modification or disapproval.

Effect of Cultural Resource Designation per the CCMC

CCMC Section 15.05.035 provides (in pertinent part):

"A. No person shall demolish, remove or make alternations affecting the exterior appearance of any designated **landmark** or **significant** structure or historic district, in whole or in part, without first obtaining a Certificate of Appropriateness or a Certificate of Exemption. The requirement and process for obtaining a Certificate of Appropriateness shall depend on the category of exterior alteration proposed (emphasis added).

B. The approval of a Certificate of Appropriateness shall be conditioned upon all exterior alterations complying with the U.S. Secretary of Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings, as the City Council, Planning Commission or Community Development Director deems appropriate, and with the California State Historic Building Code and Cal. Health & Safety Code §§ 18950 et seq., as amended, as applied to the project by the Building Official. In addition, before approving a Certificate of Appropriateness, the Community Development Director, the Planning Commission or the City Council shall make one or more of the following findings..."

In addition to the above, CCMC Section 15.05.035.C provides for up to a six month waiting period in the event the Planning Commission or Community Development Director determines that the proposed alterations would have an adverse impact. If, at the end of the waiting period, the Planning Commission or Community Development Director determines that the owner has acted in good faith but no acceptable way to meet the owner's goals and preserve the structure has been found, if the structure is designated **significant**, the Certificate of Appropriateness shall be approved; but if the structure is designated **landmark**, the Certificate of Appropriateness shall be disapproved.

Certificate of Exemption

CCMC Section 15.05.040 sets forth the process for an owner to file a Certificate of Exemption "...where, in the owner's opinion, there has been or will be a deprivation

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of all reasonable use or economic return on the property...” Further, “...where a Certificate of Exemption is approved, the owner of a landmark structure shall file with the Community Development Director a photographic or videotape documentary of the structure prior to making any exterior changes to, or demolition of, the structure...”

Ultimately, any decisions related to a Certificate of Appropriateness or a Certificate of Exemption may be appealed to the City Council.

California Environmental Quality Act Considerations

If the property owner of the Ice Arena site submits an application for development of the property which requires a discretionary action or permit, it is likely that the proposed project would be subject to environmental review in compliance with the California Environmental Quality Act (CEQA).

CEQA requires that state and local public agencies identify the environmental impacts of proposed discretionary activities or projects, determine if the impacts will be significant, and identify alternatives and mitigation measures that will substantially reduce or eliminate significant impacts to the environment. Historical resources are considered part of the environment and a project that may cause a substantial adverse effect on the significance of a historical resource is a project that may have a significant effect on the environment. With regard to historical resources, generally if a project conforms with the U.S. Secretary of the Interior’s Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings, it can be mitigated to a less than significant level.

Historical resources as defined by CEQA include properties that have been designated under a local preservation ordinance or that have been identified in a local historical resources inventory to be eligible for listing in the California Register of Historical Resources (California Register). The California Register is “an authoritative listing and guide to be used by state and local agencies, private groups, and citizens in identifying the existing historical resources of the state and to indicate which resources deserve to be protected, to the extent prudent and feasible, from substantial adverse change.”

Based on ARG’s report, it appears there is a preponderance of evidence that the Ice Arena is eligible for listing in the California Register under Criterion 1 (association with events that have made a significant contribution to the broad patterns of California’s history and cultural heritage). Therefore, for purposes of CEQA, the Ice Arena would likely be considered a historical resource.

Conclusion

The City Council is requested to (1) consider the recommendation of the CAC to provide the Ice Arena with the Cultural Resource Designation of “Significant;” and

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(2) after considering what, if any, designation is appropriate, ***accept, modify or disapprove*** the CAC recommendation.

Pursuant to CCMC Section 15.05.030.B.1.b, any modification or disapproval shall be supported by a finding explaining the basis for such modification or disapproval.

FISCAL ANALYSIS:

The Fiscal Impact would vary depending on the decision of the City Council. Should the City Council determine to designate the Ice Arena as a cultural resource, at a minimum there would be costs associated with the fabrication and installation of a plaque (if the designation is at the "Landmark" or "Significant" level). There may also be additional costs associated with the monitoring and/or review process in the event the property owner should submit any application to the City to alter or demolish the structure. The amount of those costs are difficult to accurately estimate at this time.

ATTACHMENTS:

1. Chapter 15.05 of the Culver City Municipal Code (Historic Preservation Program).
2. Cultural Affairs Commission April 22, 2014 staff report and attachments (includes Resolution 91-R015).
3. Excerpt of April 22, 2014 CAC Meeting Minutes.
4. Proposed Resolution designating the Culver City Ice Arena as a Cultural Resource at the "Significant" level.
5. Proposed Resolution designating the Culver City Ice Arena as a Cultural Resource at the "Recognized" level.

MOTION:

That the City Council:

1. Accept the Cultural Affairs Commission's recommendation and adopt a resolution designating the Culver City Ice Arena as a Cultural Resource at the "Significant" level (Attachment 4);

OR

2. Modify the Cultural Affairs Commission's recommendation and adopt a resolution designating the Culver City Ice Arena as a Cultural Resource at the "Recognized" level (Attachment 5), stating a finding for the basis of the modification;

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OR

3. Disapprove the Cultural Affairs Commission's recommendation, with a finding explaining the basis for the disapproval, which finding will be recorded in the official minutes of this meeting.