

MINUTES

REGULAR MEETING OF THE LANDMARKS COMMISSION

Founded 1875
"Populus felix in urbe felici"

Monday, September 10, 2012
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 7:06 pm.

1. **ROLL CALL:** Present: Margaret Bach, Chair Pro Tempore
John Berley
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

Absent: Nina Fresco

2. **REPORT FROM STAFF:**

Mr. Albright presented the Report from Staff. Mr. Albright reviewed administrative items for the meeting and reported that Items 9-B and 9-C were continued. Mr. Albright apprised the Commission of upcoming landmark designation hearings: [1] 1613 Lincoln Boulevard; [2] Chez Jay; [3]; 101 Wilshire Boulevard (supplemental); [4] 642 Kensington Road; [5] Colorado Avenue Viaduct; [6] 301 Wilshire Boulevard; [7] 1424 Fourth Street; and [10] Chain Reaction (parcel). Mr. Albright apprised the Commission on upcoming Certificate of Appropriateness hearings: [1] California Heritage Museum; and [2] 1063 Twenty-Sixth Street. Mr. Albright reported that the City Council reappointed Chair Shari and Commissioner Kaplan to the Landmarks Commission. Mr. Albright reported that the Planning Commission will be discussing the update to

the Zoning Ordinance and a discussion/study session on the Community Benefits Issue Paper. Mr. Albright stated that the landmarked eucalyptus tree at 522 Twenty-Fourth Street has been ordered to be removed as it is a public hazard. Mr. Albright stated that the next Landmarks Commission meeting will be held on October 8, 2012.

Members of the Commission had the following inquiries: [1] whether a Certificate of Appropriateness is needed to remove the tree at 522 Twenty-Fourth Street; [2] the status of pending work for 1063 Twenty-Sixth Street; [3] the status of the Certificate of Economic Hardship for 2501 Second Street; and [4] the status of the list of buildings on the pending designation list.

3. COMMISSIONER ANNOUNCEMENTS:

Chair Shari welcomed Heidi von Tongeln, the new Deputy City Attorney who will be attending and participating in Landmarks Commission meetings.

4. APPROVAL OF MINUTES:

4-A. July 9, 2012

Commissioner Kaplan made a motion to approve the July 9, 2012 minutes. Commissioner Lehrer seconded the motion. The motion was approved by voice vote, with all members except Commissioner Fresco present.

4-B. August 13, 2012

The Commission made corrections to the August 13, 2012 minutes. Commissioner Berley made a motion to approve the minutes to the August 13, 2012 Landmarks Commission meeting with corrections. Commissioner Lehrer seconded the motion. The motion was approved by voice vote, with all members except Commissioner Fresco present.

5. APPROVAL OF STATEMENTS OF OFFICIAL ACTION:

5-A. Landmark Designation application 12LM-005, designating the 'Chain Reaction' sculpture, located on the east side of Main Street in the Civic Center, as a City Landmark.

The following members of the public addressed the Commission: Jerry Rubin. Mr. Rubin thanked the Commission for the designation and asked the Commission to include that Paul Conrad is a three-time Pulitzer-prize winning cartoonist.

Members of the Commission made corrections to the Statement of Official Action for Landmark Designation Application 12LM-005, Chain Reaction.

Commissioner Lehrer made a motion to approve the Statement of Official Action for Landmark Designation Application 12LM-005, Chain Reaction, with corrections. Commissioner Berley seconded the motion.

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

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

NAYS: None

ABSTAIN: None

ABSENT: Fresco

6. **PUBLIC INPUT: (On items not on agenda and within the jurisdiction of the Commission):** None.
7. **CONSENT CALENDAR:** None
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.

1. 515 Marguerita Avenue (12PC1061)
R1 – Single Family Residential
Single Family Residence and Garage
Structure Identified in Historic Resources Inventory

No action taken.

- 9-B. Landmark Designation application 12LM-006, 1613 Lincoln Boulevard, to determine whether the existing commercial building, in whole or in part, should be designated as a City Landmark. (This item has been continued at the request of the property owner.)
- 9-C. Certificate of Appropriateness application 12CA-010, 2612 Main Street, for approval of sign plans and sign adjustments for the California Heritage Museum. (This item has been continued by the applicant.)
10. **DISCUSSION ITEMS:**
 - 10-A. Discussion and Recommendation to City Council regarding a Historic Property Preservation Agreement Application (Mills Act Contract) for 2009 La Mesa Drive (12MA-001).

