

From: [Kenneth Kutcher](#)
To: [Richard Brand](#); [Amy Beth Green](#); [Dolores Sloan](#); [Barry Rosenbaum](#); [Roger Genser](#); [Kenneth Breisch](#); [Jodi Summers](#)
Cc: [Stephanie Reich](#); [Heidi von Tongeln](#); [Wendy Radwan](#); [Planning Commission Comments](#)
Subject: Agenda Item 10-A (401 Ocean)
Date: Friday, October 9, 2020 5:06:03 PM
Attachments: [HLKK Ltr re 401 fence and door.pdf](#)
[KCK memo re door.pdf](#)
[KCK memo re fence.pdf](#)

EXTERNAL

Dear Commissioners,

The attached letter is submitted in support of the Certificate of Appropriateness amendment application for 401 Ocean Avenue. Also attached are the conformance reports from architectural historian David Kaplan for this application.

Thank you.

Ken

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October 9, 2020

VIA E-MAIL

Santa Monica Landmarks Commission
1685 Main Street, Room 212
Santa Monica, CA 90401

Re: Agenda Item 10-A (Henry Weyse/Charles Morris House)
Certificate of Appropriateness 20ENT-0160 for new door and fencing
City Landmark (LC-05-041) and Landmark Parcel (17ENT-0077)
Address: 401 Ocean Avenue
Owner/Applicant: 401 Ocean Avenue, LLC (Mark Tabit)
Our File No. 22452.001

Dear Commissioners:

This letter is submitted on behalf of Mark Tabit (401 Ocean Avenue, LLC). I am writing in support of the application for permission to subtly convert a window to an unobtrusive door within the recessed front porch, partially obscured by a column. I am also writing in support of the request for permission to install a highly transparent metal picket fence that is proposed to be lower than would be allowed by Code in the front and side yards.



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We do not think these proposed improvements would “detrimentally change, destroy or adversely affect any exterior feature of the Landmark or Landmark Parcel,”¹ nor will the transparent and reversible fencing “adversely affect [or] . . . be disharmonious with the exterior features of other existing improvements situated upon such Landmark Parcel,”² nor are they material impairments to the character-defining features of the subject property. We contend that both the door and the fencing are consistent with the *Secretary of the Interior’s Standards for the Treatment of Historic Properties* (“Secretary Standards”).³ City Staff disagrees.

Preservation architect and architectural historian David Kaplan has designed both of these proposed alterations. Mr. Kaplan has prepared reports for each of the alterations, describing their conformance with the Secretary Standards for Rehabilitation. Copies of Mr. Kaplan’s reports are enclosed.

Neither the fence nor the door will compete with the Landmark residence. And while it is true that the Landmark residence was built in the early 1900s as a single family home, the property is currently zoned R-4 for high density multi-family residential use, the house was used as a boarding house for soldiers during the Second World War, and the house was used as a duplex up through and after its designation in 1990 as a City Landmark. (LC-05-041.) The house has experienced numerous alterations prior to its designation including on the west elevation. Below is a historic photograph.



¹ Landmarks Ordinance § 9.56.140(A).

² Landmarks Ordinance § 9.56.140(C).

³ Landmarks Ordinance § 9.56.140(G).

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It is important to remember that preservation is not confined to forcing properties to be frozen in time. (Hugo Chan, Cracknell & Lonergan Architects, Buildings are not lifeless objects, it's time to treat them as such (*The Fifth Estate Newsletter*, Jan. 21, 2020) (“Adaptive architecture recogni[z]es that buildings are not lifeless objects frozen in time, but actually inhabited places, changing with the times while continuing to speak of its own epoch.”).)

A. The Proposed Door Conforms With The Secretary Standards And Satisfies The Criteria Under The Landmarks Ordinance For Approving Landmark Alterations.

In reference to the front porch, the Landmark designation of the house makes reference to the following character-defining features, including “classical columns along the Ocean Avenue elevation, sidelight windows flanking the front door,” but makes no specific reference to the front porch or the offset front door (placing more emphasis on the sidelight windows flanking the front door, rather than on the door itself):

(4) It embodies distinguishing architectural characteristics valuable to a study of a period, style, method of construction, or the use of indigenous materials or craftsmanship, or is a unique or rare example of an architectural design, detail or historical type valuable to such a study.

The Henry Weyse/Charles Morris House embodies distinguishing architectural characteristics valuable to a study of a period, style, method of construction, or the use of indigenous materials or craftsmanship in that the house is an excellent example of the Craftsman style with a mix of Colonial Revival details. Characteristics typical of the Craftsman style include the shingle clad exterior, exposed roof rafters, projecting joist ends which support the second floor overhang, brackets under the gable ends, and the broad chimneys located at both the north and south elevations. Colonial Revival details include the double hung windows, the gabled roof lines, classical columns along the Ocean Avenue elevation, sidelight windows flanking the front door, and the symmetrically balanced windows.

As to the proposed door, the Staff Report expresses the following concerns:

The proposed modification to add an additional front entry door may change the sense of the building, making it visually appear as a multi-family building. And while the entry is recessed behind the prominent porch, it appears prominent

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even as viewed from Palisades Park across the street. (Staff Report, p. 2.)

While the additional door has been well-designed to be disguised as a window, it significantly changes the sense and appearance of the Landmark as a single-family residential structure. (*Id.* at pp. 2-3.)

Yet we contend that the proposed door has been carefully designed to blend in seamlessly with approved fenestration of the building's front facade. This door will not "catch the eye" in comparison with the existing front door, which is larger in width, painted a historic dark color, flanked by sidelights, and more directly centered between two of the front columns. Moreover, the fenestration on the front balcony above the porch was already approved by this Commission with two new doors, which are much more visible than the proposed door will be for the south condominium unit. We disagree that the proposed door will be "prominent even as viewed from Palisades Park." Indeed, we think quite the opposite, that virtually no one will notice if they don't actually know that it functions as a door. That was the very point of Mr. Kaplan's design effort as to the proposed door.



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One of the purposes of the Rehabilitation Standards is to ensure that a historic property's use can adapt to changes in use over time. This City Landmark at 401 Ocean will house two townhouse condominium units. Those of you who visited the property before the commencement of construction know that the house formerly had two front doors—the one fronting on Ocean and the second fronting on Georgina. The “front” entry to the upper unit from Georgina was extremely clumsy.

The interior layout now under construction, with two side-by-side townhouse-style condominium units, is far superior. It allows both units to have a downstairs with direct access to the front yard. It allows both units to have an upstairs bedroom with ocean views. It avoids complaints from a downstairs owner complaining about hearing the noise of a different owner's footsteps above. To require one of these owners to access their unit from a side entry rather than from the Ocean Avenue frontage would be to slight an owner who will be expected to share equally in the responsibility for the upkeep and maintenance of the exterior of this City Landmark and the front of the Landmark Parcel. (Landmarks Ordinance § 9.56.190(A) (“Every owner . . . of a Landmark . . . shall have the duty of keeping in good repair all of the exterior features of such Landmark”).) Please put yourself in that owner's shoes for a moment as you consider the merits of this application.

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The Staff Report argues: “The porch and recessed entry is one of the most significant features that conveys the property’s historic significance as a prominent single-family residence on a prestigious site within the early development phase of the Palisades Tract.” We agree, although neither the porch nor the recessed entry is identified as a character-defining feature of the Landmark designation. But regardless, the addition of the unobtrusive second door does not require any alterations to the porch itself, nor does it in any way diminish the presence of the 9’ recessed entry. While designed to be discreet, the proposed new door recognizes the very importance of the front porch to the success of the property’s use for two dwellings in this R4 zoning district, which would allow for a total of 25 units⁴ (whereas only five units are being established by the project).

As noted in Mr. Kaplan’s report on the door:

The proposed door will not impact the overall appearance or historic character of the building. The view of the front entry is dominated by the second floor balcony and the row of one foot diameter columns and protruding pair of bay windows, as well as extensive surrounding white trim. The [existing] front entry door is recessed well within the porch and is not particularly prominent, except as to color. The north unit’s existing front door is designed as a deep color that stands out against the white back wall. The proposed additional front door will be painted white to match the color of the adjacent wall and windows and will retain the upper glazing with 9 lites so the overall configuration and appearance will be similar to the approved window that it will replace.

