

**City of West Hollywood
Historic Preservation Commission Regular Meeting
January 23, 2012**

Chair Ostergren: All right, thank you. I'm calling to order the regular meeting of the Historic Preservation Commission, January 23, 2012. Can we have a roll call?

Sharita Ellies: Commissioner Torgan?

Vice-Chair Torgan: Present.

Sharita Ellies: Excuse me, Vice-Chair Torgan. Commissioner Rice?

Commissioner Rice: Here.

Sharita Ellies: Commissioner Charles?

Commissioner Charles: Here.

Sharita Ellies: Chair Ostergren?

Chair Ostergren: Here.

Sharita Ellies: Commissioner Kaye?

Commissioner Kaye: Here.

Sharita Ellies: Commissioner Castro?

Commissioner Castro: Here.

Sharita Ellies: Commissioner Levin?

Commissioner Levin: Here.

Chair Ostergren: Thank you. Next item is Approval of the Agenda.

Commissioner Castro: I move to approve the agenda.

Commissioner Levin: I'll second.

Chair Ostergren: All in favor?

Commission: Aye.

Chair Ostergren: Next item, Approval of Minutes, so the meeting of December 14, 2011. Do we have any corrections? Does anyone have any corrections or changes to make to the minutes?

Commission: no changes.

Chair Ostergren: I can't believe it. All right. Then do we have a move to approve the minutes?

Commissioner Levin: So moved.

Commissioner Castro: And I'll second.

Chair Ostergren: All in favor?

Commission: Aye.

Vice-Chair Torgan: And please note my abstention.

Chair Ostergren: Oh. One abstention.

Chair Ostergren: Okay, we'll move on to Public Comment then. We have a number of speakers. We will allow two minutes per speaker. I ask that you approach the microphone, give your name, your city of residence, and if you are speaking in a professional capacity, your profession, as well.

First, we have Alan Bernstein.

Alan Bernstein: Good evening, Chair Ostergren, honorable commissioners. My name is Alan Bernstein. I'm a resident of the City of West Hollywood. I serve as the chair of the West -- it's not on?

Commission: It is.

Alan Bernstein: Is it on now? Should I start over again? I'm Alan Bernstein. I'm a resident of the City of West Hollywood. I chair the West Hollywood Planning Commission, and I'm here tonight in a related capacity, but I'm not going to speak on behalf of the Planning Commission. But I did want to let HPC be aware that we recently approved unanimously an item regarding aging housing that might have some impact on HPC or be of some interest.

It started for us about six months ago. There was an item that was brought forth to us that was a condo conversion item, and it seemed to be specifically related to the El Mirador situation. That item, at least for our commission, was not particularly well received, but it started more as a conversation about aging housing stock, and we have sent on to Council for their consideration and their judgment a request to form some sort of a working group task force, an adhoc committee that ideally would include some representation from your commission, some representation from Rent Stabilization, and also involvement from Council directly if they want to look at this question of aging housing stock, not solely as it relates to historic housing but certainly including housing, historic housing, and to try to go in with a concern, which is that we should have a stock for housing that's aging rapidly and poorly and not being as well attended to as we'd like to, and we'd like to change that.

And not really having a conclusion, not knowing whether the answer is a major rehab program, attending purchase program, some sort of a loan program from the city, we don't know the answer, but we have a sense that it's a question worth exploring, and since we were kind enough to volunteer our (inaudible) services, I thought as a courtesy I should let you know where it is and what our hope is and if it's of interest to you, I hope you'll consider weighing in, as well.

I think it's a good question, and again, we don't know the answer, but hopefully, there are better ways out there of maintaining a housing stock that we care a lot about for tenants that we care a lot about, and we're interested in exploring that more, and ideally, we'd like to explore it with you. So I wanted to let you know about that. Thank you.

Vice-Chair Torgan: Excuse me. May I ask a question?

Chair Ostergren: Yes.

Vice Chair Torgan: Alan, do you have any idea when Council's going to take it up?

Alan Bernstein: It has not been agendized yet. It is my impression that it will come up in February or March, but I do not know. I have not been told that it will be on their next agenda, so in February and March is sort of the best awareness that I have of when they're going to be contemplating it.

Commissioner Kaye: Yeah, I just want to say to staff, can you please keep us apprised as this is going through the process for Planning and Council, what's happening with this initiative?

Staff: (Inaudible).

Commissioner Kaye: Thanks.

Alan Bernstein: Thank you very much.

Chair Ostergren: Thank you.

The next speaker is Geoff Buck.

Geoff Buck: Good evening, Commissioners. My name is Geoff Buck. I live in the City of West Hollywood, and I really enjoyed reading our Guide to the Historic Sites and Cultural Resources in West Hollywood, but it's missing one very, very important one, and that is Plummer Park.

Plummer Park has been designated as Historical Site #160 by the State of California, and I think it would go very, very nicely into this brochure. So I know the City puts it out and was done by the Cultural Heritage Commission, but I really do feel that Plummer Park belongs to be in this little pamphlet of historic sites and cultural resources. Thank you.

Chair Ostergren: Thank you. Next speaker is Laura Boccaletti.

Laura Boccaletti: Good evening, Commissioners. I'm Laura Boccaletti, resident of West Hollywood, six blocks from Plummer Park.

At the last Historic Preservation Committee meeting -- Commission meeting, after several of us in essence chastised this commission for approving the destruction of local history with the demolition of most of this park and its historic structures, we were surprised, then appalled to learn that you indeed did not approve it. As we've attended meeting after meeting over the past two months, it's become clearer and clearer to us how things are done in West Hollywood with considerable disregard for the citizenry, as well as for a great many of the Commissioners who are prevented from performing the service they thought they were appointed to do.

We're here to tell that, regardless, we have respect for and trust in you to carry out the functions of Historic Preservation

Commission in this 25-year-old less-than-two-square-mile city with precious few remaining examples of the history that came before it.

Our interest and determination are not waning, and our voices will become louder, if necessary. By now, you're quite familiar with our wishes, but they bear repeating until the City is on the same page.

It is entirely possible to refurbish this park while (a) leaving all the mature trees exactly where they are, (b) leaving and restoring Great Hall/Long Hall, (c) leaving and restoring the exterior of Fiesta Hall by renovating the interior and abandoning the underground parking for additional above-ground parking somewhere else in the park or offsite. Thank you.

Chair Ostergren: Thank you. Next, we have Trevor Orr.

Trevor Orr: Good evening. My name is Trevor Orr. I've been a resident of the City of West Hollywood for about a year-and-a-half.

Apologize as I've already sat through one Brown Act meeting, so I'm not going to sit through this one, but I would like to say that this is my first time here, and I'd like to talk about -- I've noticed -- encourage you to be on guard because there seems to be a strange happening in the city where things are sort of brought before commissions and there are questions, answers, and then maybes, but then the next meeting time or a month later, it's a done deal.

And, specifically, I remember this happening with the new parking structure behind City Hall. I remember going to a Public Facilities Commission meeting, and they were asking questions about how many stories, how many this, how many that, we'll get back to you, and then within about a week or two, bam, we've got a \$10 million parking structure. So right or wrong, this is happening, and I've noticed this in just a short time of living here.

But what I'd like to say is about the Plummer Park and the history of Plummer Park. When I first reviewed the drawings at City Hall, I noticed that it was basically to bulldoze and then when the architects came to speak about preserving the history, she talked about preserving the history of the future, and it just strikes me as wrong and odd.

And to me, the history of Plummer Park is not even about stucco façade on the building. It's a feel that you get when you walk into this park. It's like walking into some sort of relaxing [mill yard] of the past, and I encourage the Commission to try and maintain the feel of Plummer Park, and I think that rolls up into the history of an historical feel of the park. So I just want to encourage you. We're all here to support you and make this happen with the next go-around with the planning. So thank you very much.

Chair Ostergren: Thank you. Next speaker is Sophia Ratovich.

Sophia Ratovich: Good evening, Commissioners. Sophia Ratovich, 20-year resident with West Hollywood.

I'm here just to reiterate the point that I've made at several of these meetings, which is basically my support for a redesign of the current plan for Plummer Park, one that preserves the mature trees, because I think it's been well documented how much of a psychological thing that begins this -- like these trees play to the citizens and to people that actually use the park.

And I also just wanted to say that if the City wants to claim to be very innovative in saying that they're using green building standards, that they first look to repurpose before just demolishing because that is the first rule of green building is to repurpose.

And whatever built -- new construction is going to happen, it should stick to LEED standards, not just some generic green building codes that don't really -- that aren't consistent with other building codes in other countries and other cities.

But most importantly, I think that the Audubon Society needs to make a comeback into this plan. I don't know how they got kicked off and got evicted, but I think that they're very, very important in this park. I think that you guys have done -- not you guys but the City could have done a wonderful job at incorporating what they have to offer as far as education, incorporating into the landscape with whatever native habitat for birds, for insect species, whatever it is. But somehow they need to come back into the picture and still be able to call this their home. So whatever you can do to make that happen, I think the Audubon Society -- and I think the City of West Hollywood would be very, very fortunate to still have them housed here. So let's just make that happen. Thank you.

Chair Ostergren: Thank you. Next speaker is Sharon Knolle.

Sharon Knolle: I'm Sharon Knolle. I'm a 11-year resident of West Hollywood.

I wanted to talk generally about historic preservation in West Hollywood. It seems lately that the track record has been really bad. Tara took eight years to save; the Fickett Library was unceremoniously bulldozed.

The park -- we're all trying to save the park and keep the history, the cultural history, and the feel and the charm of it. Want you to know that the community's behind you in your efforts, and they know that your hands are tied to a certain respect -- certain aspect, but we just would like you to do what you can to fight for historic preservation in this City and to not let your efforts be bulldozed. Thank you.

Chair Ostergren: Thank you. Next, Sheila Lightfoot.

Sheila Lightfoot: Sheila Lightfoot, 20-plus-year resident of West Hollywood.

I'm not sure that I can stay till Item 10-D comes up on the agenda, so I'd like to speak on the record on that item now. I just want to say that many of us citizens have become suspicious of the process, the City process. And even though we've been told all these meetings took place and all this input was gathered to come to the decisions, as we trace each of these steps backward, we find the situation that we have found with reading a transcript and looking at the minutes from the meetings where Plummer Park was before this Commission.

I think that the City is not only disrespecting its citizens, but we're finding out that they also disrespect you, the Commissioners that have taken on the responsibility in this case for historical preservation, and we see that you have very little input, that the process had already been guided toward a predetermined solution that the City wanted, and I think it's appalling that you didn't have a full -- the ability to have a full-[throated] discussion about these wonderful buildings in Plummer Park. Thank you.

Chair Ostergren: Thank you. And the next speaker is Lynn -- it's either Russell or Russett.

Commissioner Levin: Russell.

Lynn Russell: Good evening, Commissioners. Lynn Russell from West Hollywood.

A couple of times, I'd brought a few things before you to comment on them that were going on in other communities that seemed to be very -- would be very advantageous to our community, and very little interest has even been shown in it.

This weekend, I had a chance to go to a tribute to Julia Morgan, the architect, in Pasadena, and I have a program here I'd like to give a copy of it into the notes this evening or into the record this evening.

But what was really stunning about this, Julia Morgan, for all who do not know her, was the prime architect for William Randolph Hearst and did just many, many -- I think over three to five hundred buildings in the state of California.

The City of Pasadena is faced with a building in their historic town hall square, city hall square, that has been in private hands. You see a YWCA that was designed for the city at that time, and it has gone into private hands. The City is now in a position to take this by eminent domain, and the striking thing about this entire meeting was that the mayor and numerous historians and everyone on down opened this up to the citizens, to the city for everybody's input on what might be taking place.

This is the first meeting that I actually sent an invite to a few people this weekend who weren't able to attend, but there would be another meeting, and it was going to be discussed at that meeting what is going to be the resolution of how this is handled. What is the input, design standards, the refurbishment of it and so forth, the design competition.

But, again, the stunning difference between Pasadena and West Hollywood. Other than the fact that they have their own elected mayor specifically who has served, but it's been open to the community from the beginning, and I think that would be a wonderful goal for us to achieve here, and perhaps some of you on this commission could be instrumental in having that happen. Thank you very much.

Chair Ostergren: Thank you. That closes public comment.

I think most of you -- or many of you are familiar faces here, but for those that aren't, I just want to reiterate that we are

able to receive your comments, but because this was not an agenda item, we are not able to respond specifically to them, but I will acknowledge again, as I think I did at the last meeting, that I encourage you to continue to pursue all avenues, and you've got to turn the tide here, so keep it up.

All right. With that, we're going to move on to Item 6, Consent Calendar. None. Item 7 is Excluded Consent Calendar. None. No Commissioner Consideration (Item 8). We have no public hearings this evening (Item 9) That brings us to New Business, Item 10A, Historic Preservation Update from Historic Resources Group.

Francisco Contreras: Yes, thank you, Chair. I want to introduce Christy McAvoy with Historic Resources Group, who will provide some updates in historic preservation training.

Specifically with regard to some of the items that we had mentioned before -- I think you had mentioned before you'd maybe like some more information regarding surveys, how they're conducted, what's a good survey, incentives, and I think we're also talking about --

Christy McAvoy: (Inaudible).

Francisco Contreras: Yes. What is -- what does it mean to be one of the last remaining examples, rarity of type type of questions. So here's Christy.

Christy McAvoy: This seems a lot like here's Johnny. Thank you, Commissioners, for having me this evening. The request from the Staff was to talk about current topics and best practices from some of the questions that currently you had during various meetings, so I would just like to go over some of the topics that you might want to talk about but then leave a lot of room for questions so that we can make this really very interactive.

There's always questions about surveys. How often they're done, what are the best practices that we know now, and what are the new innovations that surveys -- that may be being used in surveys as they get more expensive to do. There have been some questions apparently about evaluations and what considers being rare resources and how people in other cities may have been handling these particular issues.

I added a piece about documentation because also in other

cities, we have -- there has been a tremendous effort to conform documentation to whatever the particular finding and interest of the Commission might be.

And, finally, there are a couple of new things on the front of incentives and other -- Mills Act and other incentives that are commonly used in historic preservation.

