



MINUTES

REGULAR MEETING OF THE LANDMARKS COMMISSION

Founded 1875

"Populus felix in urbe felici"

Monday, February 11, 2013
7:00 PM

City Council Chambers, Room 213
1685 Main Street, Santa Monica

CALL TO ORDER OF THE REGULAR MEETING OF THE LANDMARKS COMMISSION: Chair Shari called the meeting to order at 7:03 pm.

1. ROLL CALL: Present: Margaret Bach, Chair Pro Tempore
John Berley
Nina Fresco
Roger Genser
Barbara Kaplan
Ruthann Lehrer
Ruth Shari, Chair

Also Present: Heidi von Tongeln, Deputy City Attorney
Steve Traeger, Principal Urban Designer
Scott Albright, AICP, Commission Secretary
Susan Umeda, Staff Assistant III

2. REPORT FROM STAFF:

Mr. Albright reviewed administrative items for this meeting and updated the Commission on the following future hearings: [1] 1424 Fourth Street; [2] 1314 Seventh Street; [3] Rusty's on the Santa Monica Pier; [4] Downtown Specific Plan; [5] Mayfair Theater; [6] 1012 Second Street; [7] 2600 Wilshire Boulevard; [8] 2434 Beverly Avenue; and [9] 301 Santa Monica Boulevard. Mr. Albright presented updates on City Council items regarding the Chain Reaction sculpture, Palisades Garden Walk, and development agreements. Mr. Albright presented updates on Planning Commission hearing regarding the Bergamont Area Specific Plan. Mr. Albright stated that the next Landmarks Commission meeting will be held on March 11, 2013; he suggested that the Commission begin the meeting at a earlier time.

Commissioner Genser stated that the Environmental Impact Report for the Pier bridge is scheduled to be released in April 2013 and staff may present an update on this project. Members of the Commission asked staff about issues regarding the Chain Reaction sculpture and the Downtown Priority List.

3. COMMISSIONER ANNOUNCEMENTS: None

4. APPROVAL OF MINUTES:

4-A. January 14, 2013

The Commission made corrections to the January 14, 2013 minutes. Commissioner Lehrer made a motion to continue the approval of the minutes until the March 11, 2013 meeting. Commissioner Genser seconded the motion. The motion was approved by voice vote, with all members present.

5. APPROVAL OF STATEMENTS OF OFFICIAL ACTION:

5-A. Landmark Designation application 12LM-002, 101 Wilshire Boulevard, amending the existing landmark designation of the Moreton Bay fig tree (Founders Tree) on the Miramar Hotel site to include the designation of Palisades Wing of the hotel as a landmark building and identify the parcel in its entirety as an associated landmark parcel.

The following members of the Commission addressed the Commission: David William Martin, Ed Hunsaker, Eleanor Blumberg, and Jim Gerstley. Mr. Martin and Ms. Blumberg made suggestions to the content of the Statement of Official Action. Messrs. Hunsaker and Gerstley disapproved of the current proposal for the site.

The Commission made corrections to the Statement of Official Action for Landmark Designation Application 12LM-002, 101 Wilshire Boulevard. Commissioner Fresco made a motion to continue approval of the Statement of Official Action until the March 11, 2013 meeting. Commissioner Genser seconded the motion. The motion was approved by voice vote, with all members present.

6. PUBLIC INPUT: (On items not on agenda and within the jurisdiction of the Commission)

The following members of the public addressed the Commission: Carol Lemlein, Santa Monica Conservancy. She advised the Commission of the following: [1] the need for more discussion regarding the Downtown Specific Plan; [2] the Criterion Theater is at risk; [3] further discussion regarding the definition of substantial remodel; and [4] the Historic Resources Inventory should be more prominent in the planning process.

7. **CONSENT CALENDAR: None**

Commissioner Genser made a motion to hear Item 9-C before Item 7. Commissioner Bach seconded the motion. The motion was unanimously approved by voice vote, with all members present.