(Kaplan Chen Kaplan Memo re Front Door for South Unit (Oct. 1, 2020), p. 2.)

We request the Commission to approve the proposed door as skillfully designed within the recessed porch consistent with the Secretary of Interior’s Rehabilitation Standards 1-10. The Secretary Standards for Rehabilitation account for adding new entrances so long as the new entrance “is clearly subordinate to historic primary entrances or porches,” which is the case here. (See Secretary Standards, p. 112.) New entrances should not be “incompatible in size and scale or detailing with the historic building or that obscure, damage, or destroy character-defining features,” which this additional door will not. (*Id.*)

⁴ See Planning Commission Staff Report (Mar. 7, 2018) p. 18, Att. A.

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B. The Proposed Fencing Conforms With The Secretary Standards And Satisfies The Criteria Under The Landmarks Ordinance For Approving Additions To Landmark Parcels.

The application seeks approval for a metal picket fence with narrow ½” square pickets with wide 4” spacing between each picket. The height of the fence would be only 3’ in the front yard and 5’ in the side yards on both sides of the Landmark.

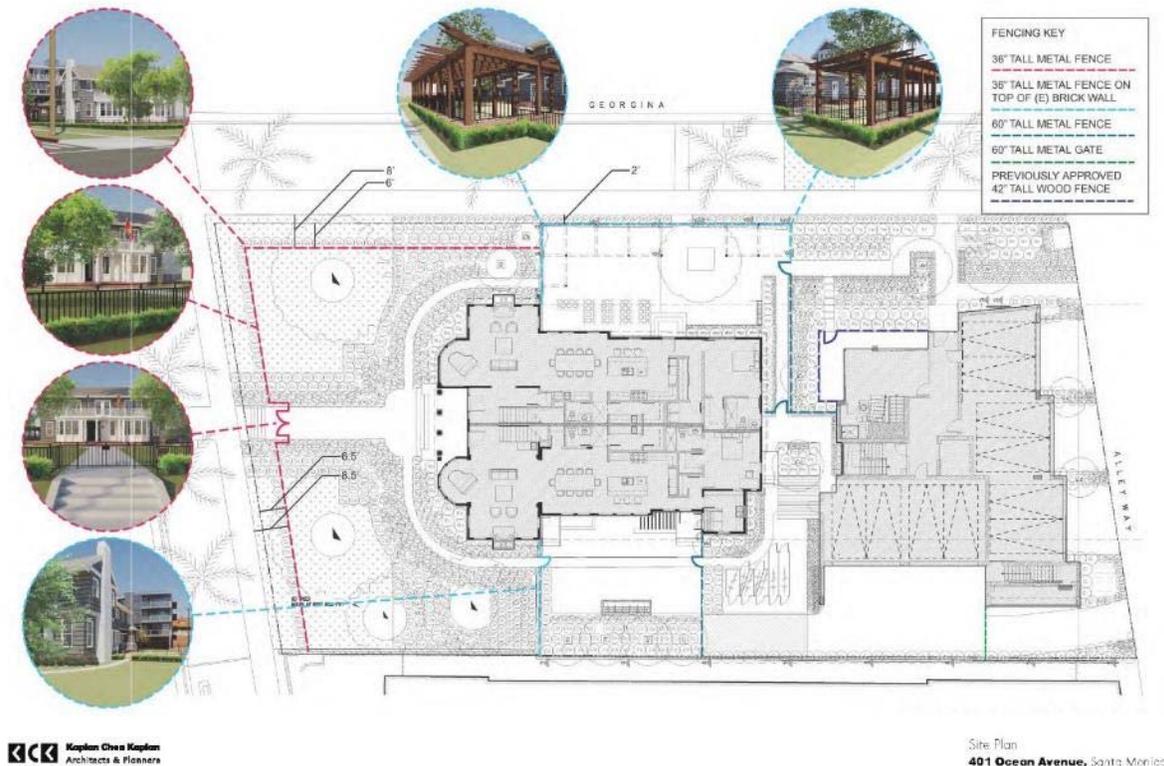
The Staff Report gives short shrift to the proposed fencing. Although the Staff Report emphasizes the prominence of this corner parcel, it draws no distinction between the 3’ front yard fencing and the 5’ side yard fencing, including the fencing that begins about 70’ back on the interior side yard to the south of the house.

We believe that the proposed fencing is appropriate. It is reversible. It is transparent. It does not compete with the Landmark. It is lower than allowed by Code. Fencing is currently extremely prevalent in this neighborhood, as compared with the early 1900s when this house was “one of the earliest homes constructed in the Palisades Tract after its subdivision in 1905, as the first development on Ocean Avenue north of Montana Avenue.” (Finding #1, Landmarks Commission’s Findings and Determination.) See historic photo below, when there were virtually no other houses.



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And as to the side yard fencing, that fencing establishes “private open space”⁵ for the two units in the Landmark residence, as required by the Zoning Ordinance. (See Zoning Ordinance Table 9.08.030; see also Zoning Ordinance § 9.21.090.) Below is a diagram of the proposed fencing.



For purposes of comparison, the Zoning Code allows 42-inch fences in the front yard⁶; the proposed fence in the front yard is 36 inches. The Zoning Code allows 8-foot fences and walls in the side yard⁷; the proposed fencing is only five feet in the side yards.

In the immediate neighborhood, we have identified front yard fences that were installed after designation on two Landmark Parcels: 147 Georgina and 525 Georgina.

⁵ Zoning Ordinance Section 9.52.020.1470 defines the term “private open space” as follows: “Open areas for outdoor living and recreation that are adjacent and directly accessible to a single dwelling unit, reserved for the exclusive use of residents of the dwelling unit and their guests.”

⁶ Zoning Code § 9.21.050(A)(1)(a).

⁷ Zoning Code § 9.21.050(A)(2)(a).

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Furthermore, at the time of the Landmark Parcel designation, this property had a huge side yard hedge along Georgina next to the landmark residence, followed by a 12' tall fence along Georgina extending to the rear property line. Please see the photograph below.



The proposed 5' side yard fencing at the reconstructed pergola effectively replaces the former hedge with a much more transparent metal picket fence.

Mr. Kaplan is proposing that the fencing be painted black; but we are not committed to that color if the Commission prefers a different color for the fence.

The Landmark Parcel designation (17ENT-0077) does not specify any character-defining features of the property:

SECTION II. The property commonly known as 401 Ocean Avenue (Assessor's Parcel Number 4293-007-022) is designated as a Landmark Parcel in order to preserve, maintain, protect and safeguard the Landmark building. The Landmark building consists of the primary residential structure, and does not include accessory structures on the property.

The Secretary Standards for Rehabilitation recognize the appropriateness of adding fences for security "that are as unobtrusive as possible." (Secretary Standards,

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p. 139.) What is to be avoided is the installation of protective fencing for security in a way that would “negatively impact the historic character of the site.” (*Id.*) As noted above, Mr. Kaplan has carefully designed the fencing so that it avoids impacting the historic character of the site. We hope that the Commission will recognize this professionalism and agree.

C. Exceptional Attention and Care Has Been Devoted To The Preservation And Rehabilitation Of This City Landmark.

We do not want the discussion of the door and fence to obscure the great efforts that have been undertaken by the project team to faithfully restore and rehabilitate this prominent Landmark residence at significant time and cost. Specifically:

- Structurally upgrading to current codes the entire home including an east/west shear wall from grade to roof through the entire building. Replacing numerous framing members and flooring systems wherever needed.
- Refurbishing existing windows and operation; replacing where needed badly deteriorated windows with newly crafted windows to precisely match original; replacing double-hung operating mechanisms as needed.
- Rebuilding to match damaged 2-story chimneys with number 5 finish steel trowel stucco to match original.
- Repairing and reconstructing wood pergola to original shape and appearance.
- Repairing, replacing, and reattaching brick base around perimeter of home to match original.
- Rehabilitating low brick landscape walls throughout the site.
- Refurbishing and rehabilitating wood burning fireplaces at ground floor.
- Refurbishing, replacing, and rebuilding all exterior finished wood work so that the entire home appears as when originally built.
- Removing and replacing rotted wood siding shingles to match original unique length and spaced stacking. In order to achieve the original exposed length and meet current codes, two complete layers of new shingles were needed. Original shingles had all six-inch width, but virtually no mills have common widths anymore. In order to achieve the match with the original home, the project team sought out the one identified mill in North America which turned out to be in Mission, British Columbia, Canada.