So because surveys are the foundation of historic preservation and because you have done several in your history, beginning in the 1980s and right up to the present time, and that's a part of your responsibilities as a CLG, a Certified Local Government, I just wanted to take a minute to remind us that it provides information for planning decisions and should be the basis of prioritizing preservation goals, helps to inform environmental reviews in terms of CEQA, and importantly, educates the public and increases the understanding of the built environment.

How often do you do them in order to keep those responsibilities alive? The State Office and CEQA have defined some thresholds of when surveys stay current, and that threshold has been that an existing survey needs to be updated every five years. That does not mean that surveys prior to being five years old don't contain valuable information. They contain very valuable information and often contain more in-depth information than recent surveys.

But it's appropriate to update the survey to make sure that planning decisions and preservation decisions are based on the most current information. So updating a survey is really one of the foundations for how one does preservation planning.

Most importantly, or one of the most important things, is to have sites that have been moved, identified, or dramatically altered removed from the list.

A survey is actually a process and not a project. It doesn't -- even though it seems like it has a beginning and an end and you hire someone to do it and then complete it, from a process standpoint, it should be incorporated into all the decision making in city government.

There have been -- and we have a commissioner who is more expert at this than I -- but there have been a couple of court cases recently in which the court has opined that there are four criteria for a survey in order to be kept current.

Now, this decision is somewhat controversial, so I'm not going

to speak to the merits of that case, but the court said that surveys should be included in the state historic resources inventory, that it needs to be prepared in accordance with that OHR procedures and requirements, which the surveys all have been, that surveys need to have been done with the evaluation code that the state office has presented us with, and that if you choose to nominate an entire survey to the California Register and thereby qualify for CEQA, then it needs to be updated within five years so that ineligible resources are removed and more significant resources that might not have met the age requirements are added.

In your particular case, you would have had a city-wide survey, which is about 30 years old now, and then a few other geographic and contextual surveys along the way, which have highlighted certain property types and certain threats.

What do we really know about existing resources in today's community, and which neighborhoods and specific property types are being threatened by development? That's actually the role of a survey update.

Concentrations of resources and individual resources have been identified. Staff has worked to compile those lists to make sure that they're available to the Office of Historic Preservation and to look at them in a contextual light. In other words, what do the resources have in common.

The surveys have identified unique property types, and they've also identified rare property types. I'm going to get to that in a minute. The word *rare* receives a lot of attention these days in a lot of jurisdictions about what is a rare resource and how is it developed and how do we plan for things of that nature.

Expanding the context in this City to be citywide from where we left it in 1986, which was the around the time of your incorporation, would be probably a very valuable asset in this community. There has been a lot of work done in what's called context, primarily done these days by a Getty Grant, which has enabled the Los Angeles Department of Planning to do a citywide survey.

I'm sure you're all aware of Survey L.A. and its various numbers and highlights and how spectacular it will be to identify and to have looked at 880,000 parcels. That number's very daunting, but I think one of the best tools to come out of Survey L.A. so

far has been what's called a context outline, whereby we can put any building that you are looking at into the appropriate historic context.

You have in this city done a context on multifamily residential buildings, which is quite good, and has identified that particular property type as being of interest in West Hollywood. I think it might be useful to take -- and not reinvent the wheel because no one has time to do that these days -- but to possibly take a look at Survey L.A.'s context outline and see which of the property types that are identified there make the most difference to the city of West Hollywood. And having had that information, then incorporate that into planning so that we can prioritize decisions.

That comes to bear when we try to talk about rarity of type. It's the only one left. It's the only remaining -- we hear this in phrases -- the only remaining example, the few remaining examples of something that has integrity, the oldest, is there more than one but less than whatever number you want to quantify? If we have 25 of them, is it too many to be considered rare? Those are the kinds of questions that people have been looking at across California.

The state office has given a little bit of guidance on this particular rarity-of-type issue. You're not -- it's not probably a good idea to get down to the very last one of anything in a city when you know about its context. So if, again, we go back to the property types and the context of those contexts, do we have representative samples of each period of development in the city? How many of those do we have?

In Los Angeles, we have had some discussion lately about the number of Spanish colonial revival neighborhoods in the city. There are hundreds of them, probably thousands. The question will be for the City of Los Angeles which of those Spanish colonial revival neighborhoods truly meet historic criteria versus which ones of those are older but don't have necessarily all of their character-defining features.

In Los Angeles, the discussion about Spanish colonial revival has been in terms of districts because there have been -- there are so many neighborhoods built with that kind of architecture.

Here in West Hollywood, you have numbers of examples, both with districts and not. So the question has been that now that you have this information, can you make a decision about what you

have a lot of and whether it meets the criteria and highlighting the examples of what things aren't currently rare.

As things get much older -- and your history as a City dates back to the Town of Sherman, when it was a railroad community, there are certain resources associated with that. That's one of the older periods of time. We want to be sure that each creative time is represented and that you can do what you can to have a physical link to each period, each important period of development.

As history moves on and you move on as a City, you will have a different population of resources to analyze and to see whether or not certain types of architecture need to develop a particular context.

As you probably know, one of the contexts that has been getting a lot of play throughout Southern California is the mid-century modern context, the post-war context, and what examples of that mean, what to certain communities.

One of the things we found in that particular arena across Southern California is that there are many communities actually that were built out prior to the war, to World War II. Therefore, they don't have subdivisions of mid-century modern houses or that that period plays less of a role in that city's history.

There are other cities that are newer that -- where the population of resources is almost entirely post-war, and one wants to be sure that the good examples of that creative development are protected.

So this conversation about rarity of type is actually very fluid, and I welcome some interaction when I finish the presentation.

In order to look at things like rarity of type, the aspects of the documentation and decision making have really come to the fore in the last couple of years.

Using documentation to make final lists has been fairly critical, and understanding in these days of limited resources that what kind of documentation is required, as opposed to adopting, say, mitigation measures or asking applicants to do things that you won't necessarily need in order to make a decision or to protect the resource.

If you're going to be rehabilitating something, the requirements for documentation may be different than they will if you're losing the resource, and the only record of the resource that you have is a complete documentation package.

You'll rely on different types of sources, the Secretary of the Interior Standards for rehab, but you will never make a decision without photographic documentation, existing photographs of the resource, historic photographs of the resource, what the resource looks like after a particular project or action has been completed.

So when we speak of documentation, it speaks actually about how you organize the process in terms of permits and drawings and other things that people can go back to to look at the decision-making process.

We're going to get -- I have another couple slides coming up about implementation of the Mills Act and how documentation plays a critical role in how Mills Act properties need to be addressed.

It is crucial, in our opinion, that you use the findings and make findings regarding character-defining features, those architectural features which tell you the period of development, the resource, and why it is significant from an architectural standpoint, both from an interior and exterior perspective, if you are working in the Mills Act arena because the Mills Act -- you know, your particular local ordinance covers exteriors. Sometimes you may be able to control interiors versus -- when you look at your Mills Act standards, and that's an open question that you may or may not want to get into. What kind of in-kind replacement versus repair and how are you using the Secretary of the Interior Standards when you're making decisions about Mills Act applications or the other kind of rehab for your landmark status, and what that documentation and list of character-defining features can do to help you evaluate the integrity of a resource.

A resource is sometimes lost not by demolition -- that's the most obvious way that we lose a resource -- but we can also lose a resource by attrition and inappropriate alteration or materials that have been taken away from the resource. So there are many actual ways to have to worry about the, quote, integrity factor.

I wanted to just say a few words about in this day and age of really limited resources what we still have available to us.

We still do have the 20% rehabilitation credit for National Registry-eligible properties, and you as a City are actually quite fortunate in that you have a very large number of National Register-eligible properties that could take advantage of the rehabilitation tax credit.

In terms of different maintenance, in terms of people who have had these buildings for a long time and so then have a low tax basis in the building, there are several candidates here that could probably be eligible for the 20% rehab credit, and maybe that's something that you as a city want to actually identify and push with those people.

We no longer have the Save America's Treasures program. We no longer have the Preserve America program. We do have a Historic Preservation national program. The state historic preservation officers are still in the budget, as are many of the other -- the National Park Service and the technical assistance that you need to sometimes carry on your particular local responsibilities. And as a certified local government, of course, some of your funds come directly through the state office from the federal government. So that's still there.

The grant programs that we often have wanted to have people take advantage of are no longer with us, so we're going to have to be a little more creative about how we fund, particularly publicly funded, exercises in historic preservation.

Still with us are some conservation easements. Again, you have a number of National Register properties. You have some owners who may be looking for estate planning and things of that nature. We do have a number of qualified receivers, nonprofits in Southern California, which make these transactions fairly easy. They are the most stringent preservation protection and the most lucrative to the donor, and these easements, of course, stay with the property. They're not to be taken lightly, of course, because they are perpetuity. But, again, an owner who is looking to protect a property for future generations may want to take advantage of this.

Municipal programs today have been cut way back by most people, but the three here on the screen -- technical assistance, waivers of permit fees, and specialized cases -- and heavy heritage tourism promotion for those sites that take advantage

of the tourism industry in California are several of the ones that most cities are still relying on in this particular day and age.

There's been some question about whether or not a city can afford waivers of permit fees, but it sees a good way of providing economic assistance to people who are doing projects which meet the standards and the public benefit that we've laid out in historic preservation.

The Mills Act and its use in California's preservation is still the most important economic incentive in California and the most widely used, particularly because it puts some resources into the hands of private people trying to preserve historic buildings.

As you know, the agreements between the city and the owner of the designated structure, and you have the ability to make some sort of choices about the kind and type of Mills Act applications you might want to see in this city.

The Act itself is very broad. The trend is that cities are making choices in terms of what applications they accept and the ability of the owner to, along with the city, develop the maintenance and rehabilitation plan based on the Secretary of the Interior Standards. That's a requirement, yeah, but the Mills Act remains one of those collaborative efforts that will basically save more buildings because more buildings in the United States and particularly in California are in private hands.

It is, however, a performance-based incentive. It does require a contract between the City and the owner based on the Secretary of the Interior Standards, and a definable scope of work based on the specific needs of that specific property is one of the better ways of using this tool.

I have had some experience with cities lately who have noticed that their maintenance and repair contracts may not meet the Secretary of the Interior standards, and that sets a precedent once you have done that, whereby it's hard to enforce then using the Secretary of the Interior standards on other properties if you have let that guidance slip in some of your older things.

Those cities are looking more closely at their monitoring schedules and compliance review. It seems to be that a yearly monitoring schedule may not be necessary but two years -- every

two years is usually something that can keep the contract pretty much in line.

There also needs to be a city process whereby some flexibility can be required. As you know, these contracts when they come before you are 10-year maintenance and rehabilitation contracts. Occasionally -- not so occasionally because we have windstorms and earthquakes and other fires and other things -- the City needs to have a process in order to update that maintenance plan and rehabilitation plan so that the agreed-upon scope of work that was there in the beginning of the contract is really actually no longer applicable or if there is some more pressing need, the city needs to have a way to talk to the property owner about what the most pressing repair concerns are on that particular property and be able to amend the contract accordingly.

The prioritization of Mills Act contracts in California have to do with things like the deterioration of the property, what things absolutely need to be fixed to keep the property protected, the ability to monitor those things, how much staff do you have, or if you're hiring outside consultants to do that monitoring -- that's done both ways these days. Whether or not you use a financial cap to limit the city's exposure to loss of tax revenue has become a concern, or whether or not you prioritize the contracts on other public benefits. In other words, can this serve more than the public benefit of historic preservation? Are there other considerations they might use, like affordable housing? And, again, rarity of type.

Each city decides this differently based on their population and based on their ability to manage these kinds of contracts, so there is no one-size-fits-all for prioritization, but I think it is definitely a trend where cities are doing that. The other trend is that they are -- and we don't know which way you are doing this right now. Most of these now just have an open window of application rather than taking them all through the year. And you still take them all year and you take them as they are submitted. More and more cities are defining a window. Pasadena is the latest one to do this, and Los Angeles has been doing this for a long time.

So, again, there's an application process that starts in May, a review process that ends in September, and then all of those applications for the year are taken to the county assessor by December 31st. So that's one way of organizing staff time and making sure that you can accommodate property owners when we're talking about things like that.

So I hurriedly went through some of the things that you had asked about in hopes that you would have questions and we could have more open discussion about those things or other issues that have occurred to you in the meantime.

I'm getting more and more requests from cities asking what other cities are doing because everybody's trying to find a creative way of taking care of the resources that they have, and finding that some of the (inaudible) are more tried and true.

For instance, documentation procedures may be overkill in certain situations, so we want adequate -- more than adequate documentation, but if we don't need an historic structures report for a building that is going to be remaining, if what we need is a rehabilitation plan and a list of character-defining features, then we need to try to tailor the documentation to the building and the task at hand.

If you're designating a building, you need a lot of information about the context and why that building meets the criteria for your particular designation, but if you're overseeing the rehabilitation, that's a different need. And if you're overseeing a Mills Act contract, a maintenance contract, which includes rehabilitation but it's going to go on for a fair amount of time, then you need to just prioritize the products that you may need to have.

Now, you know most of this anyway. That sounded a little preachy there at the end. But if you have questions about how things are -- you can accomplish the same amount or try to accomplish the same amount of work with fewer resources is the question that everyone's trying to answer.

So I appreciate ...

Chair Ostergren: All right. Thank you. Do we have questions?

Commissioner Castro: I do have a question. You mentioned about Mills Act, and my question is about interior versus exterior, and our historic preservation program, as you're probably aware, addresses the exterior of a building, for example. And in creating a contract, when we're in that phase of either an application, should that contract only address the exterior features then in terms of replace and repair within that contract, or can it address -- I guess it's a question -- can it address interior repair and replacement?

That's really the question, and I don't know whether -- I know Mills Act, I believe, it could be quite broad, and it may be a question for Francisco, too. When you're looking at new Mills Act contracts, are you only allowing the exterior as part of the contract? Because, again, our program only does -- only deals with the exterior.