Mr. Albright presented the staff report. Staff recommended that the Commission make a positive recommendation to the City Council to approve the Historic Property Preservation Agreement Application (Mills Act Contract) for 2009 La Mesa Drive.

Members of the Commission asked staff questions regarding the status of the new garage, the procedure for recommending Mills Act contracts for work that was already completed, the landscape plan, the maintenance and preservation of the property, including the oversight of interior spaces, and the required architectural report from the applicant.

The following members of the public addressed the Commission: Adam Pines (neighbor's representative) and Elaine Culotti (owner). Mr. Pines expressed concern that the house will be used for commercial purposes. Ms. Culotti addressed the concern for the use of the property and stated that her family will be moving into the house.

Commissioner Lehrer asked Ms. Culotti about providing the Commission with a complete financial analysis of the property, a description of the special events that will be held at the house, and a definition of "House of Rock." Commissioner Genser asked staff questions regarding how the Mills Act is interpreted as the house changes over time.

Commissioner Berley requested that the applicant submit a more complete Mills Act application as the submission materials were incomplete. Chair Berley made a motion to continue this item and asked the applicant to provide the material requested by the Commission. Commissioner Genser seconded the motion.

Commissioner Kaplan noted that most of the original material in the house was replaced and the applicant needs to ensure that the integrity of the house has been retained. She suggested that the character-defining features of the structure should be included in the next presentation.

Commissioner Lehrer stated that the project may not be a good fit for a Mills Act contract since the Mills Act was created to help homeowners afford the rehabilitation and maintenance expenses of a historic structure. She stated that the plans that were submitted only give a general description of the project; most of the work was done without the benefit of the Mills Act. Commissioner Lehrer expressed concern that the project has changed over the course of time and the Commission must evaluate the finished project before rendering a decision. Mr. Albright advised the Commission that the historic features in the interior of the house still remain. Mr. Albright stated that staff will work with the applicant to ensure that the application is complete.

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

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

NAYS: None

ABSTAIN: None

ABSENT: Fresco

Chair Shari stated that an invitation was extended to the Commission to view the site.

Commissioner Lehrer suggested that the applicant document the character-defining features that are still extant, which would inform the Commission of the historic value that still remains on the house.

10-B. Discussion on the responsibilities of the City as owner of the 'Chain Reaction' sculpture, a designated Landmark as per Santa Monica Municipal Code Section 9.36.190.

The following members of the public addressed the Commission: Ken Kutcher (representing Dave Conrad, the son of the sculptor) and Jerry Rubin. Mr. Kutcher stated that the City should take a leadership stance regarding maintaining the sculpture. Mr. Rubin stated that it would be terrible to dismantle the sculpture.

Members of the Commission asked Mr. Kutcher questions regarding the responsibility the City has in maintaining the sculpture, the need for additional testing, the cost to repair the sculpture, the retention of a structural engineer, and the distribution of the \$250,000.00 that was originally donated to erect the sculpture.

Commissioner Kaplan stated that this is an opportunity to revisit the sculpture and Melvyn Green and Associates are well-respected structural engineers. She stated that the report that will be distributed will lead everyone in the right direction.

Commissioner Berley stated that the City has a responsibility to maintain the landmark but the City is trying to determine their responsibilities. He recommended that the Commission keep this case on the radar as more information becomes available; the Commission should appoint someone to articulate the Commission's position to the City Council.

Commissioner Genser noted that there is a discrepancy between the original estimate to repair the sculpture and the estimate that was written in Mr. Kutcher's letter. He stated that it is difficult to raise money without an accurate estimate.

10-C. Discussion and possible consideration as to whether to file a supplemental application to define and describe a landmark parcel related to the 'Chain Reaction' sculpture, located in the Civic Center, on the east side of Main Street.

The following members of the public addressed the Commission: Ken Kutcher (representing Dave Conrad, the son of the sculptor) and Jerry Rubin. Mr. Kutcher distributed a copy of an aerial photograph which illustrated the proposed parcel location. Mr. Kutcher stated that his client encourages the Commission to designate a landmark parcel for the Chain Reaction sculpture and Mr. Rubin agreed with this assessment.