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- Rebuilding front deck rail with structural attachments in as close to original design as possible.
- Replacing all electrical, plumbing, and HVAC, and adding state-of-the-art low voltage systems.
- Installing protective fire sprinkler system throughout.
- Removing all non-original overgrown shrubbery which was substantially blocking visibility to the landmark home.
- Restoring and replacing to match original site paving.
- Re-landscaping the entire site consistent with Certificate of Appropriateness.

CONCLUSION

We request that rather than adopting the Staff recommendation, the Landmarks Commission instead approve the conversion of the window to the door in the recessed porch consistent with the submitted design and approve the proposed fencing with the proposed design, color and material or with any substitute design, color or material as may be preferred by the Commission.

Very truly yours,



Kenneth L. Kutcher

KLK:sna
Enclosures

cc: Stephanie Reich (w/ encls.)
Heidi von Tongeln (w/ encls.)
Mark Tabit (w/ encls.)
David Kaplan (w/ encls.)



Kaplan Chen Kaplan
Architects & Planners
2526 Eighteenth Street
Santa Monica CA 90405

October 1, 2020

MEMO

401 Ocean Avenue
Project Design Modifications – Front Door for South Unit

The project for the rehabilitation of the Landmark residence at 401 Ocean Avenue has continued towards completion with two remaining refinements that can be resolved with minor modifications to the previously approved design. A separate memo is provided for the second design refinement.

Front Door for South Unit

In order for the two condominium units in the landmark residence to align with relatively equal size and configuration best suited for equal enjoyment of the property, they are both designed as two-story side-by-side townhome-style units separated by an acoustic sound wall. This arrangement is most appropriate as it achieves equal parallel access to ocean front ground floor main living spaces as well as equal benefits of upper floor views while avoiding the disturbance of one neighbor above the other.

The northern unit will be accessed by the original front door location that is offset to the north within the large front porch. For the second unit on the south we had attempted to establish suitable “front” doors along the sideyard and at the back of the residence, but those entries are awkward on the site and do not provide the more formal and obvious visitor entrance for this property that clearly faces Ocean Avenue and will bear Ocean Avenue street addresses. The side and back entries to the south unit also diminish the sense of residing in the prestigious¹ landmark building including direct connection to the front yard facing the ocean.

¹ The Landmarks Commission’s Findings reference this property as “occupying one of the most prestigious sites in the Palisades Tract.”

The front porch is covered by a large balcony that extends along most of the front façade. The existing front door is not centered in the front porch; rather, it is located off center to the north and is recessed beneath the second floor balcony. In approving Certificate of Appropriateness 18ENT-0142, the Santa Monica Landmarks Commission approved an operable window in the southern portion of the front porch that serves the south unit. The design of this new window follows the design of the adjacent front façade windows (existing) with 9 divided lites in the upper sash. We are proposing to replace that approved new window with a wood door in that same location. The design of the proposed door would be similar to the approved window design in that it is the same location and height with the distinctive 9 lite window division in the upper portion matching the adjacent windows. This proposed door will serve as a front door for the south unit.

The proposed door will not impact the overall appearance or historic character of the building. The view of the front entry is dominated by the second floor balcony and the row of one foot diameter columns and protruding pair of bay windows, as well as extensive surrounding white trim. The front entry door is recessed well within the porch and is not particularly prominent, except as to color. The north unit's existing front door is designed as a deep color that stands out against the white back wall. The proposed additional front door will be painted white to match the color of the adjacent wall and windows and will retain the upper glazing with 9 lites so the overall configuration and appearance will be similar to the approved window that it will replace. The design of the proposed second front door to the south unit is distinct from the north unit's original solid wood entry door with sidelights and will appear less like a front door and more like a secondary or porch door but still provide the south unit with a front entry to the main living space on the ground floor of that unit with a direct connection to the front yard on Ocean Avenue in this prestigious location.



Illustrations

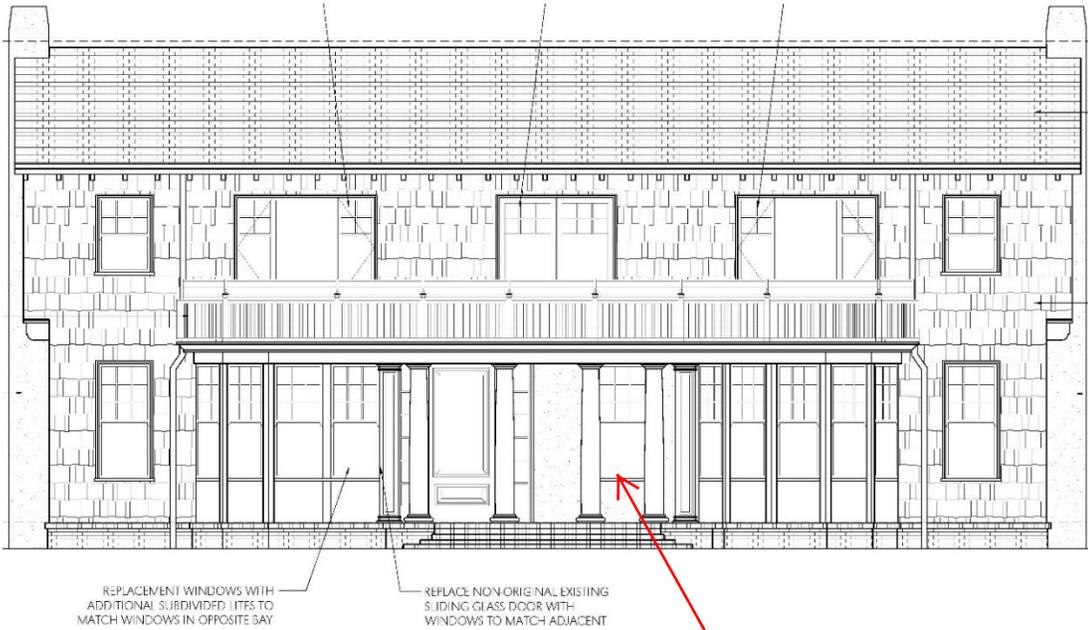


401 Ocean Avenue front porch on west prior to rehabilitation



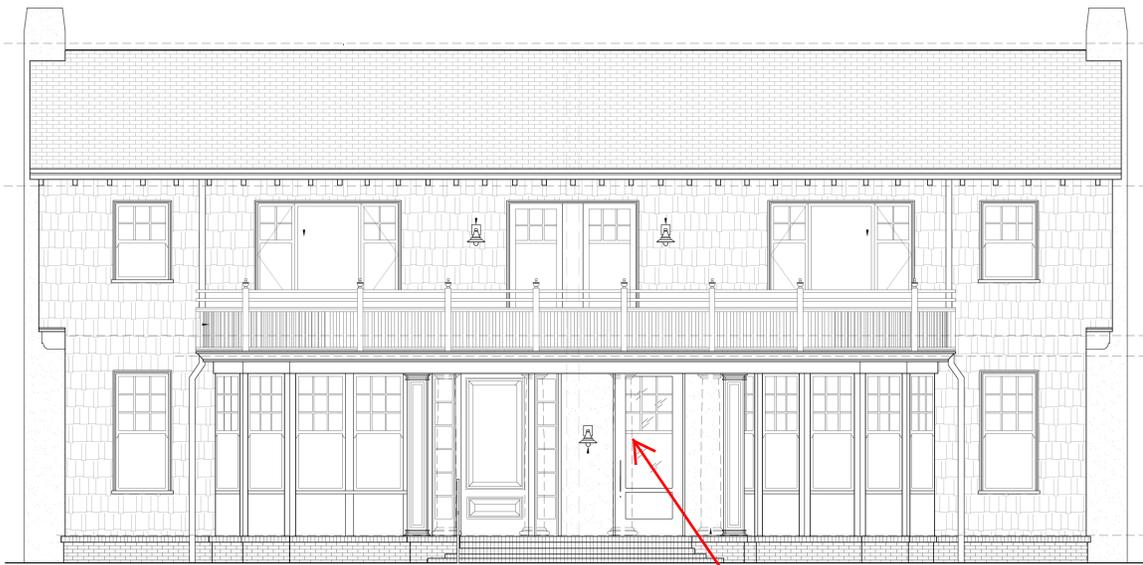
401 Ocean Avenue front porch on west prior to rehabilitation