Christy McAvoy: Right. I think there are various ways that -- and this is a question for you, also for your city attorney -- various ways to include interior public spaces if indeed they are character defined and need some sort of work. It seems to be that the common wisdom at the moment is that the Mills Act, because it is a tax abatement scheme, the City can require the Secretary of the Interior Standards and can at least ask about certain features so that, again, it becomes a collaboration.

Now, this becomes very important when Mills Act contract -- in particular, when Mills Act contracts are given to National Register-eligible buildings because the National Register doesn't distinguish between -- it distinguishes between interior and exterior character-defining features, but it accommodates both.

So one of the kind of interesting sliding questions along this scale is how much can a local administration of a property tax abatement contract protect the eligibility and all of the characteristics of, say, something that is not only willfully eligible but eligible for the National Register, as well?

Chair Ostergren: Commissioner Kaye?

Commissioner Kaye: Oh, sure. Hi, Christy. It's good to see you always. Thank you for coming tonight. It's always good to hear you.

I didn't receive anything about what this -- what your talk was going to be about, so I wasn't able to prepare any questions whatsoever about what you were going to talk about. And I was -- this is very interesting information, general information about preservation. I was sort of hoping that this talk would be a little bit more of a vigorous conversation about our issues here in the City that we face with these various points.

So there's so much here. I tried to make a few notes, and maybe, Francisco, the two of you can maybe -- I actually don't even know what to ask, but we basically -- we had one original

survey. I believe it's '86?

Commissioner Levin: Eighty-six.

Commissioner Kaye: So we actually had another one in 2008.

Commissioner Levin: A partial ...

Commissioner Kaye: A partial. And I think as many of us know, that did not include any commercial properties, did not include any public buildings. I think that we've all talked on this commission about our desire to see that.

Certainly, you're here. You're a powerhouse in preservation, and we'd certainly like to hear your opinion about that. You know, what can we do to work with our government officials to get the rest of these properties covered so the public can be apprised, so we'd like to know about that. I have a lot more. You can --

Christy McAvoy: Let's try that.

Commissioner Kaye: -- try to make it interactive a little bit more.

Christy McAvoy: Let's try that first because I think you've actually hit on one of the things I was trying to achieve, which is that right now you have a partial intensive survey. Your initial recognizance survey that identified context and themes is from 1986.

As you are prioritizing how you can get -- you need to get a citywide preservation plan which covers all different kinds of buildings and understands which property types are important.

So updating that effort, the first effort, and incorporating the second one, which deals probably with one property type, then would mean that you need to look at the other things that were identified in that first survey -- commercial buildings, buildings that were from the post-war period -- those were two of the big ones, I think -- but single-family residential structures.

And that's why I made the comment about looking -- one of the things this Commission could do is to look at that context from Survey '08 and say, "We have this kind of property. We have this type of property. We need to have a way to study that."

Once you understand what your citywide property types are, then it's a question of prioritizing which ones of those are most threatened.

Commissioner Kaye: Let me just stop to ask you because it's like the cities don't exist in kind of an academic environment. They don't exist in a best-of-all-possible-worlds environment.

Christy McAvoy: Right.

Commissioner Kaye: And cities have commissions -- we often have some dissonance between what we might want to see happen and what maybe our political counsel would like to see happen and what Staff has any kind of leeway to move forward.

So what do you say to us? What do you say to any city? How do we move these items forward that we're not really getting a lot of support on? What do you say?

Christy McAvoy: Okay. Well, you are a certified local government. You've signed up for that program. That program has three or four important responsibilities, one of which is to keep track of the type of resources.

To me, the certified local government program should identify and prioritize preservation needs, and the Commission needs to be a part of that, making -- even if it's recommendations, making recommendations for how the money is spent.

And, yes, the priorities of this Commission may not be the priorities of other decision makers in the city, but throwing that process into the budget is actually -- with an identified task list, so in the next -- you have a preservation element. It has goals, and it has a work plan in it. It's very new. Get it out, dust it off, and prioritize what those efforts should be.

But if you don't know what you have in that context, then the first thing to -- you can identify property types and how they're outlined if it furthers the goal of protecting every type of resource in the city.

Commissioner Kaye: Okay, I have a lot more to point out, and if anybody here wants to jump in and interrupt me, I won't be offended at all, so hopefully, we can make this as interactive as possible, but I'll just keep going until you interrupt me. So let's talk about rarity of type a little bit. So that comes

up. It's come up frequently with our craftsman homes, and every time a nomination comes forward, it always says it's one of the last remaining examples in the city, and every time that comes up, we usually look at Staff. We go like, "Okay, so one of the last remaining examples. So what is it? Is it five? Is it six? Is it seven? Is it eight? Is it nine? Is it 10? Is it 20, 25?" So and we never actually get an answer. So what do you have to say about that?

Christy McAvoy: There is an answer. I'm not going to put Staff on the spot by asking why not. I think that's information that can be gathered from the inventory and from the survey and put in front of you. The number can be put in front of you.

So let's say its 25 or 50. Identify the craftsman residences that have made the inventory, have been -- have some evidence of significance. In order then to understand what the -- it would be nice to save them all. First of all, I'm not going to advocate that you just say, "Well, that's too many. Let's get rid of them, of 15 of them."

Commissioner Kaye: Right, but we all have to make choices at a certain point.

Christy McAvoy: But you have to make choices. And unfortunately, the way we are land use based in these cities, you have to often make choices when choices come to you. In other words, somebody's trying to do something to one of these things.

But if you have taken a look at that population together and looked at the location where they are, whether or not they're clustered in certain places, whether or not one has -- is a better example of an architectural style, whether several of them have associations with important people in the area, there's a matrix that can be developed from things like this.

Like I said, we're going to have thousands of Spanish colonial revival houses in Los Angeles. They're not all going to meet the criteria for historic designation. But you as a commission and so that you can also talk to your fellow decision makers should be having a conversation about the various types. Commercial buildings are the same -- in the same way.

This was a community which had a streetcar system. It was how people got here. The commercial buildings in a certain era developed around that streetcar system. There is a context for

streetcar-related commercial buildings. I don't even know how you're recording that kind of thing or whether you're just recording commercial properties. So looking at the specifics of them, it seems to me a conversation that ought to take place.

Commissioner Kaye: Well, I mean to just follow up on the point you're just making about the streetcar context, I mean all the tracks have been torn up in West Hollywood, so the context has actually been removed, the identifiable context. So how does --

Christy McAvoy: A portion of that's been removed.

Commissioner Levin: Well, the infrastructure.

Christy McAvoy: The infrastructure.

Commissioner Kaye: The infrastructure. So I think, well...

Christy McAvoy: The Santa Monica, as a street where the tracks ran, still has --

Commissioner Levin: Still there.

Christy McAvoy: -- yeah, still has (inaudible - multiple speakers).

Commissioner Kaye: Right, but you wouldn't really relate to that anymore. I mean you don't see that infrastructure anymore that relates back to it. So I mean how do we really apply that former context to it when that infrastructure has been completely eliminated?

Christy McAvoy: Well, I'm not sure that I agree with you that it's been completely eliminated, but I do think that you have certain street patterns, certain periods of development that we're relating to that particular transportation system.

There's a series of characteristics that commercial buildings built during that period have, and so in looking at the history of any one commercial building, there are a series of characteristics that you can check off. Was it at a former transportation stop? Often, these corner buildings that you have -- and I can think of a few of them here -- were at specific transportation hubs and they housed a particular kind of commercial building or commercial stores and things like that. So that even though the tracks aren't there, the pattern of development still is.

Commissioner Kaye: Okay, let follow-up on a rarity-type issue where you were talking about various types -- modernism and Spanish colonial -- and how we should save preferably something of everything, and so it kind of asks -- suggests the Noah's Ark argument that we should save a couple of at least everything that's here. I've heard that argument used on both sides, so it's been used for preservation; it's been used against it. So I just want to know what you think about that.

Christy McAvoy: The rarity type argument to me is an interesting one because I think we can probably all agree that if you just save one of every species, then you have the kind of architectural petting zoo. Here's an example of each thing, but it's isolated. So the inner connectivity of those particular resources is lost because there's one over here and it's this, and so on and so forth.

So I personally don't think that one example of everything is the kind -- is what historic preservation is after when it talks about visual character of a community.

I also think we have done an awful lot lately in terms of trying to group resources, and some cities simply don't have groupings of resources left. So it depends on the city. If you have in a city the size of Los Angeles 100 or 1,000 neighborhoods of the same type, you can get more specific about what you should do. If you have only a few examples of a residential type that actually served your population for a long period of time and was an example of the way people lived in the community, whether it's a four-plex or something else, it seems to me that there would need to be a few of those examples because not every -- even in terms of architectural type, there are dozens of types of Spanish colonial revival, so you don't want to just take your remaining one.

Preferably is to have them in clusters so that they can be physically identified in a place and time, but if not, that's where we get to excellent and rare examples, and one probably won't do it because we have such a variety of the way that people used architecture.

Commissioner Kaye: Okay, is that --

Christy McAvoy: (Inaudible).

Commissioner Kaye: No, no, its fine, Christy. Thanks. I just

want to pursue one more point, and it's really -- I want to talk a little bit about Mills Act contracts that Commissioner Castro was also referring to, and I think Staff can tell us how many Mills Act contracts we have in this city, but unless I'm mistaken, I believe that most of them are clustered at the Granville, the majority of our Mills Act contracts, in this city.

Francisco Contreras: Yes, we have probably more than 70 Mills Act contracts, so most of them are to individual properties. We do have a few that are actually at condominium developments, so each of the condo would get a Mills Act contract, but more and more, we're trying to get away from that and trying to actually have one Mills Act contract with the HOA for the entire development. But knowing that we have 70 or so Mills Act contracts, they're actually -- they're spread throughout the city.

Commissioner Kaye: Right.

Christy McAvoy: How many buildings are there as opposed to contracts? Do you know the number of buildings?

Commissioner Kaye: Yeah, it's not -- it's not 70. It's not 70 structures. It's 70 contracts, and I believe I am correct that the majority -- the overwhelming majority are clustered at the Granville. So anyway, my point really is that --

Commissioner Levin: (Inaudible).

Commissioner Kaye: I'm not saying that all of Granville units have Mills Act contracts, but a lot of the contracts are there.

Anyway, my point is that it costs money for a property owner to apply for a Mills Act contract. I mean you have to hire a preservation consultant. It costs several -- a number of thousands of dollars. It's complicated. It's complex. And all our resources do not have Mills Act contracts. We know that. And we know that quite a number of our resources are crumbling. So how does the City work more proactively in reaching out to property owners, helping property owners go through the process to acquire a contract? And so they're not really just wealthy individuals who really don't need this property tax break. It really is not what it was designed for. It was really designed to maintain a resource over time -- and we can all debate that point.

Vice-Chair Torgan: And I'd like to jump in and give a context

to this.

Unidentified Speaker: Yes, yes.

Vice-Chair Torgan: You heard if you were here and heard Planning Commission Chair Bernstein speak, and I've talked with Alan, but I know a couple others who have had standing-on-street-corner conversations with him about this. We've got a rapidly aging stock of rental housing, multi-family housing in the city, and the reason he's here is because a lot of this housing in the next five to 10 years is going to hit that magic 50-year mark where there is at least -- there's a (inaudible) presumption of some type of cultural or historic importance.

And so in that context, especially for buildings that have been held by a single owner a long time and where a Mills Act contract might not give them a whole lot, what other programs or resources, whether they have to be legislatively enacted or not, it's -- if we have to bring a program to City Council and they make that priority decision -- and this is more a rhetorical question than putting you on the spot, Christy -- kind of what other resources might be available given the political and physical realities of this city, especially for owners who want to keep those buildings as rental stock?

Commissioner Levin: I was hoping it wasn't just a rhetorical question because that's the one I'd want to ask, as well.

Vice-Chair Torgan: Well, I mean it's --

Christy McAvoy: I think it's a really important one.

Vice-Chair Torgan: Yeah, I'll give Christy an out by saying it's rhetorical in case she doesn't have an answer ready.

Christy McAvoy: And I don't have the answer because, as you point out, some of the owners who have owned these buildings for a long time, property tax abatement is not the thing that is going to --

Commissioner Levin: The building --

Christy McAvoy: -- put money back into building.

Commissioner Levin: Clearly.

Christy McAvoy: There's not enough money there in that pot.

One of the things I've always wondered about this particular city is that you have a number of National Register-eligible rental housing properties, properties that are eligible for the 20% tax credit.

When an owner's got an aging infrastructure in a building of that type, mechanical work, real work to do, both inside and out, the 20% tax credit is often -- and because they have a low basis, then they can take more advantage of that program -- is often that they never put a lot of money into the project.

To the extent that we have any kind of resources in our other programs, CDBG programs, HUD programs, etcetera, we should be trying to target older housing stock with those resources, as well.

Commissioner Levin: Christy, on that program, the 20% is 20% of what?

Christy McAvoy: 20% of the rehabilitation, of the qualified rehabilitation. So if I have \$1 million -- or \$5 million of deferred maintenance in a large building, there's a \$1 million tax credit in that equation.

Commissioner Levin: You're talking about a personal tax credit for the owners of the property, not a property tax credit?

Christy McAvoy: Yes.

Commissioner Levin: Okay, because I live in one of the designated cultural resources --

Commissioner Castro: Is it national?

Commissioner Levin: It probably is eligible for national. Might be, But it's now in a family trust, but the original purchase basis of -- the father's now deceased -- purchased the property in 1964. I don't think I need to tell you what the purchase -- I mean it probably went for something like \$250,000, which is nothing (inaudible - multiple speakers).

Christy McAvoy: No, but the good news about the federal tax credit is if you have a low basis like that, you either take -- that makes that credit much more valuable.

Commissioner Castro: Christy, is it national eligible, or is it

you have to be on the national --?

Christy McAvoy: It's eligible.

Commissioner Castro: Eligible.

Christy McAvoy: In the state, you can apply for a federal 20% tax credit by -- it's a several-step process, but by qualifying the building in what's called a part one, but that's not a national register, not --

Commissioner Castro: Right.