8. **OLD BUSINESS: None**

9. **NEW BUSINESS/PUBLIC HEARINGS:**

9-A. Review of Demolition Permits and Consideration Whether to File an Application for Designation of a Structure as a City Landmark or Structure of Merit:

The Commission made *ex parte* communication disclosures. Commissioner Fresco disclosed that her child attends Crossroads School but she did not recuse herself from reviewing Item 9-A.5.

1. 415 Seventh Street (13PC0039)
R1 – Single Family Residential
Single Family Structure and Garage
Structure Identified in Historic Resources Inventory

The following members of the public addressed the Commission: Robert Kerr (owner's representative). Mr. Kerr answered questions from the Commission.

Commissioner Lehrer stated that the exterior of the structure has been altered but the interior is still intact.

No action taken.

2. 1729 Twentieth Street (13PC0069)
LMSD – Light Manufacturing and Studio
Two Rear Single-Story Structures
Structure Not Identified in Historic Resources Inventory

No action taken.

3. 1136 Eighteenth Street (13PC0114)
R2 – Low Density Multiple Family
Two Houses/Garage/Storage Unit
Structure Not Identified in Historic Resources Inventory

No action taken.

4. 1045 Twenty-Third Street (13PC0134)
R1 – Single Family Residential
Single Family Residence and Garage
Structure Not Identified in Historic Resources Inventory

No action taken.

5. 520 Colorado Avenue (13PC0137)
C3 – Downtown Commercial
Two-Story Former Hotel
Structure Not Identified in Historic Resources Inventory

The following members of the public addressed the Commission: Tod Lipka. Mr. Lipka discussed the project that is planned for the site.

No action taken.

- 9-B. Landmark Designation application 13LM-001, 101 Wilshire Boulevard, consider supplementing the existing landmark designation and adopting a Miramar Hotel Regulatory Review Program and Activity Matrix which sets forth procedures for handling the review and approval for on-going and potential work activities that involve the Individually Significant Landmark Features, Non-Contributing Structures, New Structures on the Landmark Parcel, Exterior Grounds and Improvements inside the Palisades Wing Buffer Zone and Exterior Grounds and Improvements outside the Palisades Wing Buffer Zone; and, discussion and possible adoption of Resolution 13-001 (LC Series), which amends the Guidelines for Staff Review and Approval of Applications for Certificates of Appropriateness to include certain projects and activities identified in the potential Miramar Hotel Regulatory Review Program.

Chair Shari asked the Commission for *ex parte* communication disclosures.

Mr. Albright presented the staff report. Staff recommended that the Commission adopt the Regulatory Review Program and Activity Matrix together with Resolution 13-001 (LC Series).

Members of the Commission asked for clarification of the staff report, the proposed buffer zone around the Palisades Wing, the need for CEQA (California Environmental Quality Act) review, the intent and impact of the Activity Matrix, the process for awarding entitlements, the effect of a Development Agreement on the Activity Matrix, and the effect of the Activity Matrix on other City bodies.

The applicant team requested that the Commission grant them seven minutes to make their presentation. The Commission granted their request.

The following members of the public addressed the Commission: Alan Epstein (applicant team), Ken Kutcher (applicant team), Lauren Paull (representing the Huntley Hotel), Ed Huneaker, Jim Gerstley, Steve Linett, Brenda Weiszman, Avery Auer, Jerry Rubin, David William Martin, and Silve Kohler. Mr. Epstein stated that the hotel will risk violating City codes on a daily basis to maintain the property if a special framework is not adopted by the Commission. Mr. Kutcher answered questions from the Commission and reiterated that the property owners need clarity regarding the level of oversight for maintenance and repairs. Ms. Paull, Mr. Huneaker, Mr. Gerstley, Mr. Linett, Ms. Weiszman, Ms. Auer, Mr. Martin, and Ms. Kohler spoke against the approval of the Regulatory Review Program. Mr. Rubin supported the approval of the Regulatory Review Program. Messrs. Epstein and Kutcher presented the rebuttal to public testimony.