West elevation with previously approved window at porch

KCK



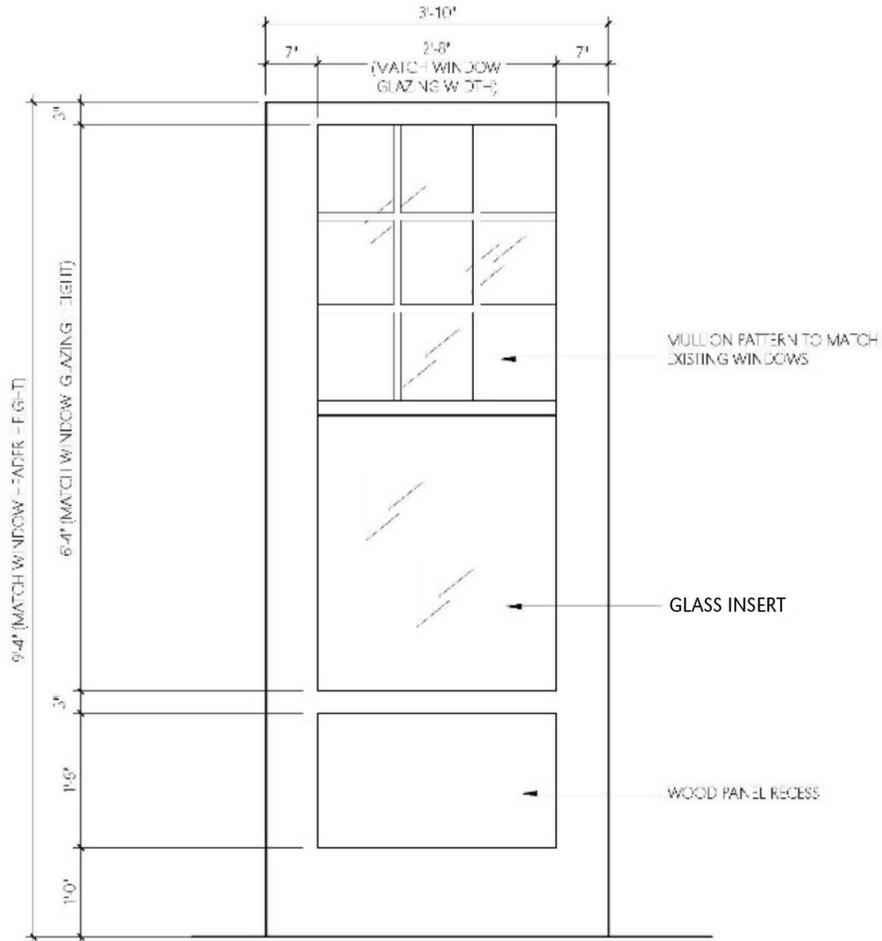
West elevation with proposed door located in place of window

KCK



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DOOR ELEVATION

scale: 3/4" = 1'-0"

3

Apr 16, 2022

Proposed door detail

KCK



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Approved window at front porch

KCK



Proposed door at front porch – door painted white to match wall and window trim

KCK



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Current construction west entry porch, May 2020



Current construction west entry porch, May 2020

proposed door location
in lieu of window





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October 1, 2020

MEMO

401 Ocean Avenue
Project Design modifications – New fencing

Ownership of 401 Ocean Avenue have determined that the residential units on the landmark property need a form of fencing that would also provide an implied boundary marker for the property.

A fence has a variety of important functions for the site especially as a demarcation of residential property along an increasingly active pedestrian path, public park and street. While the property for many years served as a boarding house and then later for a family with adult children, upkeep languished and fencing or other boundary marker may not have been considered essential. During the past few decades, the area has become denser with more residents and increased public use of Ocean Avenue and Palisades Park across the street.

In recent years, many properties in the immediate vicinity including landmarked properties have added fencing as part of a rehabilitation project or just as a necessary upgrade. Fences are typically allowed as a matter of right on residential properties. The Code allows fence heights of 42” in the front yard with pergolas of up to 8 feet in height and width and ornamental attachments atop a fence or wall of 12 inches above the maximum height. Fences of up to 8 feet in height are allowed by Code along the side and rear yards.

The cost of rehabilitating the landmark building at 401 Ocean exceeds \$3.5 million. Upon completion of the rehabilitation, two condominium units will occupy the landmark structure. A low fence in the front yard shared by those two units would provide a psychological sense of security in the front yard as a soft boundary and gentle indicator for members of the public, including those walking pets. The height of the proposed fence around the front yard will be 36” and will be softened with the addition of low level landscaping along the base.

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The Secretary of the Interior's Standards for Rehabilitation do not specifically oppose the addition of fencing. Instead the Standards provide a series of guidelines to ensure that changes to the property do not impact the historic character of the site.

While the Secretary of the Interior's Standards provide cautions when adding new features to a historic building or site it does not proscribe against alterations including the addition of fencing to such a property, rather it provides guidance for potential additions. The Secretary of the Interior's Standards and Guidelines discusses such alterations: (Pg. 78)

"Some exterior and interior alterations to a historic building are generally needed as part of a Rehabilitation project to ensure its continued use, but it is most important that such alterations do not radically change, obscure, or destroy character-defining spaces, materials, features, or finishes. Alterations may include changes to the site or setting, such as the selective removal of buildings or other features of the building site or setting that are intrusive, not character defining, or outside the building's period of significance."

The Guidelines also more specifically discuss the categories of Setting and Building Site. The Guidelines provides the following definition of setting: (pg. 21)

"The setting is the larger area or environment in which a historic building is located. It may be an urban, suburban, or rural neighborhood or a natural landscape in which buildings have been constructed. The relationship of buildings to each other, setbacks, fence patterns, views, driveways and walkways, and street trees and other landscaping together establish the character of a district or neighborhood."

The Guidelines note that the following is not recommended regarding the setting: (pgs. 143 -146)

"Removing or substantially changing those building and landscape features in the setting which are important in defining the historic character so that, as a result, the character is diminished."

Installing protective fencing, bollards, and stanchions in the setting, when necessary for security, without taking into consideration their location and visibility so that they negatively impact the historic character of the setting."

The proposed fencing is designed to satisfy these concerns. There are a number of fenced yards in the immediate area including landmark properties and other structures on the City of Santa Monica's Historic Resource Inventory. The Farquhar residence around the corner



at 147 Georgina Avenue has a 3' wood picket fence on top of a 30" wall along the frontage as well as the residence at 205 Georgina Avenue with a 5' metal fence above a 30" retaining wall. The landmark property at 525 Georgina Avenue at one time had no fencing but following rehabilitation there is a 42" tall fence with the lower 36" made of solid wood. See attached photos in the appendix to this report.

As to the most immediate context, neighboring properties to 401 Ocean Avenue have tall walls such as the residential building immediately to the south on Ocean Avenue with a five foot stucco wall at the sidewalk and the building to the north across Georgina Avenue with a 4' tall solid wall. The property adjacent to the east on Georgina Avenue has a 2' tall fence on top of a plaster wall that varies from 2' - 2'-6" tall so that the total height nearest the project site is 4'- 6" tall. See attached photos in the appendix to this report. New open fencing for 401 Ocean Avenue will be compatible with the character of the neighborhood and setting.

The Guidelines also discuss potential impacts to the Building Site and notes the that the following is "not recommended". (pgs.137-142)

"Removing or substantially changing buildings and their features or site features which are important in defining the overall historic character of the property so that, as a result, the character is diminished. Introducing a new feature, including plant material, that is visually incompatible with the site or that alters or destroys the historic site patterns or use

Introducing new construction on the building site which is visually incompatible in terms of size, scale, design, material, or color, which destroys historic relationships on the site, or which damages or destroys important landscape features, such as replacing a lawn with paved parking areas or removing mature trees to widen a driveway."