Chair Shari asked Mr. Kutcher the approximate size of the parcel, and whether there is a correlation between the parcel that is indicated on the map and the exact site of the sculpture. Mr. Kutcher responded that there were no changes to the site of the sculpture.

Members of the Commission asked staff if there are any issues or problems with the proposed parcel since it is a public space, whether the parcel encroaches on future development in the Civic Center, and which body would define and describe the landmark parcel.

Commissioner Bach stated that the Commission needs a better understanding on determining the proper parcel for the sculpture.

Commissioner Lehrer made a motion to continue this item and asked staff to provide additional information about describing and defining the landmark parcel. Commissioner Berley seconded the motion.

Commissioner Berley stated that it is important for the Commission to understand who owns the property and the location of the property lines as the surrounding parcels are owned by various government agencies. Commissioner Berley added that it is important to preserve the site lines of the sculpture. Commissioner Genser stated that Jessica Cusick, Cultural Affairs Manager, suggested that a barrier surround the sculpture to limit public access. Commissioner Kaplan stated that the triangular parcel is arbitrary as it is defined by a road and parking lot and suggested that staff could provide a study on a potential parcel. Commissioner Genser stated that parcel should not infringe upon future development in the Civic Center.

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

AYES: Berley, Genser, Kaplan, Lehrer, Bach, Chair Shari
NAYS: None
ABSTAIN: None
ABSENT: Fresco

10-D. Discussion and possible consideration as to whether to file an application to designate the existing commercial building and/or parcel located at 1424 4th Street (Central Tower Building) as a City Landmark or Structure of Merit.

The following members of the public addressed the Commission: William F. Delvac (owner's representative). Mr. Delvac informed the Commission that the owners are concerned about the long-term use of the property and have been considering a development agreement float-up that will allow compatible development at the rear of the site. Mr. Delvac stated that the owners are interested in the landmark process and will return for any further action on the building.

Commissioner Lehrer stated that the Central Tower Building is an example of Art Deco architecture and is one of the iconic buildings in the downtown area as it exemplifies the coming-of-age of Santa Monica's downtown area. Commissioner Lehrer described aspects of the art deco design of the building. She stated that the Commission can hopefully work with the owner in terms of acknowledging the importance the building, its history, and its future.

Commissioner Berley stated that the building is a prominent feature in the center of the block and there should be additional analysis of the criteria.

Members of the Commission stated that this building appears to meet several of the criteria for landmark designation.

Commissioner Bach made a motion to file a Landmark Designation Application for 1424 Fourth Street as a City Landmark. Chair Shari seconded the motion.

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

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

NAYS: None

ABSTAIN: None

ABSENT: Fresco

10-E. Discussion and possible action as to whether to file for Consulting Party Status relative to the Section 106 review concerning the potential disposition of United State Post Office building located in Downtown Santa Monica at 1248 5th Street.

Commissioner Lehrer stated that it is important that the Commission apply for Consulting Party Status because it is a historic structure and a great concern to the community. Commissioner Lehrer made a motion for the Commission to request, by formal letter, that the Landmarks Commission, on behalf of the City of Santa Monica, be awarded Consulting Party Status relative to the Section 106 review for 1248 Fifth Street. Commissioner Berley seconded the motion.

Members of the Commission questioned whether the Commission should ask to be a consulting party, whether the building must be put on the market for the Commission to ask for Consulting Party Status, and the length of the appeal process.

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

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

NAYS: None

ABSTAIN: None

ABSENT: Fresco

Chair Shari stated that the Commission should be apprised of other departments in the City and preservation advocacy groups, who also have Consulting Party Status, so that the process could be monitored properly. Commissioner Lehrer stated that the best outcome would be the development of a legal covenant that includes preservation criteria. Commissioner Kaplan added that the building is eligible for the National Register. Commissioner Genser stated that the Post Office will sell the building with a covenant.

10-F. Discussion and possible action on Landmarks Commission recommendations to the City Council of Budget Priorities and Staff Work Plan priorities in the next upcoming budget cycle for Fiscal Year 2013/2014 and 2014/2015.