Members of the Commission asked Mr. Epstein if his support of the designation was tied to approval of the Regulatory Review Program, if he conferred with owners of other landmarked hotels to determine whether there are obstacles in maintaining a landmarked hotel, and if a demolition permit will need to be issued; Mr. Epstein was also asked about environmental review of the project. Members of the Commission asked Mr. Kutcher whether the ordinance is clear about the Commission's review and whether the tree has been difficult to maintain without a Certificate of Appropriateness. Members of the Commission asked staff to clarify the type of work that would be outlined in the matrix.

Commissioner Berley stated that the Commission should consider developing a Regulatory Review Program and suggested that the matrix be revised to ensure that the owner understands the framework in which they could operate the hotel. Commissioner Fresco stated that it is difficult to define the level of review that is necessary for each activity and discussed various aspects of routine landscape maintenance. Commissioner Fresco added that the activities on the matrix are appropriately addressed in the Landmarks Ordinance. Additionally, she stated that all demolition permits should be reviewed by the Landmarks Commission. Commissioner Lehrer stated that a Regulatory Review Program is unnecessary because the typology of this hotel is not different from other landmarked hotels; she inquired on how a Regulatory Review Matrix would interface with a development agreement. Commissioner Bach suggested that the problems with maintaining the property could be resolved in the resolution. Commissioner Kaplan stated that she is unable to approve a Regulatory Review Program at this time because she has questions regarding compliance with CEQA and compatibility of any future projects. Commissioner Genser noted the Regulatory Review Program will ensure that the process is easier for all parties involved and suggested that the the Commission look at the program carefully. Chair Shari suggested that the Regulatory Review Program be modified because it abdicates a certain amount of review by the Commission.

Commissioner Berley made a motion that the Commission continue this item and directed staff to develop the Regulatory Review Program. Commissioner Kaplan seconded the motion.

Commissioner Lehrer suggested that review of the Regulatory Review Program be delayed for six months to determine whether the property could operate without a program in place. Commissioner Bach suggested that the Commission also review the resolution in addition to the Activity Matrix.

A roll call for the motion was held and was approved by the following vote:

AYES: Berley, Genser, Kaplan, Bach, Chair Shari

NAYS: Fresco, Lehrer

ABSTAIN: None

ABSENT: None

- 9-C. Landmark Designation application 13LM-002, 301-315 Wilshire Boulevard, to determine whether the existing commercial building, in whole or in part, should be designated as a City Landmark.

Mr. Albright reported that staff has been unable to contact the owner of the property and asked for a continuance of this item.

Commissioner Berley made a motion to continue this item until the March 11, 2013 meeting. Commissioner Genser seconded the motion. The motion was unanimously approved by voice vote, with all members present.

10. DISCUSSION ITEMS:

- 10-A. Discussion on the status of the Section 106 review concerning the potential disposition of United States Post Office building located in Downtown Santa Monica at 1248 5th Street and City's role as consulting party.

Chair Shari presented an update on the status of the Section 106 review regarding the post office on 1248 Fifth Street. She reported that the United States Postal Service was seeking a private covenant holder and decided not to go forward with local designation.

Members of the Commission asked questions regarding the identity of the private covenant holder, next steps, and the ability to designate the property after it is sold.

Commissioner Berley emphasized that the Commission must be informed about the disposition of the property. Chair Shari stated that the property could be sold without the covenant in place since some potential buyers may see a covenant as an obstacle to the building being sold.

10-B. Update from the subcommittee and discussion on the City's current Mills Act program and possible discussion on potential changes to same.