The proposed fencing will not alter any site grading or features and follows the crest of the front yard slope. The original front steps will remain in place and the fencing will include a low-profile entry gate at the top of the steps. The fencing has been designed to be open and for the most part transparent so as not to block public views of the residence and its associated landscape. The fencing is setback from the sidewalk and preserves the original sloping grade. The metal fencing will have a simple design compatible with the historic residence and an unobtrusive appearance that will not in any way compete with the landmark building's design features. The pickets are 1/2" square at 4" and 2" spacing, the horizontal bars are 1/2" x 3/4" deep and the posts are 2' square spaced approximately 6 feet.apart all painted black



The low fence will continue around the north side of the property at the crest of the slope along Georgina Avenue to connect with the refurbished low brick wall at the pergola along the side yard. At that point the metal picket fencing will be added atop the brick wall between the pergola columns along the street side for a total height of approximately 5 feet to provide a light layer of security for the private sideyard outdoor space on the north facing Ocean Avenue east of the main building. The metal picket fencing will continue between the wood columns of the pergola and then wrap back at the east end towards the rehabilitated residence at the 5 foot height. The fencing continues to the south into the site and will join a cross fence deep inside the property to complete a secure enclosure for the residents of the condominiums. A 5' fence is also proposed to secure a private yard on the south side of the rehabilitated landmark residence that would be appropriately setback east of the front massing of the historic building. These fences are internal to the site and intended to be as unobtrusive as possible and will not compete with or alter any historic feature of the site and rehabilitated building.

The low fencing will impart a sense of private property ownership across from Palisades Park and will signal that status to members of the public that may be unaware of the private ownership of many City Landmarks. Additionally, the proposed fence will encourage the future owners' active use of the front and side yards (i.e., private open space consistent with the Zoning Code) without impacting the overall setting or any historic features of the site and also still allowing an open view of the landmarked and rehabilitated residence for visual appreciation by the public.

The proposed fence also provides an excellent opportunity for prominent placement of plaques, one on Ocean Avenue and another along Georgina Avenue, consistent with Landmarks Ordinance Section 9.56.060(F) to denote and amplify on the landmark status of the private property. The proposed fencing will have no impact on materials or designs of the historic rehabilitation and would be fully reversible at a future date.

References:

The Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring & Reconstructing Historic Buildings Revised by Anne E. Grimmer from Kay D. Weeks and Anne E. Grimmer (1995/2017)



Kaplan Chen Kaplan

Architects & Planners

The Secretary of the Interior's Standards for Rehabilitation
(Applicable Standards):

1. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.

The lightweight metal fencing will be unobtrusive and not alter the appearance or characteristics of site

2. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.

No materials will be removed, The overall character of the property will remain generally unchanged

3. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.

The fencing will be delicate and compatible to the historic building without detracting from the overall appearance. The fence will be sufficiently differentiated and made of new materials so as not to create a false historicism.

9. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.

The relatively small scale and delicate design of the fence is meant to be unobtrusive. The design will have historic elements for compatibility without competing with the site and building design.

10. New additions and adjacent or related new construction shall be undertaken in such a manner that is removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

All fencing can be removed at any time without impacting historic site features.



Illustrations - Setting:



The setting for the property includes numerous residences with fences and walls



View along Georgina Avenue - 2017





View from south along 4 foot tall plaster wall at sidewalk



View looking north along Ocean Avenue with brick walls and a plaster wall at the sidewalk that is 5 feet tall.





View looking east on Georgina Avenue from the corner showing privacy protections and walls



View further east on Georgina Avenue with variety of walls and fences





View further east on Georgina Avenue looking east at continuum of properties with fencing.



View looking west on Georgina Avenue. Fence on right is 24" brick wall with 5' metal fence above. The white brick wall on right also has 3' foot tall picket fence above..





View looking east on Marguerita Avenue, the adjacent street that also includes properties with front yard walls and fences



View looking west on Marguerita Avenue



Examples:



Landmark Farquhar house at 147 Georgina Avenue previously with 36" picket fence



147 Georgina Avenue following rehabilitation with 36" fence on top of 30" tall wall



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Landmark residence at 525 Georgina Avenue previously without fencing



525 Georgina Avenue following rehabilitation with 42" tall fence including 36" tall solid area.





416 Marguerita Avenue in 2016 without fence.



A 42" tall metal fence has been added at 416 Marguerita Avenue in the past few years. The lightweight railing does not significantly impact features of the property.





205 Georgina Avenue a few properties to the east of the site has a 5' tall decorative metal fence on top of a 2'-6" brick wall. The metal rail is mostly open providing view of residence.



413 Ocean Avenue, adjacent to site, with 5' tall wall at front along sidewalk





423 Ocean Avenue south of site with front porch 3' above sidewalk and 3' railing at porch



View looking north along Ocean Avenue with 5' plaster wall adjacent to site





311 Ocean Avenue to the north of Georgina Avenue has a 42" tall stucco wall



128 Georgina Avenue, west of 1st Court has a 2' metal fence on top of a plastered wall that varies from 2' to 2'-6" tall.