Christy McAvoy: As long as you agree to list that property at the end of the rehabilitation. In some states, the rules are different and you have to be on the register before you can apply for a tax credit. The state doesn't do things that way.

Commissioner Castro: And then I think what you began to speak about, about the different resources perhaps that one can look into in terms of -- I mean we talked about the aging housing stock in the city, and I know kind of commissioners is seeking even a historic preservation commission in terms of participation and maybe some kind of subcommittee. I don't know.

Commissioner Levin: Task force.

Commissioner Castro: And task force. But I think that's what the issue is is that -- you know, you had a slide here that talks about incentives, municipal programs today, and I think that's where I think if this task force were to become available, we need to focus on what carrot can we dangle out there because without that, this poor owner is not going to find -- he's going to be out of his -- exhaust his options and will not be able to rehabilitate a historic building.

Christy McAvoy: My impression is that a significant number of your resources are multifamily residential resources.

Commissioner Levin: Yes.

Christy McAvoy: And that they are primarily the ones that suffer from deferred maintenance. And then we have the issue of rental assistance and things of that nature.

So it is a longer conversation than tonight, but I think that

the parameters of that are definable and that if you look at the -- if you target that population, that's where you can raise the benefits again in more than just the historic preservation area. You raise quality of living and more.

Vice-Chair Torgan: Right. I think the context Alan's given us is we're faced with the outcomes of increased deferred maintenance and decline of the stock or more buildings being Ellised out --

Christy McAvoy: Correct.

Vice-Chair Torgan: -- which did too much in this community. Both would be unacceptable status quo. So how do we find ways to address those two less-than-desirable outcomes?

Commissioner Levin: And some of it isn't deferred maintenance. I mean my building was built in 1930. It has the original switch gear, electro switch gear. So it's not a question of maintaining it.

Christy McAvoy: That's infrastructure.

Commissioner Levin: That's infrastructure.

Christy McAvoy: That's aging.

Commissioner Levin: That's not a maintenance issue.

Christy McAvoy: No, no. That's a rehabilitation issue.

Commissioner Levin: Yeah.

Commissioner Castro: Are there any -- and I'm trying to find whether there's even -- is there a nexus that can be made? Fees imposed? Can you charge a fee? Is that something you've been looking at? Even on new developments, a project that's not at all involving historic building but it's a new building altogether, and impose a fee in which that fee goes into a pot of money that it's reserved only for the rehabilitation of historic structures?

Commissioner Levin: I'm sure you could --

Christy McAvoy: I could put you in touch with a couple of people who believe that there is a nexus there. I'm actually not one of them.

Commissioner Castro: Okay.

Christy McAvoy: But there are some communities that do have -- that have tried to do that primarily in the kind of mitigation nexus of demolishing a building.

Commissioner Castro: That's the nexus, though.

Vice-Chair Torgan: I think what might be more of a nexus is using the in lieu housing fund and in lieu housing fees and doing things like revolving loan programs, grant programs, in addition to building new units.

Christy McAvoy: Yes.

Vice-Chair Torgan: So I mean there are -- I don't know if nexi -- is that the plural of nexus? -- There are better nexuses with tools that already exist.

Commissioner Castro: Because I really think that's where we have to think creatively because otherwise this question has been remaining for a number of years, since I've been on this commission, about how we incentivize.

Vice-Chair Torgan: And that's (inaudible - multiple speakers) - - we need to look at stuff whether it's been legislatively enacted or not. We just can't look at things that we could implement without having --

Christy McAvoy: And I was very heartened by -- Alan? -- by Alan's request (inaudible) because this is a problem that's been going on for a very long time.

Commissioner Castro: And not just here.

Christy McAvoy: No one is really understanding how not to play the goals of affordable housing and start preservation off against each other when, in fact, a very large number of certified rehabilitations is done by affordable housing groups.

Vice-Chair Torgan: He's right. This dialog all started out of the discussion with the El Mirador.

Commissioner Kaye: So I just want to follow up on that point and say that there's perhaps a false assumption that it's always the poor property owner who can't afford to maintain the

property and we have to bend over backwards to accommodate that property owner or to create -- give them incentives and help them out. And it's not always the case. I think there's not always an -- we shouldn't always make an assumption that the property owner is in need or well intentioned even about maintaining their property.

And so we have all these Mills Act contracts. A savvy property owner can go and apply for Mills Act contract, get one, and I don't really know a kind of -- we talked about Mills Act performance reviews and so on. I don't really see us having --

Commissioner Levin: We (inaudible) every year.

Commissioner Kaye: Hold on. Thank you. You know, I don't really see what kind of monitoring we really have really of going in and seeing how they're really maintaining those structures.

Christy McAvoy: There is a significant penalty for not honoring a Mills Act contract.

Commissioner Kaye: Well, I mean do you have experience with Mills Act contracts being revoked?

Christy McAvoy: Um-hmm. Yes.

Commissioner Kaye: Because I don't think we have that experience.

Christy McAvoy: Yes, I do, and it isn't pretty, but the penalty's stiff. The penalty for not performing under a Mills Act is stiff.

Commissioner Kaye: Because there seems to be reluctance here for us to ever take that step. We seem shy.

Christy McAvoy: I would suggest -- I mean it is something that other municipalities do. They will revoke the incentive.

Commissioner Kaye: Okay.

Chair Ostergren: Nothing further, Commissioner Kaye?

Commissioner Kaye: I'm good. Thank you so much, Christy.

Commissioner Kaye: We could talk a long time. I think all of

us --

Christy McAvoy: And with specifics...

Commissioner Kaye: There's a lot of issues here we're talking about.

Christy McAvoy:(inaudible), so thank you for your time, Commissioners, and like I said, I'm happy to talk offline on details.

Vice-Chair Torgan: And if the task force or working group does come to bear, I hope the City will pick your brain.

Christy McAvoy: I'll try to make myself available. It's an issue that's concerned me for some time.

Chair Ostergren: Thank you.

Commissioner Levin: Thank you. Appreciate your input.

Chair Ostergren: All right. Then we'll move on to Item 10B, Brown Act and Parliamentary Procedure.

Corey Shaffer: Good evening. I'm Corey Shaffer. I'm the City Clerk. Actually, I've met most of you. I promise to make this short. I know everybody's here for Item 10D, not for 10C. I know parliamentary procedure and the Brown Act are everybody's favorite topic, -- (inaudible).

So anyway, I am the City Clerk. It's my job to oversee the organization of all the boards, commissions, and the running of the City Council meetings, and as part of that, (inaudible) thank you. I think what we do and what the boards and commissions do for this city is incredible. It's a lot of work for very little money, and it's a lot of time and commitment to your community, so thank you.

I've had to do these trainings for all different boards and commissions periodically. I feel like it's a good reminder. A lot of this is very rudimentary and fundamental to the way you're already running your meetings. You seem to have your act together as it were. But I think it is important to remember the way we should be running meetings and things we shouldn't be doing, so -- particularly with the Brown Act.

For the parliamentary procedure portion, I'm just going to talk

very briefly. We follow a pretty informal parliamentary procedure here at the city, where (inaudible) council follows -- are pretty informal if you look at the bigger cities like Los Angeles how structured it is.

What we like to say is parliamentary procedure is for you to be able to take debate, to listen to the public, and to discuss items in a fair manner with as least amount of controversy as possible. Sometimes that's hard to avoid.

Parliamentary procedure is not meant to be a weapon. It's not meant to hinder the process or make it confusing or to deny someone else their right to speak or be heard. It's to help make the meeting easy to follow and clear and understandable for the public.

One of the things we talked about is as we've come up to items and (inaudible) the Chair, which is really the fundamental part of keeping this meeting going, it's to make it clear to the public what you're discussing, what's before you. When a motion and second is made, it's to make it clear what you're actually voting on, to really clarify for the public so they understand what you're doing up here. You are serving the public in your role as commissioners. And a big part of it is to actually keep the meeting going, so not let it get bogged down in the process. Keep it substantive but not let the process overtake what you're doing.

So what makes this a parliamentary procedure, if you know anything where approving or denying something, you need a motion, the second motions can be amended. Any motion is debatable, so when someone makes a motion, you can then continue the debate about the actual motion that's supposed to be (inaudible).

Someone can make an amendment to a motion, hopefully, a friendly one. They can make a non-friendly one. You know that if someone makes an amendment to a motion, you vote on the amendment first to determine whether you want to actually amend the motion that way, and then you'd make a -- roll call on the actual motion itself, either amended or not, depending on what happened.

There are some motions that don't have any debate -- a motion to adjourn. A commissioner can make a motion to adjourn any time in the meeting they want. So you can do it right now if you wanted. Now, if the motion fails, you can't make the motion

again until this item ends.

Public comments should precede -- per item should precede your discussion of the item. That is a parliamentary procedure -- it's not necessarily a rule, but it's a courtesy to the public, the idea being that they tell you what they think of an item first before you go into debate about it because it may influence your debate and the public should very much be a part of this meeting, and we'll get into that in the Brown Act more.

The role of the Chair -- the role of the Chair is to mostly be familiar with the parliamentary procedure rules, to keep the meeting moving. You have the right to limit speakers so you get to 11 o'clock at night and you've got 40 speakers on an item, you can set the time. You can say, "As long as the rest of the commission approves, I'm going to set the time at two minutes." [You may argue] the time limit. I'm not sure.

You have the right to keep the meeting orderly, so you have the right -- if everybody's hissing and booing or clapping and disrupting the meeting, you have the right to ask them not to do it. You have the right to clear the room if you have to if things get so out of hand. Hopefully, that never happens.

All we ask for the parliamentary procedure is that you use common courtesy that you let each other speak, you let the public speak, you follow a clear and orderly way of discussing the business before you so everybody gets a chance to participate and understand clearly what they're doing. I think that's the most important thing.

If you have parliamentary procedure questions, detailed questions, you can always e-mail me. I can always answer them.

What I'd mostly like to talk about is the Brown Act, which is where I think we need to always remind our commissioners, board members, counsel what they should not be doing. The Brown Act is very much about how you should conduct your meetings but more how you should not.

Brown Act is essentially our sunshine law. It says that we conduct all the meetings in open public, and the public has the right to come and to participate. The government (?) actually defines a meeting. I'm going to read it just to explain why. In a minute, I'll explain why (inaudible).

But a meeting is defined under government code as any

congregation of a majority of the members of the legislative body at the same time and place to hear, discuss, or deliberate upon any item that is within the subject matter jurisdiction of that legislative body.

And the reason I read it is because the key elements are it's a quorum of members and it's a discussion about anything under your jurisdiction. So if five of you get here early and start talking in the foyer of Plummer Park about something on your agenda, you've started a meeting, and you're violating the Brown Act because it's not during the time that the public was told that they could come and discuss this item. And there are ways that that happens. Some of you who have been through, of course, you'll know, but there are ways that happens inadvertently and can happen very easily. I'll get into those in a minute.

I'm going to give the general provisions of the Brown Act, which is that all meetings must be conducted in public. The public must be allowed to participate. The public has to be allowed to speak about general public comment or any item on your agenda. So they can speak about every single thing you've got on your agenda. Agendas have to be posted 72 hours before the meeting. Francisco or Sharita make sure that my office has the agenda. It's posted in the three legally required places where the public has access to it. It's posted on our website. You can only discuss items that are on your agenda. I heard Gail earlier telling the public that we can't really take up discussion on items that you bring up. It gets into more gray area than you'd think. Sometimes people bring up something that seems like it's on your agenda but it's really -- it's a close topic, which you have to be really cautious and bear on the side of the caution. If it is an item that's similar to another item on your agenda, but it's -- well, obviously, it would be about a different property, but you should ask Staff to agendize it for another meeting. Err on the side of caution. All Brown Act things err on the side of caution.

All voting has to be public. You can't have secret voting. You can't require the public to register in any way of just [making] a meeting. So they sign speaker slips, but if they don't want to, they don't have to. They can sign it anonymous. They can just say, "Please call an anonymous speaker." They can film or videotape you as long as they don't interrupt the meeting.

You must disclose any materials you receive to the public, anything you receive in your agenda packet. Anything that's

received after the posting of the agenda and your agenda packet made available to the public has to be available for the public to see. So if you get an article at the last minute from Francisco saying you should really consider this item, he's got to make that available for the public to review. They need to know everything you've looked at before you made a decision.

And then, finally, as I said, you have the right and the duty to preserve the order of the meeting. So it is your responsibility to make sure this meeting gets run efficiently, that if anybody is disruptive, you take the steps to either calm them down or have them leave the room until they calm down.

You do have some exceptions for when you can meet outside of here. You can meet at social functions. You can go to other commission board, council meetings, and a quorum of you can be there. You can't discuss anything that would be (inaudible) at those things, and what we talk about often in Brown Act is perception.

If five of you show up to a city council meeting and huddle in the corner and are whispering, the perception is they're probably talking about something that has to deal with historic preservation and they shouldn't be. Might not be, but one of the things is we owe to the public that we do everything here in front of the public in a public forum, and so the best practice is to really avoid perception by your not doing that because we have very little problem with this mostly because we constantly remind you and remind you and remind you. But we don't have much problem with this, but I think it's very important to take this very seriously and make the public aware of the fact that we are doing everything in an open and public way.

So the last thing I'll talk about, the biggest problem we have with the Brown Act are inadvertently starting serial meetings, and it's mostly e-mail. The few times this has come up, it's almost always e-mail. One of you e-mails two or three other people on the commission. (Inaudible) Brown Act. Three of you are discussing an item. You're welcome to do that -- I still don't recommend it. I recommend you do all your discussion, have all your discussion here. A third person e-mails that on to two other people. Now, five people are -- without meeting anywhere together, are discussing an item on your agenda or discussing something that would be before your collective body that you would make a decision on.

Three of you -- one of the examples we had is three of you are

e-mailing each other about an item. A different -- other three people are e-mailing each other about the item, and those two e-mails never cross. You've not actually violated the Brown Act, but all it takes is one forward of one of those e-mails to another fourth person and you have.