Commissioner Berley stated that the Commission should craft a program that helps the City Council understand the breadth of their discretion. He stated that the Commission should study the types of constraints that are placed on properties with Mills Act contracts, such as tax revenue that are placed on properties with Mills Act contracts by other cities, and stated that the Commission should define and improve the Mills Act application. The Commission asked staff for information regarding the fiscal impacts of awarding Mills Act contracts and discussed the processes that other cities use in awarding these contracts.

Commissioner Genser made a motion to continue the meeting past 11:00 pm. Chair Shari seconded the motion. The motion was approved by voice vote; Commissioner Fresco did not approve the motion.

10-C. Discussion on the upcoming Annual Boards and Commissions dinner scheduled for April 29, 2013 and possible action concerning the content of the Landmarks Commission's video segment.

Chair Shari asked members of the Commission to submit their ideas regarding the content of the Commission's video segment, which will be taped at the end of March 2013. Mr. Albright reported that the City's one-hundredth landmark is Chez Jay.

10-D. Discussion on the review procedures and treatment of buildings and structures identified on the Historic Resources Inventory.

Mr. Traeger stated that certain projects for properties on the Historic Resources Inventory are reviewed by the Architectural Review Board instead of the Landmarks Commission. He stated that these properties are not necessarily required to meet the Secretary of the Interior's standards since they are only potential resources. Commissioner Berley stated that it is difficult for staff to determine whether a minor project meets these standards. The Commission discussed how a structure could be evaluated for historical significance by staff. Commissioner Kaplan stated that conservation districts are necessary to maintain the integrity and character of potential districts.

10-E. Report from subcommittee and discussion on topics and recent activities related to the ongoing update to the City's Zoning Ordinance including, but not limited to neighborhood conservation districts, substantial remodels, transfer of development rights, and parking.

Commissioner Kaplan stated that the Item 10-D addressed the issues on this item.

- 10-F. Report from staff on recent administratively-approved Certificate of Appropriateness applications and activities affecting properties listed on the Historic Resources Inventory.

There was nothing to report.

- 10-G. Report from Landmarks Commission Liaison to the Architectural Review Board (ARB) on recent ARB consideration and action taken on proposed projects involving additions to or modifications of potential historic resources.

This items was discussed during Item 10-D.

- 10-H. Report from Landmarks Commission representative to the Santa Monica Pier Corporation (SMPC) on recent SMPC activities and action taken on proposed projects involving the Landmark Santa Monica Pier.

Commissioner Genser reported that the SMPC discussed the bridge replacement project process and the Phase IV pier project. He stated that the City must execute the bridge replacement contract by 2016. He stated that the Landmarks Commission has discretionary review on how the project interfaces with the sign. He stated that the Esplanade and Metro stop were also discussed.

- 10-I. Planning Commission Case List (Information Only).

Chair Shari stated that there are thirty-seven development agreements on the Planning Commission Case List.

- 10-J. Discussion and possible action on fitness and personal training activities within Palisades Park.

This item was continued at the behest of staff.

11. WRITTEN COMMUNICATIONS:

- 12. FUTURE AGENDA ITEMS:** (Requests from Commissioners to add items to upcoming agendas)

The Commission asked to agendize the following discussion items: [1] Downtown Specific Plan; [2] scope of work of Chain Reaction sculpture in regard to repairs, public safety and fundraising; and [3] discussion regarding possible designation of the Criterion and Bank of Italy on the Downtown Priority List.

- 13. NEXT MEETING DATE AND COMMISSION AGENDA:** Meeting of the Landmarks Commission: 7:00 PM Monday, March 11, 2013; Council Chambers, City Hall, 1685 Main Street.

14. **ADJOURNMENT:** Commissioner Bach made a motion to adjourn the meeting at 11:32 pm on February 11, 2013. Commissioner Fresco seconded the motion. The motion was unanimously approved by voice vote, with all members present.

ATTEST:



Scott Albright
Commission Secretary

APPROVED:



Ruth Shari
Chair