Proposed Fence - Sketches



401 Ocean Avenue prior to rehabilitation



401 Ocean Avenue with proposed decorative 30" tall metal fence





401 Ocean Avenue with proposed decorative 30" tall metal fence, landmark plaque and gate at existing stairs.



401 Ocean Avenue with proposed decorative 30" tall metal fence





401 Ocean Avenue with proposed decorative metal fence along Georgina Avenue looking east

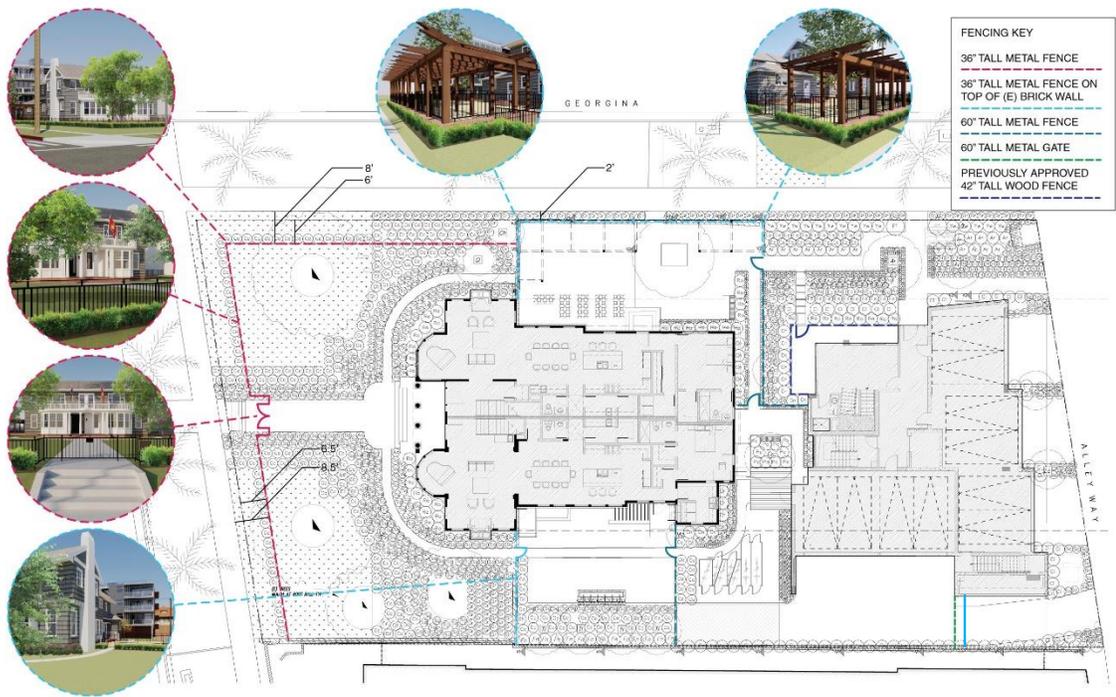


401 Ocean Avenue with proposed decorative metal fence along Georgina Avenue looking west.





401 Ocean Avenue with proposed decorative metal fence along the south

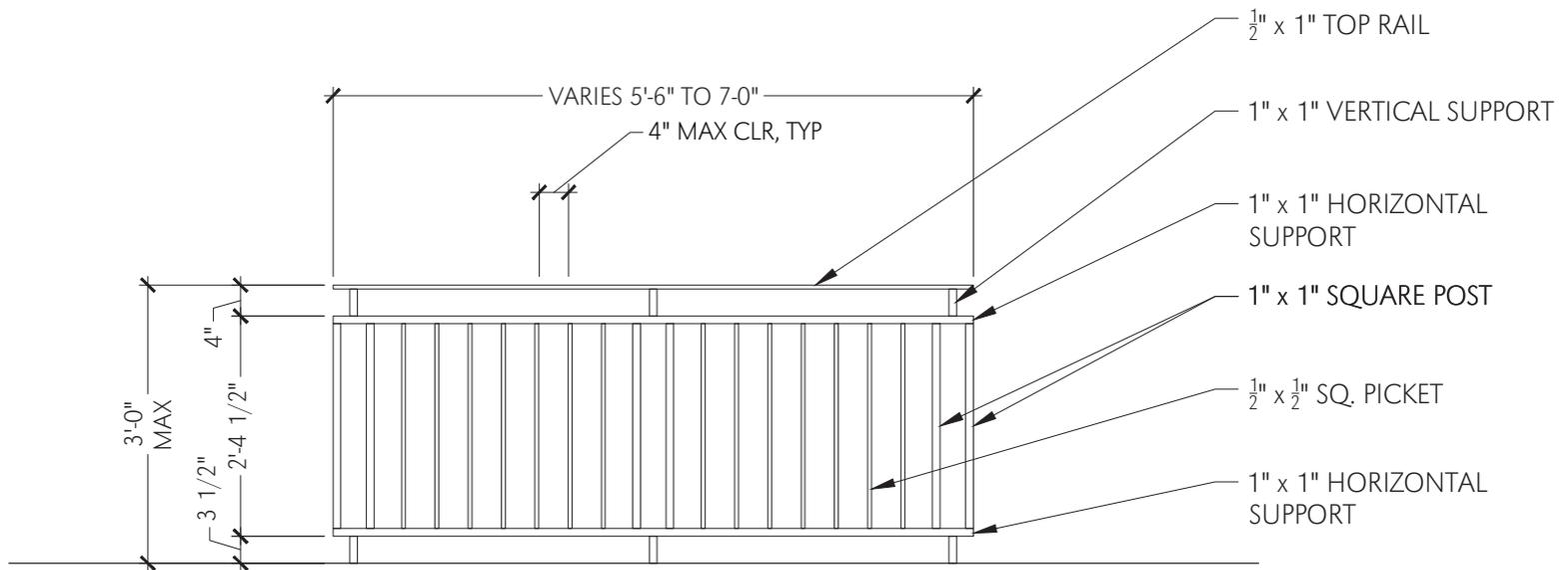


KCK ARCHITECTS & PLANNERS

Site plan showing fence locations

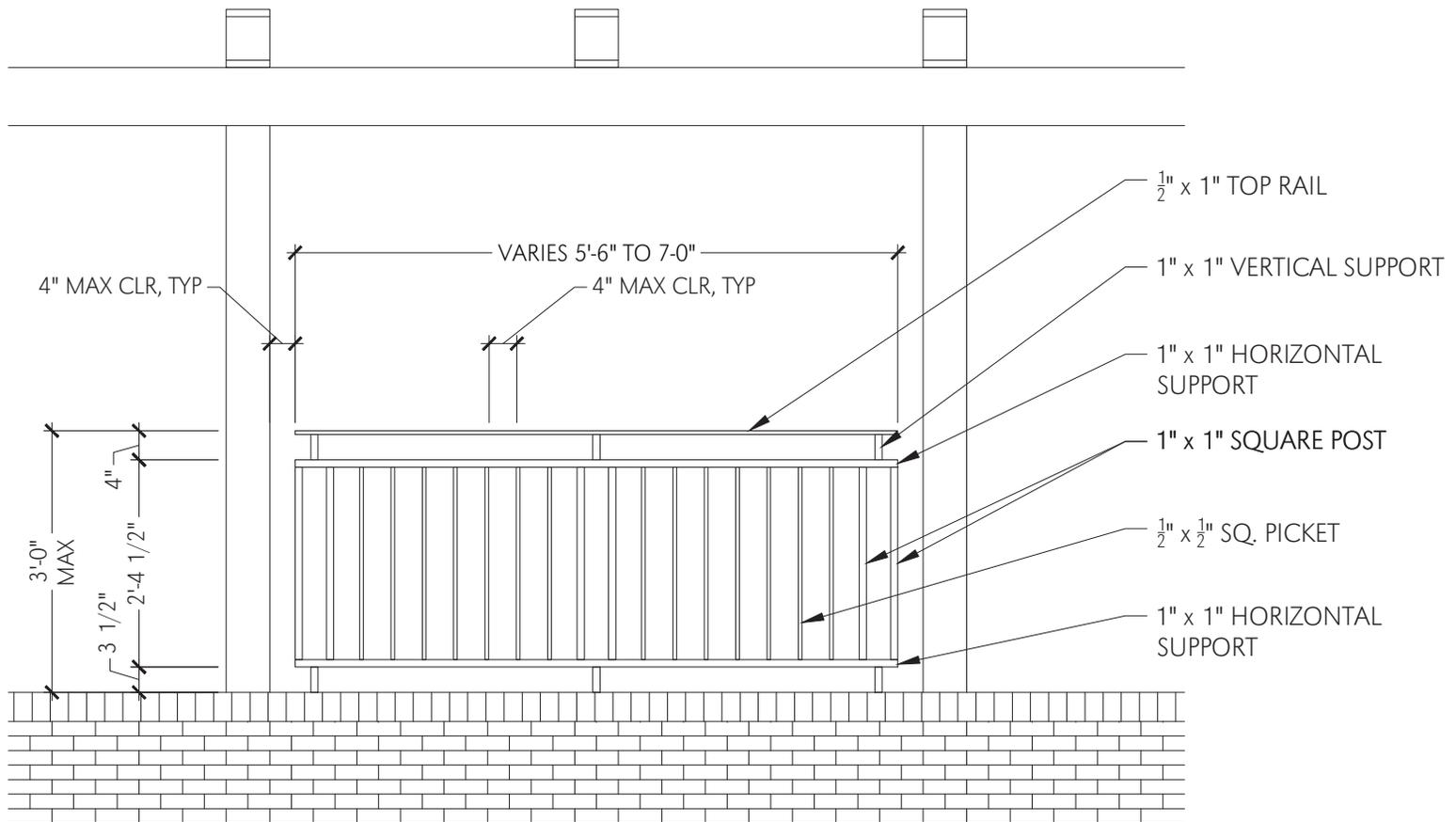


Kaplan Chen Kaplan
Architects & Planners



TYP. FENCE SEGMENT ALT 2
 SCALE $\frac{3}{4}" = 1'-0"$

KCK ARCHITECTS
 07.13.2020



TYP. FENCE SEGMENT @ PERGOLA ALT 2
 SCALE $\frac{3}{4}$ " = 1'-0"

KCK ARCHITECTS
 07.13.2020

From: jona.frank@yahoo.com
To: [Planning Commission Comments](#)
Subject: 401 Ocean Ave.
Date: Friday, October 9, 2020 5:11:39 PM

EXTERNAL

Dear Santa Monica Planning Commission -

I am writing in support of my friend Mark Tabit who is renovating the property at 401 Ocean Avenue, on the corner of Ocean and Georgina. Mark feels strongly that a fence is needed to border the property and has put forth a proposal that is up to code and aesthetically pleasing.