So the other thing we talked about that happens a lot is one commissioner will contact another commissioner and ask how they're voting on something. Then they'll go to the third commissioner and say, "I know that this second commissioner is voting this way. How are you voting?" So now three people are discussing it. Even though you've never met together. They go to a fourth person. Well, the fourth person should immediately say, "I don't want to know. Stop talking about it." But if they do engage that fourth person in their discussion about how they might vote, you have a potential of Brown Act violation.

So it's become more and more -- we still don't have many any violations, but we've had more and more people ask about it because of social media. It's much easier to comment on things now. It's much easier to have a blog and then all of you start having a discussion, and you're really having a discussion, whether it doesn't seem like it or not.

So I just -- like I said, I'll keep it short. I would just remind you that we do have a responsibility to conduct anything that is historic preservation commission related in this room in front of these groups of people that come out and volunteer their time to come and participate. They see something on the agenda and they want to come out and have their voice heard, and we need to do that in an open, public way.

So I'm free for any questions if you have them.

Vice-Chair Torgan: I actually do a lot of Brown Act litigation, so I'm going to add one more "don't" to your e-mail list.

Corey Shaffer: Sure.

Vice-Chair Torgan: Resist the urge to ever hit the "reply all" button.

Corey Shaffer: Yes, the "reply all" is a dangerous -- and, also, remember, one of these I say is you send an e-mail out in the world, and you could delete it, you could delete it from your deleted box, but it's not deleted in the world. That e-mail is out there, and it can go all kinds of places you don't

expect.

You could send an e-mail to two commissioners. One of them forwards it to a friend, who forwards it back to three or four other commissioners. I mean we live in a world where we're very, very accessible.

So I think you're right. The "reply all" is a dangerous -- the other thing I would have to say to that is -- one of the questions we get all the time is I found an article, a newspaper article, an online article which is so helpful to all of you, to all the rest of my commissioners. Should I just forward it on to them? And one of the things I tell people, the best practice is to give it to Francisco and Sharita and let them distribute it. They are there for you to give information to and let them disseminate it to the commission. It's a much easier, safer way for that -- to handle something like that. It's very easy to start the e-mail conversation when you don't realize you're discussing -- or starting to discuss a concurrence of how you're going to decide something before the public has an idea of that discussion, and that really needs to happen here.

Anything else?

Commissioner Kaye: Yeah, I do. Hi, Corey, I want to talk a little bit about that gray area that you were referring to, and I think it's an area of interest to our public, and probably all the time.

I think the Brown Act is not without its critics, and I don't really want to talk about its dos and don'ts. I mean we hear about don't do this and don't do that all the time, but I think that sometimes the Act is employed to thwart or circumvent really the Act's unintended purposes, which is really to give the public a seat at the table in meetings and to speak at public bodies.

But sometimes we find that the Brown Act is invoked to delay action of matters that the public finds really urgent, that they really want us to act on, and it prohibits us from, as we have already discussed, from commenting and interacting on matters that aren't specifically agendized, which in effect, it seems to me takes advantage of an ordinary citizen's lack of understanding of the complexities of the governmental process.

So what I'm asking you is is there a mechanism in the city to review/remedy maybe what I think are some inherent flaws in the

Brown Act so that public participation is enhanced and assisted instead of burdened and hindered?

Corey Shaffer: I guess I'd need to know in what way you think the public input is burdened by the way we do things because I don't see -- unless you're saying you think the public's not receiving (inaudible) --

Commissioner Levin: No, what he's saying is that some of us occasionally would like to engage the public when they come up and make public comments in a way that's precluded because it's not an agenda item.

Commissioner Kaye: Well, not only necessarily that. I mean don't say what I'm saying.

Commissioner Levin: As to one. As to one.

Commissioner Kaye: But I mean certainly we haven't -- since this is the public showing up and wanting to engage in a matter and we -- there would seem -- it would seem logical that we could make an exception that we could recognize that this is a matter that we can --

Corey Shaffer: It doesn't (inaudible - multiple speakers).

Commissioner Kaye: -- it seems to not -- it seems we put the public off all the time, and --

Corey Shaffer: Well, I think one of the --

Commissioner Kaye: -- and we're always worried about being sued. That-- that's the overriding thing.

Corey Shaffer: Well, I think one of the ways that you can engage the public in those instances and those scenarios is that you're very much welcome to say to the public, "Thank you for coming out. I heard what you said, especially during your commissioner comments. I thought it was very interesting, and I would really like Staff to come back with an item to discuss that."

And I think you -- I think that the public hearing that and if the public is paying attention to the agendas, which they probably are because that's how they got here in the first place, would come back.

Unfortunately, the first side of that -- and I guess I'll give

you an example of why you can't do that, because I come up to speak in public comment and I have a really good seminar that's coming up that I'd like you guys to endorse and it's before your next meeting. I think it's a really good seminar, and some of the rest of you think it's a really good seminar, but the seminar turns out to be somewhat controversial. I have a very strong opinion about a particular topic of historic preservation that clashes with a lot of other historic preservation opinions.

Well, the other members of the public who had no idea I was coming out to speak or was ever going to bring this up who might want to come and say you shouldn't endorse it have no opportunity, that there's no way they could know. I mean unless they were -- happened to be walking by and heard it.

And so in a way, I know it's the desire to include the public and engage them because they did show up here, but you're excluding other members of the public who wouldn't have known to come talk about it tonight, and I think the idea is that we put stuff on an agenda with a good enough description of it that if I'm a member of the public, I know I want to come and talk about it. And I think that's -- and, truthfully, there's no exception to it. I mean I guess I could just give you the bottom line, but there's not one but I'm trying to give you a sense of why you wouldn't really want to do that because there are members of the public, although some things seem like a great thing to talk about tonight, you haven't allowed anybody else that has maybe a strong contrary opinion to come.

Commissioner Kaye: Well, I mean certainly if that's the argument, that's the argument that's made all the time, but 99% of our meetings never have anybody here. It's empty. We have no interaction with the public. And then the public does show up, and we really have to turn them away because that hasn't been agendized. And then we can say to Staff, "Well, we want you to agendize this," and, well, maybe they do and maybe they don't.

So it is a grayer kind of area where we want to help a lot of the public participate, we want to respond to them, but we -- my experience is that we're handcuffed very, very frequently, and what we can respond to, when we can respond, how we can respond, and it's where it's a very fragile thing. We're always kind of more than a little nervous about what we can say and when we can say it and how we can say it.

Corey Shaffer: Well, I guess my response to that is sometimes

in my field of doing this, I think it's good to be a little bit nervous. I do think you should err on the side of caution. I do think you should be concerned about how and when you discuss things and how they're done in a publicly agendized way for the people to be able to participate.

I mean I think it's part of the burden you take on when you're a public servant and you take on a responsibility to do things in a much more public way. I mean I'm incredibly cautious about e-mail, Facebook and -- because -- and I'm not in a legislative decision making position, but I am a government servant, and I proceed in everything I do that has anything to do with West Hollywood and am extremely cautious about it. And I know that seems like it does prohibit public input, but it's not -- I don't think it's meant to. I think it's more meant to allow the public to engage. So it is different.

Commissioner Kaye: No, I mean it's not really necessary. I just actually wanted to have some discussion, some debate, really of this, and I do want to say I think you're an awesome city clerk. Thanks.

Corey Shaffer: (Inaudible). And I didn't make you guys run around all of Plummer Park and look (inaudible). So if nothing else, thank you very much.

Commissioner Levin: Thank you.

Commissioner Castro: Thank you.

Chair Ostergren: Thank you. I'm going to ask for a five-minute recess.

(Short break taken)

Chair Ostergren: Okay, so I've conducted this half a meeting without my microphone. May I call the meeting back to order now? How's that? All right.

We're going to resume now with Item 10-C, which is Subcommittee Appointments.

Francisco Contreras: Yes, thanks, Chair. At your last meeting, the Commissioner requested Staff to just kind of give you an overview of the Commission's procedure for set committee appointments. I think last year we had a little bit of confusion as to who was on what subcommittee and when those

could be appointed, and I think we basically brought before you the current bylaws as to when subcommittees can be appointed, etcetera. But I've mentioned in the staff report it allows for flexibility, and I think it's the same flexibility that's maybe caused some of the confusion.

So Staff has presented two options for the Commission to consider.

We can make an amendment to the bylaws. That would basically mean that we'd have to bring forth a small little report to the City Council for them to basically approve the amendment. It's kind of more of a small little procedural item.

Or just -- another option is that we could do just the administrative policy. Now that Staff is aware of the problem, we will just include this a point of our memoranda that every year when we have the election of the vice-chair, we will also -- I'm sorry, the chair and the vice-chair, that we will also have appointments to the subcommittees, to the standing subcommittees.

And so with that, I'd open to any other discussion from the commissioners.

So as mentioned, one would require City Council action; one would not.

Chair Ostergren: Are there any questions, comments from anyone (inaudible)?

Commissioner Kaye: Yes. So I don't want to belabor this point because we don't have subcommittees, so -- I mean, obviously, we had one recently that we hadn't had in seven years, six years, whatever, but I guess I just want to ask you what if we have a need to form a subcommittee months before the election of chair and vice-chair? Then it seems to be silly and a waste of time to then reconstitute several months later.

It would seem to me that as our need for subcommittees come up, which is a generational event for us, that we can then say that those elected to the subcommittee are elected for one year, a self-expiring term of one year. Because I think that the issue that really came up for us, for me maybe, was the idea that the commissioners who had been appointed to a subcommittee that hadn't met in six years were still somehow seven years later a member of that subcommittee, which seemed to offend my

sensibilities. So rather than amending our bylaws, that would seem to be, for me, the more sensible response to this, and that's my comment.

Commissioner Levin: As a person would have to have this agendized, I think that we are distinguishing between two different types of subcommittees. We have standing subcommittees, and then we may from time to time have ad hoc subcommittees. I think standing subcommittees, it's perfectly reasonable to do it only at the election. If there's an ad hoc subcommittee, then we deal with it ad hoc. But I have no real - - I honestly don't care whether we formally amend the bylaws or whether we simply do it in a an advisory way, but I'd simply think that we ought to deal with standing subcommittees annually when we deal with the chair and vice-chair and the ad hocs are ad hoc.

Chair Ostergren: We're using the term in the plural. Do we have more than one subcommittee?

Unidentified Speaker: Yes.

Commissioner Levin: Not currently.

Francisco Contreras: Not active. We have had general plan subcommittees before. We have had the design review subcommittees, for example. So there may be other subcommittees that have not been active that we just haven't met per reasons of not needing to. So there are opportunities when subcommittees -- the need for subcommittee may arise. It's just (inaudible). But really, the only subcommittees that we know that have met recently have been the design review subcommittee, the general plan subcommittee.

Commissioner Levin: When (inaudible).

Francisco Contreras: Sorry, that was general plan advisory committee. You guys, I don't think, want to be (inaudible). So they're sort of when we need them, as we need them.

Chair Ostergren: So it seems like they're not really standing subcommittees. They're ad hoc for the most part.

Commissioner Castro: Well it sounds like the design one is a standing.

Unidentified Speaker: It isn't.

Chair Ostergren: It is now.

Commissioner Charles: Francisco, is it your recommendation that we administratively reappoint each year to the design subcommittee? Was that the committee you're talking about at elections?

Francisco Contreras: Well, I think that's the one, for example, right now that I know we may use in the future, for example, because we have more issues (inaudible) that we probably have to discuss, and I think that's -- we know that the design review subcommittee will eventually have to reconvene to review The Lot project. So I know at least that subcommittee we should at least have some sort of appointment and...

Commissioner Charles: So that, to me, makes sense that we would appoint that at elections, and I think as just a housekeeping measure, I'm in agreement that we could do that administratively without an amendment.

Commissioner Castro: I agree.

Francisco Contreras: Did everybody -- everybody's nodding?

Commissioner Kaye: Are we nodding to not amend the bylaws and-?

Francisco Contreras: Just to do administrative policy?

Chair Ostergren: Yeah.

Unidentified Speaker: That's fine.

Chair Ostergren: Yes, yes.

Commissioner Levin: Works.

Chair Ostergren: Informally approved.

Unidentified Speaker: Thank you.

On to Item 10D then, Review of City Projects.

Francisco Contreras: Chair, again at the last meeting, the HPC requested that Staff present an overview of how city projects are reviewed, the HPC's purview over city projects and how the HPC gets to comment on city projects, and the history of the

commission's input, particularly with the Plummer Park capital improvement project.

So as detailed in the Staff report, as opposed to private development, City projects are actually exempt from all of the regulations under zoning ordinance, so, for example, setback requirements, height restrictions, parking requirements for particular uses.

With a city project, none of those zoning regulations apply. Mind you, the City is usually very cognizant of all these regulations, but with regards -- as opposed to private development, these would not apply. What the City does instead is that the City takes a capital improvement projects, like the Plummer Park project, for review with the Planning Commission, and it's a review that's called a Review of General Plan Consistency, and basically what this is is that the Planning Commission reviews this particular project...

Unidentified Speaker: (Inaudible)

Francisco Contreras: Maybe this is better, I hope? -- will review this particular project and basically make sure that the project complies with the general intent and the spirit of all of the goals and policies of the General Plan. So it doesn't have to be extremely specific, like meeting each of the goals in the General Plan, but meeting the intent and the spirit of everything that's in the General Plan.

So the Planning Commission is the review authority that has been designated as the review authority to make that determination. So it's the Planning Commission that determines whether or not a particular city project is consistent with the General Plan.

So somebody may disagree that the Planning Commission may have designated something consistent. That can -- that [should then be] appealed to the City Council for their final determination as to whether or not a city project has been -- is consistent with the General Plan.

Now, with regards to the HPC's review with city project, which is somewhat similar to basically any of the other commissions in the city, the review of city projects is one of the duties of the HPC when it involves a cultural or potential cultural resource.

So though Historic Preservation Commission is required to review

and comment on any programs that are taken by the agency, by the city as it relates to cultural resources, these include all of our capital projects, all of our municipal projects, reviewing all environmental assessments for any particular city project. And the way that the city has structured this review is that the HPC will review projects, environmental reports, etcetera, Staff compiles their comments, which are then forwarded to the review authority, who after all deliberation, all public hearing has taken all of the different commissions' consideration into account before they make the decision.