Members of the Commission recommended the following priorities be included in Budget Priorities and Staff Work Plan: [1] funding to update the Landmarks Ordinance after the Zoning Ordinance is completed; [2] funding to fully staff the Landmarks Commission; [3] additional funding for items such as consultants' reports; [4] funding to conduct outreach regarding the Historic Resources Inventory; and [5] funding to review the City's historic preservation website. Commissioner Berley prioritized the list.

The Commission asked that this item be continued until the October 8, 2012 meeting.

10-G. Discussion on the proposed design and location of historic identification plaques for the commercial building at 2701 Main Street, a designated City Landmark.

Commissioner Genser recused himself because he lives within 500 feet of 2701 Main Street.

Commissioner Bach suggested changes to the text and volunteered to revise the text. Members of the Commission were instructed to submit any changes to Commissioner Bach. Chair Shari expressed concern about the size of the typeface on the plaque. Commissioner Berley asked staff for a diagram of the proposed location.

- 10-H. 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 reported that a Zoning Ordinance meeting will be held at the Civic Auditorium on September 20, 2012.

Commissioner Genser stated that other cities discussed whether the definition of substantial remodel should be predicated upon whether a project could be viewed from the street. Commissioner Kaplan stated that Santa Monica is trying to define demolition as opposed to defining substantial remodel. Commissioner Genser stated that he will forward the article to staff for distribution.

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

Mr. Albright reported that staff approved a project at 2219 Ocean Avenue (reroof and concrete). He reported that the owners of 426 Palisades Avenue may pursue landmark designation of their residence.

Commissioner Berley asked if staff approved any additional Certificates of Appropriateness for 2009 La Mesa Drive. Mr. Albright responded in the negative. Commissioner Bach asked staff if the owners of 2219 Ocean Avenue proceeded with the addition at the rear of the parcel. Mr. Albright stated that the project is in the plan check phase.

- 10-J. 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.

Commissioner Berley reported that a sign program for the Quonset Hut was reviewed by the ARB.

- 10-K. 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 distributed a memorandum from Rod Merl, Pier Manager, which lists actions that were taken with respect to the lighting on the Pier. Commissioner Genser expressed concern about pending projects falling through the cracks since oversight of the Pier has changed hands. He also discussed the Phase IV development project. Commissioner Genser stated that there was a lot of discussion regarding public outreach and sponsorships; he stated that

sponsorships will take the form of temporary signage and banners, which could raise issues regarding the landmark status of the Pier. Commissioner Genser stated that the Commission should conduct a joint meeting with the SMPC when they discuss the visioning process.

Commissioner Kaplan asked Commissioner Genser if the existing lighting will be replaced with LED lighting. Commissioner Genser responded in the positive.

10-L: Planning Commission Case List (Information Only).

Chair Shari asked staff for an update on Paseo Nebraska.

11. **WRITTEN COMMUNICATIONS:** None.

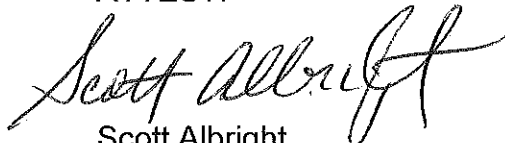
12. **FUTURE AGENDA ITEMS:** (Requests from Commissioners to add items to upcoming agendas):

Members of the Commission asked to agendize the following discussions: [1] the plaque on 2701 Main Street; [2] landmark parcels and improvements to landmark parcels; [3] 710 Wilshire Boulevard joint meeting with Architectural Review Board; [4] possible designation of 301 Santa Monica Boulevard; [5] status report on the brochures that were generated for Historic Resources Inventory; [6] possible designation of Home Savings Bank building; and [7] future Certificates of Appropriateness for 2009 La Mesa Drive.

13. **NEXT MEETING DATE AND COMMISSION AGENDA:** Meeting of the Landmarks Commission: 7:00 PM Monday, October 8, 2012; Council Chambers, City Hall, 1685 Main Street.

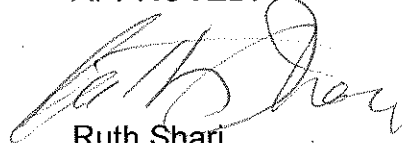
14. **ADJOURNMENT:** Commissioner Bach made a motion to adjourn the meeting 9:53 pm on September 10, 2012. Commissioner Genser seconded the motion. The motion was approved by voice vote.

ATTEST:



Scott Albright
Commission Secretary

APPROVED:



Ruth Shari
Chair