I had the good fortune of meeting Mark in early 2018 before any renovation had begun on his property. I am a photographic artist and a long-term Santa Monica resident. I was looking for a house to spend a few weeks working on a photographic series that would eventually become a book. I needed a space that had great light and was in need of renovation, so that I could create sets in which to photograph. I passed 401 Ocean on my daily-walk, following the progress of the house after it was sold. One morning I noticed signage had gone up with the owners name and number and, while I thought it was an incredible long-shot that I would be able to use THIS house, I also thought it was worth a try. I contacted Mark and he was completely open to meeting with me and hearing what I would like to do. So open, in fact, that he gave me access to the house for three weeks to do as I pleased FOR FREE.

The resulting project is now a book, titled *Cherry Hill*, that comes out October 27. The reason I write about this is to express to you that Mark truly cares about community. When I remarked that I was overwhelmed by his incredible generosity Mark said, "I hate that this amazing house just sits here empty. If it can be of use to someone, I want to make that happen." I will never forget it. It was truly kind. I feel like we have lost sight of how easy it is to help another person and that we have all grown too accustomed to looking out for number one. Mark could see that I was pursuing something I really cared about and giving me this opportunity mattered more than making money. It was a gift.

The first day we met in March of 2018, Mark showed me the house and after walking through we exited the house to find an angry neighbor waiting. This man lived on Georgina and he was ready to strike out at Mark and say that, "the neighborhood did not need another 25-resident tower and it should stay a home." Mark calmly listened and then he told this neighbor what his plans were. He spoke about how much he loved Santa Monica and he wanted to keep the integrity of the neighborhood. When he was done he had completely won the neighbor over and they shook hands before departing.

He cares deeply about sharing his vision with the neighborhood and wants wholeheartedly to respect the history of Santa Monica. His fence is not an eyesore. It's not a giant stone wall that will obscure the home he has worked so carefully to restore. Rather, it is a simple structure that will allow a passer-by to view the property while also providing some security for the residents.

I have lived in Santa Monica for over 20 years and one of the places I lived was a small bungalow on California. It had a very inviting green lawn and no fence, not unlike 401 Ocean. More than a few times we had issues with homeless people laying on the lawn and knocking

on the door. At one point, I was home alone when I was awoken at 1am from a homeless person banging on my door. I called the police and when they came they told me that our front lawn was too inviting and that we needed a fence. The police emphasized that even a small fence would deter people from approaching. We were renting and the landlord did not want to put up a fence, so we decided to leave.

The property at 401 Ocean is going to have a lot more foot traffic than we had on California Ave. Especially given the situation with the pandemic and the way the world has changed in the last 7 months. We have to be careful about space and distancing. What Mark is asking for with his fence is reasonable. It is in no way high security, but like SMPD told me years ago, it will provide a small and, unfortunately, necessary deterrent that will keep people from just sauntering up and knocking on the door. It also STILL allows people to view the facade of 401 Ocean Avenue and to walk by and appreciate this piece of Santa Monica history. Mark Tabit is a good, solid person and I hope you can see that he is not asking for anything extreme.

Many thanks for your consideration.

/Jona Frank

Cell 818.292.1866

212 Mabery Road
Santa Monica, CA 90402

From: [Kenneth Kutcher](#)
To: [Richard Brand](#); [Amy Beth Green](#); [Dolores Sloan](#); [Barry Rosenbaum](#); [Roger Genser](#); [Kenneth Breisch](#); [Jodi Summers](#)
Cc: [Stephanie Reich](#); [Heidi von Tongeln](#); [Wendy Radwan](#); [Planning Commission Comments](#)
Subject: RE: Agenda Item 10-A (401 Ocean)
Date: Saturday, October 10, 2020 4:23:44 PM
Attachments: [KCK SOI findings re 401 door.pdf](#)

EXTERNAL

Dear Commissioners,
Attached are Secretary of Interior Findings for Rehabilitation relative to the proposed door at 401 Ocean.
Ken

Kenneth L. Kutcher | Attorney at Law
1250 Sixth Street, Suite 200 | Santa Monica, CA 90401
O: (310) 451-3669 | kutcher@hlkklaw.com

HARDING LARMORE KUTCHER & KOZAL, LLP

From: Kenneth Kutcher
Sent: Friday, October 9, 2020 5:05 PM
To: richard.brand@smgov.net; amybeth.green@smgov.net; dolores.sloan@smgov.net; barry.rosenbaum@smgov.net; roger.genser@smgov.net; kenneth.breisch@smgov.net; Jodi.Summers@smgov.net
Cc: stephanie.reich@smgov.net; heidi.vontongeln@smgov.net; Wendy Radwan <Wendy.Radwan@SMGOV.NET>; planningcomment@smgov.net
Subject: Agenda Item 10-A (401 Ocean)

Dear Commissioners,
The attached letter is submitted in support of the Certificate of Appropriateness amendment application for 401 Ocean Avenue. Also attached are the conformance reports from architectural historian David Kaplan for this application.
Thank you.
Ken

Kenneth L. Kutcher | Attorney at Law
1250 Sixth Street, Suite 200 | Santa Monica, CA 90401
O: (310) 451-3669 | kutcher@hlkklaw.com

HARDING LARMORE KUTCHER & KOZAL, LLP



Kaplan Chen Kaplan

Architects & Planners
2526 Eighteenth Street
Santa Monica CA 90405

October 10, 2020

MEMO

401 Ocean Avenue
Project Design Modifications – Front Door for South Unit

Review of Secretary of the Interiors' Standards for Rehabilitation¹

1. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.

The residence has served as a multi-family dwelling in the past and this secondary door in place of the previously approved window does not change the overall design composition or appearance of the building. The door matches the appearance of a window and is designed to blend with wall and denote a secondary porch type door so as not to conflict with the dark colored and wider main door with sidelights. No other features of the porch or overall site are modified for the door.

2. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.

No materials will be removed other than a portion of blank plaster wall recessed at the back of the front porch and replaced with the proposed door painted to match the wall. As the door will be painted white to match the adjacent wall and windows and is also located behind a line of decorative columns under a nine foot deep porch it will be barely discernible from the public way. The door could also be viewed as a secondary porch access \from another room and therefore not impacting the vision of a single family residence. The overall character of the property will remain unchanged

¹ The Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring & Reconstructing Historic Buildings Revised by Anne E. Grimmer from Kay D. Weeks and Anne E. Grimmer (1995/2017)

3. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.

The property has evolved over the years serving as a single family residence, a boarding house and then subdivided into separate upstairs and downstairs occupancies. Provision of this relatively discreet door does not change the sense of history and use of the structure which served previously as both a single family and a multifamily residence..

4. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.

Not applicable.

5. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved.

Original features of the residence and front entry porch are to preserved and refurbished. An opening in an unadorned plaster wall approved for a window will be extended to the ground to provide a doorway. The glazing pattern in the door will match the adjacent windows and the door will be painted to match the wall and adjacent windows and will be partially obscured on the nine foot deep porch behind a line of columns. No other features of the entry porch and residence will be altered for the doorway.

6. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive features, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.

Not applicable

7. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.

Not applicable



8. Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.

Not applicable

9. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.

The added secondary entry door has no impact on original materials and no impact on the size, scale or massing that characterizes the property.

10. New additions and adjacent or related new construction shall be undertaken in such a manner that is removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

The door can be removed and the wall infilled to match the original surface.



From: [Ruthann Lehrer](#)
To: [Roger Genser](#); [Roger Genser](#); [Dolly Sloan](#); [Jodi Summers](#); [Amy Beth Green](#); [Ken Breisch](#); [Barry Rosenbaum](#); [Richard Brand](#); [Planning Commission Comments](#)
Cc: [Stephanie Reich](#)
Subject: Comments from the Santa Monica Conservancy re: 401 Ocean Ave. COA, Item 10A
Date: Sunday, October 11, 2020 4:15:56 PM

EXTERNAL

Oct. 12, 2020

Item10A: Certificate of Appropriateness, 401 Ocean Ave.

Chair Genser and Commissioners,

It was very disheartening to note that staff's recommendations for 401 Ocean Avenue would result in constraints on owners of historic landmarks that are inconsistent with the intent and language of the *Secretary of the Interior's Standards*.

The *Standards* are intended to manage change, not to prevent it. To keep designated properties viable for new uses and new owners, the *Standards* provide direction on *how* to make necessary changes, balancing the historic character of the property with upgrades necessary for the revitalization of the property. For this COA, the *Standards* are applied in an excessively restrictive manner.