So the HPC serves as an advisory authority. The HPC is not the final word on whether or not a project should move forward if it's a capital project. That lies with the Planning Commission and the City Council ultimately.

So with regard specifically to the Plummer Park project, as mentioned in the report, there have been several (inaudible) meetings from the time that the Master Plan for Plummer Park was adopted to the time that the City decided to move forward with the capital improvement project, as recently presented.

The capital improvement project for Plummer Park was brought forth to the HPC on two occasions. The first was in December of 2009, which was to review the Environmental Impact Report. So it was an opportunity for the HPC to take comments from the public regarding environmental impact of the project with regards to the cultural resources, and to get public's comment on the EIR and also for the commission to get comments to Staff about the adequacy of the EIR, whether or not all the information was presented, whether they needed more information, and then their recommendation for our environmental consultants for them to do more analysis if need be.

The second meeting was in September of 2010, which was basically an opportunity to actually review the schematic design -- what was going to be demolished, what was going to be altered, what was going to be moved around. So it basically provided you with an overview of the entire project, and at that time, the HPC was also given the opportunity to comment and get feedback to the project team.

So we've included all that information in your staff report, all the meetings. Also, Commissioner Kaye served on the Plummer Park Design Steering Committee, and that was basically a committee of several members of other boards and commissions and City Council members and some members of the public.

So that is just sort of a general overview of how the process works, and I can answer any detailed questions that you may have.

Chair Ostergren: Are there any commissioner questions?

Vice-Chair Torgan: I just have one general question, not necessarily directly relevant here.

In reviewing and comment or review and advising, are we limited in -- are you limited into simply compiling our comments, or can we actually make a motion -- recommendation to the advisory body, to the Planning Commission?

Francisco Contreras: Yes, you can. But with regards to an Environmental Impact Report, you're basically just giving comments to Staff regarding whether or not you need more information.

When we actually come back with the actual project before you, you are giving a recommendation to the Planning Commission, for example, and so a recommendation is possible then.

Vice-Chair Torgan: I'll give -- an example would be since -- I remember doing this a lot with parking lots when I was on the Planning Commission. It seemed to be the General Plan consistency issues. But this commission making a recommendation to the Planning Commission regarding consistency with the historic preservation element of the General Plan, whether we recommend that it is or is not. I mean is that appropriate, potentially appropriate?

Francisco Contreras: Yes, I think it's appropriate, and I think we actually may need to start doing a little bit more of that -- just in general. Since I've been here in the city, there haven't been, for example, a lot of opportunities for recommendations to the City Council coming from the HPC, and those can take several forms. It could be a memo that's drafted for a receive and file to the Commission or to the City Council. So there are opportunities for that. I just don't think that we've pursued that avenue.

But you're within you're right because it's also part of your duties to actually advise the City on the Historic Preservation Program, historic preservation-related projects, etcetera. But, again, it has to be agendized, discussed, and then

recommendations for (inaudible) City Council (inaudible).

Vice-Chair Torgan: And my fellow commissioners, the reason I raise that question is sometimes when I've seen when we've forwarded comments on, when we see those comments, when they come back to us, it looks kind of like stream of consciousness, and there isn't anything focused and direct and narrow that we can say to either the Planning Commission or directly to the City Council.

Francisco Contreras: Well, I'll also add that a lot of times, and one of the reasons why the parliamentary procedure discussion kind of might also be helpful, is that a lot of times even within the Commission there's a lot of discussion, and while you may have thought that your discussion ended up in a direction to Staff, there really wasn't because, first of all, it wasn't an agendized discussion and there was no motion to move forward with any type of recommendation or something to give -- to forward to the Planning Commission or City Council. So that's something to be conscious about, as well.

Commissioner Levin: Well, here's a very specific question. Back in December 2009, when we were asked to review the EIR and give our comments, those were in the form of informal comments from individual commissioners. Were we -- because we were informed that we were not able to take an action on that. Could we have made a motion to either deem the EIR adequate or inadequate for cultural resources and taken a formal vote on that?

Vice-Chair Torgan: I would say in the form of a recommendation to whomever the ...

Commissioner Levin: Correct, correct.

Commissioner Levin: But proving -- but as a -- as what would be considered not a determination but as a formal action of the Commission?

Francisco Contreras: Right. Well, I would've said that had you thought it was inadequate, the EIR at that time was a draft EIR, so that's why we were coming to get your comments. So at that time, you should've told us why you thought it was inadequate because we needed to have that opportunity to actually revise a draft when clearly all the comments that you had...

Commissioner Levin: Well, my question -- and some of us did

make comments like that -- but my question is rather than simply as individual comments for the record, could this commission have -- could someone here have made a motion to say either it is or it is not adequate and then voted on that as a recommendation? In other words, could we have taken a formal vote?

Francisco Contreras: I think you could have, and we would've stated, hey, the draft as presented to the HPC on such and such a date is inadequate for X, Y, or Z reasons, which could've perhaps -- which could've been forwarded to the Planning Commission, who then would've been the one to determine whether or not the EIR was inadequate based on your comments (inaudible).

Vice-Chair Torgan: And the twist here is it's a draft document, so you're not taking really a final action. So probably we could've done it the way it would've been treated when it went to Planning Commission is it's simply treated as a comment not from the public but it's treated as you would comments from another publicly agency.

Commissioner Levin: Right. But the problem is because we are never the reviewing authority for an EIR, it never -- we see a draft. We make comments on a draft. It never comes back to us.

Commissioner Kaye: (Inaudible).

Commissioner Levin: You know, as a matter of -- actually, it never comes back.

Vice-Chair Torgan: Basically, we're doing -- if we make a formal motion, we're literally doing -- in a draft EIR since we don't see the final EIR, we're literally doing the equivalent of a comment letter as the City of Los Angeles might comment on a West Hollywood project.

Commissioner Levin: Right. And my question is can we do that?

Vice-Chair Torgan: I'm sure we can.

Commissioner Castro: I think it gives weight --

Commissioner Levin: Everyone thinks we can.

Commissioner Levin: Yeah, I think we're thinking we can. I --

Commissioner Kaye: I want to suggest that you exercise caution in terms of we've never done that, we've never made a motion,

we've never been advised that we could make such a motion.

Commissioner Levin: In fact, we've been advised that we can't.

Commissioner Kaye: I think that Commissioner Levin is correct, and I think that what Vice Chair and Commissioner Levin are discussing are incredibly insightful and germane questions that they're posing here about process, and I think that when it comes particularly to draft EIRs, I mean we're really out -- okay, I'll speak for myself. I'm dealing with Interstellar Gas. Most of the time I have no idea what this document is saying, and it is -- yes?

Vice-Chair Torgan: No, I'll wait till you're done. I just want to be recognized.

Commissioner Kaye: And I think it's an extraordinary complex document. Then we're told that, well, you can only address this portion of it, and yet we get this 500-page document but we can only talk about maybe 20 pages of it, and then..

Commissioner Levin: I have no problem with us limiting our jurisdiction to the cultural resources. The question is what can we do about it.

Vice-Chair Torgan: And when I say at least personally I believe if we want to make a motion, we have that right, not necessarily that we will exercise it, I'm thinking more in the context of with public -- with city projects where the Planning Commission has to make a determination of consistency with the General Plan, it would, I think -- DEIR issue, it's a little different because you're dealing with complex technical documents, where comments, as opposed to a motion, may be far more germane and appropriate.

But in something like consistency with the General Plan, I also believe it's within our jurisdiction to advise the Planning Commission that we do or do not believe that a public project is consistent with the historic resources element of --

Commissioner Kaye: Well, I mean we've had instances even with regard to some of the items referenced here tonight where we have been unanimous in our comments. Let's say perhaps we've had some negative comments and we've all been unanimous in conveying that. And we convey those comments and they're ignored.

So because we're not the final review authority, we're a very weak body here. I mean so saying that we're going to make a motion to say that we all don't like it or we all recommend against it is -- means what? What does it mean?

Vice-Chair Torgan: Like I'm saying, we have the authority, not necessarily that we will exercise that authority.

Commissioner Kaye: But it's a good question. Can we exercise that authority? I mean it's a very interesting point that we have never done before. Can we do that?

I mean I think that in the event that we were to choose to exercise that, it would give our statement perhaps greater weight with another decision-making body than perhaps our diffused comments might make when you try to summarize them and it's hard for you to even figure out what the (expletive) did we just say because we're not quite sure what we just said either.

Commissioner Levin: I think we're --

Chair Ostergren: I think what we're asking is whether we actually have that authority to make some sort of a recommendation or to somehow summarize our comments and forward that as a recommendation perhaps slightly more forceful than just the I think Commissioner or Vice-Chair Torgan called them "stream of consciousness."

Multiple Speakers: (Inaudible).

Commissioner Levin: So far, these started out as kind of questions for Staff.

Chair Ostergren: Right.

Commissioner Levin: I suspect that we're kind of lapsing over at this point, so perhaps we should hear from the public before we go much further with our own comments and without process.

Chair Ostergren: Are there any further questions? Okay, then we are going to do that. Thank you, Commissioner Levin. We're going to turn to Public Comment on 10-D. The first speaker is Chloe Ross.

Chloe Ross: My name is Chloe Ross. I've been in West Hollywood for 22 years, and I'm here to discuss what, if any, considerations are being considered regarding the historic

merits of the property that we're standing on right now.

And I also would like to express concern that an architectural firm was not hired that had some experience with renovating, polishing, renewing a park that was clearly a historical piece of our city. And I don't see where this is going if it's going to just -- if by attrition the City is hoping that we will all get so (expletive) sick and tired of the whole thing that we'll go away, (inaudible) preschool and put children on the roof. None of it makes any sense.

There's nothing wrong with this park. The \$41 million is not screaming to be spent, and my understanding is it was for the entire east side, not just the park, not just for this incredible Messiah-raising parking lot that is the main focus of all of this. The Long Hall, the Great Hall are structurally sound. Fiesta Hall is structurally sound. The trees in the park are old-growth trees, and the idea of knocking all this stuff down so you can have a parking lot, I don't even understand how your committee, your commission could even -- whether you have the authority to say that you don't want it or do want it, how you can sit here and say this is a great idea. Let's knock down the historic buildings and grab a piece of cheese, a parking lot and (inaudible) on Fiesta Hall in a residential neighborhood.

And I'm going to keep having these concerns until I see something different suggested for our lovely little park. Thank you for your time, and thank my husband for waiting (inaudible).

Chair Ostergren: Thank you. Next speaker is Lyndia Lowy.

Lyndia Lowy: Good evening, Commissioners. My name is Lyndia Lowy. I am a native of West Hollywood. I first came to this park in a stroller. I have had a chance to review the documents that were associated with this item, and I was quite impressed at the thoughtfulness of the commissioners who were on this body back in 2010 about their review of a massive binder that was brought to them for the Plummer Park project.

I am also a member of the East Side PAC, although I am not speaking on behalf of the PAC. At our last meeting when the complete concept of Plummer Park's redevelopment was brought before us, we would indeed make a motion that we be allowed to review a plan as it's going to be reviewed later on and that we asked to have that plan brought back before us.

I believe that in your role as the stewards of the cultural heritage of West Hollywood, it should be your duty to have a stronger voice and a voice as a body when you examine an EIR like this. Clearly, from the minutes that I saw of the two times that you had a chance to look at this, there was no such body and there was no such action taken.

I was also surprised that Commissioner Levin very thoughtfully went through quite a number of the elements of the plan, especially regarding its historic context, and he ended up asking questions, ended up providing extensive comments, and when you finally had a community meeting in October of last year, virtually all of his questions were not addressed.

There's more I'd like to say, but I will bow to other members of the public in the interest of time.

Chair Ostergren: Thank you. Next speaker is Victor Omelczenko.

Victor Omelczenko: Good evening, Commissioners. I'm Victor Omelczenko, and, wow, a lot of this talk is about -- and I live in West Hollywood -- a lot of this talk is about process. And in past processes, I do want to thank you for designating two craftsmen houses along Vista across from the Plummer Park's tennis courts. As much as I would've loved all the remaining Edward Fickett modern-type apartments to be preserved, I knew all of them couldn't because they didn't have enough integrity. But I do thank you for at least, I think, doing four out of seven, four out of the eight remaining Edward Fickett.

I'm most concerned about the destruction and the demolition of Great Hall and Long Hall, as well as the total revamping of the Fiesta Hall into a style that is not consistent with buildings that still have the integrity that they were built with.

So I think this process has opened up. I think it's very important that we use our voices that you use whatever you can, even with these Brown Act limitations, to really get to the bottom of this and try to preserve the park as it is. I heard estimates that to rehab, to repurpose Great Hall and Long Hall would maybe be about \$4 million to \$5 million, and you'd preserve that old California style that was developed during a period of art history, during the Works Progress Administration. It is, I think, the only remaining structure of its kind, and it still has integrity. Thank you.

Chair Ostergren: Thank you. Next speaker is Allegra Allison.

Unidentified Speaker: She's gone.

Chair Ostergren: Okay. Stephanie Harker?

Stephanie Harker: As is my custom, I brought some handouts for you. It's actually a lovely article from 1938 about the opening of Great Hall.

First of all, thank you again, and --

Chair Ostergren: I'm sorry, can you state your name and..

Stephanie Harker: Stephanie Harker, city of West Hollywood, 28 years.

There's been some back and forth, even though it hasn't been during these actual meetings, and again, I think Laura Boccaletti said earlier that we didn't realize how much you were on our side until we read through the items that were available for this evening. I just wanted to point out a few of those.

This is from Item 8A, Commissioner Comments. Commissioner Kaye said recreating Fiesta Hall to be useful space is very important to the residents. He said he really appreciates the new structure's design. He said, "On the other hand, with the new design, it's very overwhelming to the existing site" -- we agree -- "and that the scope of the changes presented today were not disclosed to this magnitude." We felt we had not seen any of those, as well.

From a preservationist standpoint, he finds it very unsettling. From an architectural practical utilitarian standpoint, he finds it very exciting. He concluded by stating that he would have preferred to have some alternative designs to review, and with the exception of tonight's meeting, the Commission has not been included in any design decisions. We felt we were excluded in those, as well.

Vice-Chair Ostergren, she said she finds it strange that the commission in the previous HPC meeting advocated for its designation and now we are here seemingly advocating for its demolition. We feel like that's what happened, too. She said the new structure could be a very exciting building, but it's being appended to an existing building. However, it's not an easy marriage between the two, and she does not believe it does justice to either. We still agree with you.

Chairman asked what the current status of this idea is. Staff Francisco Contreras said the site is not a designated structure. And we have come to find out through our research that that was perhaps an erroneous far-overlooked point that California State Historic Landmarker #160 is Plummer Park.

So the other items on here fall on the same way, things that all of you said, and I think we've heard tonight that from Commissioner Levin that there should be some way for an advisory board such as yourself or a commission of advisors to actually have some significant input that is then incorporated into the final project.

Thank you for your time, and protect Plummer Park.

Chair Ostergren: Thank you. Next speaker is Cathy Blaivas.

Cathy Blaivas: Good evening, Commissioners. Cathy Blaivas, resident of West Hollywood, right here on Vista Street.

Here we are again, and what I'm hoping for is that this actually comes back to you, that a redesign comes right on, comes back to you, and this time you will actually have the ability to -- I should say the City, Staff and Council and whoever's responsible will have the ability to answer some of your questions.

I, too, have gone over those minutes, and quite frankly, I was dumbfounded. I was dumbfounded that with all the incredible questions that were raised, that we still ended up with this design. It is beyond belief.

One of the things mentioned were the ceilings, the painted ceilings in Fiesta Hall, and if you look at the comments from the architect Scarpa, you'll see it will demolished.

Another thing brought up this evening by Christine McAvoy was in talking about historic preservation, one of the things was in designating, it's how the people lived in the community, how the history is shown by how did people live. And to me, Plummer Park exemplifies a way of life, the way people used architecture.

The entire Spanish colonial architecture style on Vista Street is as a direct result of Eugenio Plummer. When he sold the property that is now the five brick buildings, it was stated in the deed that those buildings had to be of the Spanish colonial

architecture, that no old trees could be destroyed.

That's the spirit. I mean that's the intent. That's the spirit of what historic preservation should be. And, again, I do hope that if this comes around again, your voices will be heard and we can all celebrate with a fiesta at Great Hall and Long Hall. Have a good evening.

Chair Ostergren: Thank you. The next speaker is John Seraphine. Is John Seraphine still here?

Okay, Lauren Meister?

Lauren Meister: Good evening. Lauren Meister, and I'm a resident of West Hollywood. I'm also on the Planning Commission, although I'm here as a citizen and I'm just speaking for myself.

I actually just wanted to talk about your conversation that you were having earlier about whether taking an action, even if it's just a formal recommendation, would be helpful. And I think for me personally as a planning commissioner, it would be very helpful to have this commission actually give a recommendation where your comments are put into a more formal action because I think that your comments individually, it's not as powerful.

And, also, when you're talking about looking at a draft Environmental Impact Report, you might have only 30 pages. We do have 500 pages that we're looking at in the Planning Commission, and so it would be very helpful to note what your body thinks about the part of the EIR that you're the experts on and much more so than, say, our commission.

So I just think that it would be a great idea, and also, I think that if you feel that a draft EIR is not adequate, then ask for it to come back when it's the final, I mean with your recommendations, and see that your recommendations have been incorporated into the final EIR.

I think that what's happened over the years in this city is that a lot of the commissions and boards have been, I hate to say it, emasculated, and I think we -- as citizens, we need to take back or at least go back to our roots why these commissions were put into place to start with, and that is because we were all supposed to be part of the process. So I do hope that you do take more formal actions even in the form of recommendations. Thank you.

Chair Ostergren: All right. Thank you. And the last speaker this evening is Rudolf Martin.

Rudolf Martin: Good evening. Rudolf Martin, resident of West Hollywood.

I would thank the Commission for releasing the minutes of your previous encounters with the Plummer Park renovation project and from -- as a layman from reading through those minutes a little bit, it really seems to me that in spite of your best efforts, you have not had an opportunity to act in your advisory function that you're supposed to act in.

So now that the residents have inserted themselves into the process, and more or less forcefully, and put a hole into this process, I think we promise that we're not going away this time. We're determined to fight to preserve our historic resources in the city, and we are determined to make sure that this Commission's advisory function will not be taken as lightly this time around.

Plummer Park is a state historic landmark, and with over 1,000 signatures behind us, we expect it to be treated that way by the City. Thank you.

Chair Ostergren: Thank you. All right. And now Mr. Martin is the next to last speaker, so we have Lynn Russell.

Lynn Russell: Thank you very much, again, Commissioners. Lynn Russell of West Hollywood.

After reading some of the minutes in the packet this evening, I'd question if indeed the plan wasn't designed to be a success originally based on the ultimate unmitigated failure of the concept of historic preservation.

In conversations this evening, it was distressing to hear that the advisory authority is really without any real authority other than to comment on the matters. So I think this commission now is the first opportunity to get this on the right track and have it correct and have the opportunity for what could be a really brilliant project, and I hope that's your direction. Thank you.

Chair Ostergren: Thank you. And we have another speaker, Summer Hamide.

Summer Hamide: Good evening. Summer Hamide, West Hollywood.

I'll make this quick. I wasn't quite sure about coming out tonight, but I said to my boyfriend it would be really irresponsible to sit on the side fighting the project and not come and give me -- (inaudible) participate in the next step, which, as someone who's very new to local government, how it works, I wasn't quite sure what the next steps were, and it was so interesting to get such an education tonight about how it all works. And I really appreciate you taking the time to put that together because that was my question is how this all came to be procedurally and what's next. So thank you for that.

It was so interesting to me to hear how late in the game commissions come in to giving their feedback, what we're talking about (inaudible) to a draft EIR. And I don't know the mechanisms of all of that, but it was interesting to learn that the Planning Commission, in redesigning or designing, doesn't get feedback at that point but it's not until much later where you're almost kind of fighting upstream to then get a meaningful comment in, get something now that you're finding -- trying to speak with a unified voice, and even whether you have permission to do that.

So thank you for considering all those issues. Thank you for all of what you tried to do in the past, all the very meaningful comments and feedback that you've raised during the process.

Personally, I want to be (inaudible) and be involved, and it's just so -- it would be so helpful to know who -- what can you do and what can we do to make sure that our comments are getting to the level that they need to get to.

So thank you for being -- considering -- trying to hear us, gather everything, and speak with hopefully a more powerful voice going forward. Thank you.

Chair Ostergren: All right. Thank you. Thank you to everyone for your comments.

I think we turn now again to Commissioner Discussion or Questions. Commissioner Kaye?

Commissioner Kaye: Yeah. I actually just want to hand to Staff. I have two documents that I want to give to Staff, one for Staff and then one for a representative of the community.

They're actually documents that were provided to this commission previously, a number of years ago, by John Chase. One is a page from a book called *Senor Plummer* by Don Juan, written in 1942, and the other one is a Plummer Park timeline that John Chase put together that I think you might enjoy having.

I think it would be fantastic if these were included on the HPC website that you've been doing fantastic work with so everybody can have access to them, and I would also endorse including this fantastic, amazing article that we were handed tonight, which is an incredible archival document, along with that.

So let me just give you these, and I guess anybody else, if you don't already have them, then you can make copies for them later.

And I want to thank everybody for coming out tonight and listening, too. All your comments tonight were exceptional comments, and personally, I'm very moved in hearing you all speak very intelligently, thoughtfully about the issues that you're very passionate about, and I think you have an amazing sense of community that you're developing, and I think you're all making an incredible difference, and I wish we could maybe do more than we can do at the moment other than say thank you. So thank you for coming.

Chair Ostergren: Other commissioner comments?

Vice-Chair Torgan: Yeah, I'll try and address the specific question we got of what can we do. And, unfortunately, until there is some new discretionary action that the City is going to undertake with respect to the plan, there's not a whole lot we can do. I was on the Master Plan steering committee back in '03. Didn't like the plan then. Don't like it now. But until there's enough pressure on the ultimate decision makers to revise the project and send it back for review to the appropriate commissions, including this one, there's not going to be a whole lot we can do except kind of shake our fist and go -- as we watch the bulldozers come.

I wish I could put it rosier, but we're kind of, in part, dependent on you with your 1,000 signatures and your showing up at every meeting and your fortitude in this matter to see that it's revised in a more appropriate fashion.

Commissioner Kaye: I just want to quick call out to the Vice-

Chair's comments that I'm fairly certain when we, those of us who were here on the prior -- those two prior moments when we reviewed this, I don't know if there were any members of the public at those meetings. There may have been several of you but probably not more than two or three, and I think that we all at that time were kind of looking around like where is everybody. You weren't there for whatever reason then. You are now, and as the Vice-Chair said, you can make a difference if you choose to.

Chair Ostergren: Commissioner Levin?

Commissioner Levin: Yes, where it concerns city projects, this commission has as much power as the political authorities the City Council gives us, no more, no less. We act in a strictly advisory capacity at city projects.

To the extent that the project is apparently being redesigned, it's not clear, as Vice-Chair Torgan said, we get to -- whether or not -- or in what form it will come back to us for any advisory recommendations or discretionary actions. So it's not at all clear whether there will be an amended EIR or there will be an amendment to the EIR based on any redesign. If there is, it probably ought to come back to us for the historic resource section because presumably that will still be implicated. But, too, as I said, we have no control over what comes to us on a city project or what form it comes to us in a city project. That is a political determination, and you influence the politics more than we do.

Chair Ostergren: Other commissioner comments?

I have actually a question or two for Staff. Do you know what is included in the state and historical landmark designation in terms of Plummer Park? Is this a broad general designation, or does it call out specific features?

Francisco Contreras: We can't discuss that at this time.

Chair Ostergren: Okay.

Commissioner Levin: Okay, well, I'd like --

Chair Ostergren: Is there a time when we could discuss it? Do we need to agendize that specific topic?

Francisco Contreras: Yes, yes.

Chair Ostergren: Okay.

Commissioner Levin: Okay, well...

Francisco Contreras: This is a discussion about how the City reviews projects. It's not a discussion about the Plummer Park project itself.

Commissioner Levin: Oh, I see.

Chair Ostergren: Okay.

Francisco Contreras: You're asking questions about the specific Plummer Park project, which we cannot --

Commissioner Kaye: I think the Chair's comments were specific in asking what does the state historical commission say about --

Chair Ostergren: Well, if it's specific, we'll get back to that.

Commissioner Levin: I was going to say we've got an opportunity to ask to have items agendized.

Chair Ostergren: Okay. I have another general question then. In a case like this where there is a city project that has been approved, what would happen if someone were to file an application for designation for a local historic resource on something that fell within that project?

Commissioner Kaye: (Inaudible)?

Chair Ostergren: Right, right. I mean, clearly, the City is not going to be filing any applications at this point.

Francisco Contreras: You're meaning at the state level?

Chair Ostergren: No, at the local level.

Francisco Contreras: At the local level?

Chair Ostergren: Would it be possible for an application to be filed for the designation of a local historic resource on something that is contained within a project that's already been approved by the city?

Unidentified Speaker: I think you can once --

Unidentified Speaker: No --

Francisco Contreras: (Inaudible - multiple speakers).

Vice-Chair Torgan: I'm sorry, in terms of private properties, you can't do it once a development application is filed. I think I -- I remember this because I was up at the SHPO's office. This happened the last time. I would assume there's something similar with public projects, but even if someone did, nothing would kick in -- well, first of all, the decision makers are the ones who would ultimately have the authority as to whether to accept the determination. But, secondly, unless there's some discretionary action that comes after a resource is designated, it might be a tiger with no teeth, I guess.

Francisco Contreras: The way that the code is written now, once an application for a development project has been deemed complete, the City cannot accept a nomination application until the determination of that project has been given, and vice versa. If a nomination application comes in and is deemed complete, the city can't take a development permit application until the determination has been made on whether or not that property will be designated historic.

Chair Ostergren: Thank you.

Commissioner Kaye: You're asking a really interesting question because part of this was already settled but part of it was unsettled and was very thoroughly discussed and reviewed at the time of the Ramona and who filed first, whether it was the applicant or whether it was the developer, and it was a matter of days, and there were some -- you know, there was quite a lot of discussion about it and there was, as I believe, back then in 2005-ish an amendment to our ordinance --

Francisco Contreras: (Inaudible).

Commissioner Kaye: -- yes, regarding who filed first. And then if the development application was filed, I think, then the historic application out.

And I think the question that has never really left this commission -- and I would want to suggest that maybe we agendize this as a separate item -- is the issue of whether this commission can ever independently take up and request that a nomination -- that we review a property -- that we have an opportunity to review a property that has never been reviewed.

I think that that's -- certainly for me, that's -- I've seen -- we've been discussing that for years, and how can -- public access -- how can properties simply have gone unreviewed all this time? Well, I mean there's reasons for it, but it comes up. It doesn't get resolved. We don't really --

Francisco Contreras: Right. So I just want to clarify because it is important. Education is important. Regarding the when-an-application-is-filed issue, I just want to make sure that everyone understands it's not when an application is filed; it's when an application is deemed complete.

Commissioner Kaye: Deemed complete.

Francisco Contreras: So you can file a piece of paper with an address on it and just because you filed that before another application came in doesn't mean that it's going to get deemed complete. So it's not when it's filed but when an application is deemed.

Commissioner Kaye: Right, that's correct, but I mean Staff determines when it's complete, and as somebody who was a former applicant filing nominations, you know, I filed my set of nominations, and it took four to five more months after I initially filed with the City before Staff decided that my application was finally complete.

And I think that for the public -- there's so few applications that are (inaudible) because it's such an extraordinarily daunting process and it just doesn't happen very often. But Staff plays a role in determining when it's complete. So it's a complex -- the answer is it's a complex -- the answer's complex.

Commissioner Levin: Staff doesn't play a role in determining when it's deemed complete; Staff is the agency responsible for deeming it complete. They don't play a role; they are the ones that deem it complete or not.