Regarding the front door proposal:

The necessity for the front door placement seems entirely justified by the applicant, and is done in such a way that the change from a window to a door is barely visible. The placement is a functional necessity, due to the conversion to two side-by-side units accessed from the front pathway. The change is almost completely camouflaged by replicating the approved matching window design in the door, and painting the door to blend in with the building. From the street it will be barely noticeable, and it's reversible. We consider this treatment to be fully compliant with Standard #2: *The historic character of a property shall be retained and preserved*, as the window still reads as such while being incorporated into a door. There are no false historical features (Standard 3), and the *distinctive features, finishes and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved* (Standard 5).

Regarding the new fence:

The rationale for the fence is the location at the juncture of two major streets (Georgina Avenue and Ocean Park Boulevard) and across from a public park. Owners are entitled to a fence for security and protection. There are many precedents for landmarks having fences. Since the City has no legitimate rationale to deny an owner that protection, the issue then becomes the fence design and materials. Black wrought iron is the most visually transparent

material. Slender pickets and a simple contemporary design are good solutions as they don't compete with the historic building and contain no false historicism.

This issue is important not only for this project, but because the underlying assumptions for interpreting the *Standards* are detrimental to the City's historic preservation program. We have spoken with many property owners throughout the City over the years, describing the *Standards* as being flexible and responsive to owners' needs as long as requests for changes respected the building's character-defining features. We have alleged that the *Standards* do not prevent modifications as owners and their needs evolve, but provide guidelines as to how to accomplish these goals. If historic preservation regulations are perceived as rigid and burdensome, the entire program is undermined.

Thank you for your consideration.

Tom Cleys
Santa Monica Conservancy

From: [Mike Salazar](#)
To: [Planning Commission Comments](#)
Cc: [Roger Genser](#)
Subject: Landmarks Comm. Oct. 14, Item 10-a
Date: Sunday, October 11, 2020 10:34:41 PM
Attachments: [401-Ocean-Salazar-201011.pdf](#)

EXTERNAL

Please submit this letter to the Landmarks Commission, the Applicant (401 Ocean Avenue, Item 10-A) and appropriate staff for the October 12, 2020 meeting (Item 10-a) regarding 401 Ocean Avenue in support of the Applicant, as well as into the public record.

Mike Salazar, Architect
Ocean Park

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Mike Salazar

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Mike Salazar, Architect
Ocean Park

Landmarks Commission Review and Approval of 401 Ocean Avenue

Date: October 10, 2020

RE: Landmarks Commission Review and Approval of 401 Ocean Avenue

I am writing to you to ask that you support the 401 OCEAN AVENUE Applicant's front door solution, the fence positioning, the corner plaque and this project in general, allowing its approval and progress.

I've had the opportunity to meet with the project team to review all aspects, and frankly improve this project, as a member of the Advocacy Committee of the Conservancy. While I am writing this letter as an architect, a steward of a 1910 Landmark home and *as an individual*, The Conservancy letter you will receive stresses the importance of how to use the Standards and comes with my support, as does Nina Fresco's letter with more technical justifications. However, I feel my personal advocacy is needed to recognize this Applicant's desire (and accomplishments) to go beyond a mere 'rehabilitation' and bring this corner gem back to life with additional residential opportunities.

FRONT DOOR

The Staff Report on this project really misses the mark, and once again applies an artificially (an without credible basis) "application" of the Secretary of Interior Standards that reflects a bias against this worthy project – why, is anyone's guess.

Here we have a grand home, built in 1910 in a neighborhood where folks walked, greeted one another and were, well, neighborly. This is the essence of most if not all single family homes of this time, and what better way to adaptively 'reuse' this single residence as two residential units.

Every house has a front door, and why should staff deny this appropriate adaptation? A side door is a side door is a side door. As proposed, staff would like guests and neighbors coming for a visit to walk around the side of the house to enter this south duplex unit. Certainly those folks would think it odd, not to mention the resident. Especially when the Applicant has proposed a perfectly appropriate "front door" that respects all character defining features, and even the historic integrity of this once-single family home.

Residents also like to come outside the front of their house. While the porch is certainly 'modest', it is none-the-less welcoming. Walking into this unit (as I just recently toured this project October 10th) through a front door is critical to not just this adaptation, but to the neighborhood. I cannot stress the important 'flagship' this well-crafted adaptation remains to Ocean Avenue, this important corner, and to this neighborhood.

The proposed creation of a front door on the front porch is clearly a superior and appropriate treatment, fully compliant with Standard #2, as it retains the historic character of this property. The visual changes are minimal; retaining an original front window incorporated into a door, and has no false sense of history. The team should be heralded for this creative solution. Instead, this staff approach results in a lesser status of this unit, and lessens its incorporation into this neighborhood and its important corner.

Staff's solution alters the existing window so that it cannot be historically repositioned to fit within a new side door entrance: the double hung window's 'meeting rail' (where the upper and lower windows meet) is at an uncomfortable and inappropriate direct eye-level, requiring elimination or repositioning, unlike the Applicant's solution.

FENCE POSITIONING

The appropriately scaled fence, set back from the sidewalk is also a clever way to provide a sense of security to the homeowners without any negative impact that fences often bring. Look at some of the existing, over scaled and mostly solid fencing in the neighborhood. This alone should prevent the denial of this fence as proposed.

Mike Salazar, Architect
Ocean Park

Landmarks Commission Review and Approval of 401 Ocean Avenue

This fence material provide for an 'open but secured' approach, Its placement allows for sensitive landscape buffer that will further promote security with an aesthetic solution as a nod to its important corner, incorporating the long-standing gentle 'berm' of the expansive front yard at the sidewalk.

This also allows future additional planting along the sidewalk (my personal preference) if the owners so desire. The fence also creates a proper front walk entrance, as it is arranged to allow space at the top of the steps to stand, awaiting the greeting (hopefully utilizing the Applicant's front door proposal at the south unit) of the residents coming out a proper front door. Function wise, this fence and front door provide a great solution for this corner landmark.

Continuing the fence along the 'side street,' set back from the sidewalk continues this appropriate solution, and its incorporation into the historic pergola is entirely appropriate and consistent with landmark status.

CORNER PLAQUE

So initially this plaque was proposed to be located at the walk-up steps on the public side of the proposed fencing. While this could be considered appropriate, I personally advocated for what I consider a thoroughly *most-appropriate* positioning: at the corner. You can drive by our home (Charles Warren Brown House) to see how the positioning of a landmark plaque at the corner satisfies the designation best. It is highly visible; it creates a corner into as it is for Mills Street – a unique, one-block street - that on our side of Mills still feels like a step back in time. That is what we felt best not just for our home, but also for the neighborhood. For we are stewards, and its come to be clear that the neighborhood depends on our landmark.

Barely a day goes by that someone walking by our corner stops to read about our house and Mr. Brown. If we're on the front porch, or if I'm working in the front garden, it's an opportunity to meet new neighbors, and tell them about our house, our neighborhood and the Conservancy's PRC just a block and a half away. But if that plaque was at our similar entrance, it could be a source of angst that someone is at or front fence.

For a perception of security is often expected and necessary for landmark homes. We feel no need to post a small sign on our front entry gate noting that this is 'private property.' Imagine, with the high volume of residents and walkers at 401 Ocean's prominent corner, if every one of them wanted to read their plaque. Folks would walk up the steps onto the platform, daily. This breaks a psychological feeling of privacy and security.

The placement of the plaque at the corner eliminates these concerns, and makes it more prominent and available to more folks walking and in vehicles, and eliminates any need to walk up the front fence at the front steps.

In closing, the Landmarks Commission has the ability to make this project better by supporting these Applicant positions. You also have the ability to get to the point with staff over why they feel the above Applicant solutions are or *are not* appropriate. I look forward to this discussion, and hope you support the proper application of Standards and this Applicant's clever 'front door,' neighborly fence positioning and a true 'cornerstone' plaque for this worthy project and its neighborhood.

Sincerely,

Mike Salazar, Architect and Landmark Home Steward