Commissioner Levin: Under CEQA.

Commissioner Kaye: Anyway -- okay.

Chair Ostergren: Okay. Any further comments or questions on Items 10-D? All right. Then we will move on.

We have no Unfinished Business.

Item 12, Items from Staff. Any upcoming projects?

Francisco Contreras: We currently don't have any projects agendized for the February meeting, so it's very likely that that meeting will be cancelled unless there's some last-minute additions to the agenda, but it will definitely not be a public hearing because we wouldn't have been able to notice it within the required amount of time. So more than likely, the February 27 meeting will be cancelled.

For the special meeting on March 27, we're going to have two nomination applications that are going to come before you, one for 1135 Fuller and one for 1243 Fuller.

Commissioner Levin: I'm sorry, 12-what?

Francisco Contreras: 43.

Commissioner Levin: 43.

Francisco Contreras: Yes. There's 1135 and 1243.

Commissioner Kaye: I'm sorry, I totally missed that. What was that?

Commissioner Levin: There are two nominations coming up.

Commissioner Kaye: How many?

Commissioner Levin: Two.

Francisco Contrereaa: Just two.

Commissioner Kaye: Two nominations on what?

Francisco Contreras: 1135 Fuller and 1243 Fuller.

Commissioner Kaye: Fuller.

Francisco Contreras: Fuller.

Commissioner Kaye: Are they houses? Apartment buildings? What are they? Just -- I mean we'll obviously go look, but I just..

Francisco Contreras: I can tell you -- let me look that up real quick and I'll tell you.

Commissioner Kaye: But that's coming up in March?

Francisco Contreras: That's coming up in March. And this is actually a very opportune time for me to mention that we have nomination applications scheduled, at least two or three for every meeting, from here until November.

Commissioner Levin: So these are -- the ones on Fuller, these are in response to the City's bringing forward the --

Francisco Contreras: For the properties from the 2008 Survey

Commissioner Castro: You said two per meeting about at least?

Francisco Contreras: About two per meeting, right.

Unidentified Speaker: Okay.

Francisco Contreras: About two per meeting. So in order for us to move through all of those nomination applications as thoroughly and efficiently as we possibly can, we'd like to just remind the commissioners that if you do have any questions regarding a particular nomination after you receive the Staff report to please contact Staff, if there is any information that you'd like us to bring forward to the Historic Preservation Commission that may not have been answered in the Staff report. Because if we wait to the commission to hear your comments, we may have to continue items, and we'll basically be just delaying those nominations even further. So we're going to try and see if we can get through -- I think we have about 17 or 18 more nominations to go.

Chair Ostergren: Francisco, I don't suppose there's any way to get those Staff reports to us a little earlier? Because when they come like on Thursday for a Monday meeting, it's hard. I usually don't get to it till the weekend. So then I have no advanced time to contact you.

Francisco Contreras: We can try it. So, in fact, the reason why we've developed the schedule is so we can do just that. (inaudible).

And if you'd like to know what the schedule's like, you can always contact me and I can let you know what projects are coming up when.

Then the other thing, we've recently received some requests for

historic preservation signage. I think we discussed this at our last meeting. And right now, we're trying to see if we can get funding through our budget review process that's happening right now for some funding to basically bring back our signage program.

It may not happen. If it does not happen at our March 27 meeting, we may have an individual property owner come and request that the HPC send a request to the City Council for an individual sign versus the whole program That's for the Hollywood Riviera.

Commissioner Castro: Can I ask you, has the type of sign ever come before us?

Francisco Contreras: Yes, yes. We have --

Commissioner Levin: Yeah, we have some.

Francisco Contreras: Yeah, we have a standard template. We have the color and the size and everything else.

Commissioner Castro: I didn't know if there were like other options.

Francisco Contreras: Really what would be up for discussion is a particular text on the sign for example, date of construction or the architect, that type of information. So that kind of information we can discuss.

Chair Ostergren: Excuse me. I'm going to ask members of the public not to have conversations in the background.

Francisco Contreras: The other issue that we'll bring forth is regarding resolutions. I think at the last meeting there was a request to agendize (inaudible) discussion on resolutions perhaps, for example, how to amend a resolution after it's been adopted for a project. And so we'll bring forth the discussion item on that.

And I might maybe add a discussion there on how properties can be delisted from our Historic Resources Register because that might have been part of the conversation. I know stemmed from the [PDC]. So it's going to be more of a global review of how to amend a project or how to amend the resolution once it has been adopted. So that will be one of the issues that we're going to discuss.

And I know that when we get to Commissioner Comments, there were some items that you wanted to agendize, so let's make sure that we actually get those on the record, and we'll include, also, if you can, your agreement to post this Plummer information on the Internet. I don't know if you guys have seen it or want to see it before we go ahead and do that, but the information that was provided to Staff from Bruce Kaye, I don't know if you guys had a chance to see that.

Commissioner Kaye: It was actually prepared by Staff. Just giving it back to you.

Francisco Contreras: I don't know if all of you have seen that or not.

Chair Ostergren: I don't recall it.

Commissioner Levin: Yeah, it was a while ago.

Chair Ostergren: Okay, any other Staff items?

Francisco Contreras: That's it.

Chair Ostergren: All right. Then shall we move on to Commissioner Comments?

It looks like -- oh, is there another Staff item?

Francisco Contreras: Yes. I can actually tell you the number of craftsmen homes that we have. You've never asked me specifically.

Commissioner Kaye: Yes, we have.

Francisco Contreras: Not me.

Commissioner Kaye: Oh.

Francisco Contreras: So I can tell you that of the over almost 2,300 properties that we've surveyed, there are maybe somewhere over 200 craftsmen of all types, varieties, shapes, and sizes, but of those 200 plus, there have only been 26 that have been either already designated or are eligible for designation. That's based on the survey information that we have so far to date.

Chair Ostergren: Thank you. All right. We'll return to Commissioner Comments, and I think Commissioner Kaye has a comment.

Commissioner Kaye: Yeah, I'll just be quick.

First, I want to endorse -- a member of the public asked that Plummer Park be included in our historic brochure, and I wanted to endorse that comment and see that perhaps our brochure is updated and that that item be included.

And I would also like to endorse what we previously were discussing, that we agendaize -- that we receive information from you on the Plummer Park State Historical designation -- designation. And that's it for me, thanks.

Francisco Contreras: So if I can get a nod from everybody?

Commissioner Kaye: Uh-huh.

Francisco Contreras: Yes, we all agree we want a discussion of just -- I want to hear from all of you.

Chair Ostergren: Yes.

Commissioner Castro: Yes.

Commissioner Charles: Yes.

Commissioner Rice: Yes.

Vice-Chair Torgan: Yes.

Commissioner Levin: Yes. That was one of the items on my list that I would like to see come back before us, the information on the state designation of Plummer Park --

Francisco Contreras: Okay, perfect.

Commissioner Levin: -- with whatever supporting materials, whatever resolutions, full package of whatever we can come up with, please.

Chair Ostergren: Anything further?

Commissioner Levin: Yeah. At the last meeting, I asked that we agendaize a discussion of what was then described by the Chair of the Planning Commission as a discussion of condominium

conversions or other alternative things, and it was -- at that point, it was not accepted by the Commission.

Now that there have been further clarifications and it's been broadened to a general discussion of aging housing, I'm going to ask that we reconsider that as an agenda item for a discussion as to whether or not we wish to make a recommendation to City Council along the same lines that such a task force or whatever be convened and that we'd be involved, and I'd like that question on the table.

Vice-Chair Torgan: Just a quick follow-up. Can you forward whatever has gone from Planning Commission to Council already?

Commissioner Levin: Well, yeah, that would obviously be part of the presentation.

Vice-Chair Torgan: Council may have acted already, but I'd like to see what went -- they may act before our next meeting, but I'd like to see this as soon as possible what's going forward in Planning.

Francisco Contreras: Yeah, we can do that, yeah. That's --

Commissioner Levin: That's part of the Staff report.

Francisco Contreras: Yeah, our long-range mobility planning division is handling that --

Vice-Chair Torgan: Because, frankly, if Council isn't going to take final action until March, then perhaps this is an item for our February meeting.

Commissioner Levin: Yes, I would agree with that.

Vice-Chair Torgan: Sorry to make more work for you.

Francisco Contreras: No.

Commissioner Levin: Those are all my comments.

Commissioner Kaye: I'll nod -- I'll nod assent.

Francisco Contreras: Okay.

Chair Ostergren: Commissioner Rice?

Commissioner Rice: Yes. I have a -- I don't know if it's a -- I guess it's a question for you. Based on the consultant that was here with ARG --

Commissioner Levin: HRG.

Commissioner Rice: -- funding for a commercial building survey, do we -- what do we need to formally request, or we inquire? What's the process? I mean several years ago, I think I had asked about that, and I believe we have some funding, but is there -- is it agendized in the budget for the city or even updating the current one we have since they're saying five years? You know, that one would be coming up if we did it in 2008.

Francisco Contreras: Yeah, I think it is within your purview to ask Staff, for example, what are the options for updating either our citywide survey or commercial-only survey? How much would that cost? How would that go about? I think you could then send a formal request to the City Council that you would like -- you recommend that the City Council undertake a citywide survey or a commercial-wide survey. You'd present them with some information -- it would be X amount of money, this is how long it would take -- and then it would be up to the City Council then to decide whether or not they'd want to undertake it, fund it, and then proceed with the allocation of resources and manpower that it takes you to do that.

Commissioner Levin: I would second the request for that discussion.

Chair Ostergren: Yes.

Commissioner Levin: Is there a consensus on that?

Commissioner Rice: Agreed.

Commissioner Castro: I think we're all nodding.

Commissioner Levin: Okay, thank you.

Chair Ostergren: We're going to have some very full agendas here.

Commissioner Rice: Well, should we specify, though, whether it's specifically a -- commercial building surveys or any -- what surveys would be available?

Chair Ostergren: I would like to have a discussion of all survey needs.

Commissioner Levin: I think we should keep it general, yeah.

Commissioner Rice: Okay.

Commissioner Levin: Although --

Chair Ostergren: In terms of what we're discussing.

Commissioner Levin: -- I have -- I've also been asking for a commercial for quite a while, but I think as an agenda item, we should probably look at it generally.

Chair Ostergren: All survey needs, yeah.

Francisco Contreras: Yeah, we can bring just general information that we can pull on several types of surveys.

Commissioner Levin: Thank you.

Chair Ostergren: Francisco, I don't know where they are in the application cycle, but have we ever applied for a CLG grant for anything like a survey?

Francisco Contreras: We haven't in a very, very long time. Just going through records, I haven't seen anything in a very long time.

Chair Ostergren: Maybe it might be a wise thing to apply for for a survey.

Vice-Chair Torgan: If there's actually any money.

Commissioner Kaye: Well, I do. I see e-mails that they're giving up money for all kinds of things all the time. Not (inaudible) to us, but --

Chair Ostergren: Yeah, they continue to do it, but, well..

Commissioner Levin: You don't get it if you don't ask.

Commissioner Charles: This is, I guess, another question to Francisco and I guess maybe to post it to the entire commission.

Based on the ARG consultant and the Mills Act specifically, I would like to see kind of what are -- maybe a complete picture of the Mills Act and the way it operates in our city specifically. I know we got a general overview of how it works, but in terms of what our city guidelines are for qualifying for Mills Act and also maybe that additional question, which is do we know if our guidelines meet the Secretary of Interior's standards, what's our policy for enforcing the contract between the owner and the city, and what our policy is for monitoring Mills Act contracts? Because I think -- I was just thinking down the road, in looking at this aging housing stock issue, I think this is maybe potentially going to be a question that's going to come up. It's going to play into that bigger picture of how do we deal with this aging housing stock issue and what are we currently doing. I don't know if that's of any interest to anyone else on the commission. It would be interesting to me to know kind of where we are with that.

Commissioner Castro: You know, I would like to add to that. I had a question earlier about when and if we do further contracts, I want to know whether we are interested -- and maybe this is a question that could come back to the commission -- whether we want to have contracts that include interior because our program solely covers or addresses the exterior of a building, and so Mills Act can be quite broad. You can repair electrical and qualify for a Mills Act. You can repair plumbing. And the question becomes where do we feel Mills Act is appropriate.

Commissioner Levin: Well, or more to the point, where does the city attorney come down --

Commissioner Castro: Exactly.

Commissioner Levin: -- as far as what's enabled under our authorization of Mills Act.

Commissioner Kaye: I'll nod my assent to Commissioner Charles' suggestion. I love talking about Mills Act contracts, so that's -- well, I do -- but I do want to just say that we have in the past directed Staff to provide us with a list of all Mills Act contracts, and that actually already exists. So I think that you can bring that back to us to provide to all the current commissioners that have a full list and talk about it some more.

Commissioner Charles: And I just had a general comment to the public, the Plummer Park people, in particular. I wasn't here. I'm a recent appointee, but I wanted to kind of echo what other

people have said. In my limited time here, I think, although we have an interesting role, I'm coming to see that we don't have a lot of power in a lot of areas to make a lot of really important decisions.

We can act in an advisory capacity, but I just want to put it back on you. You really are the power. I mean the louder your voice to the City Council, you really have the ability to make things happen, and I just want to applaud you for your efforts.

Chair Ostergren: Thank you. Any other comments?

Francisco, I'd like to circle back to -- we discussed it a bit and also Lauren Meister brought up the two issues that I think are still sort of questions in terms of procedurally can we consolidate comments that we're making on something like a draft EIR into something more formalized? So will you investigate that for us and get back to us on that?

Francisco Contreras: Sure.

Chair Ostergren: And, also, the notion that we might actually be able to request to see the final EIR with our changes incorporated was a revelation to me. So --

Commissioner Levin: Well, it's an open question as to whether we can or not, frankly.

Chair Ostergren: Yes. If you could investigate that, as well, that would be great.

Commissioner Levin: Yeah, I mean that's not at all clear.

Vice-Chair Torgan: And I guess the way to phrase it would be if we submitted formal comments on the draft EIR, would we be treated as an -- a responding, a review agency for purposes of CEQA such that under CEQA we are required to get the responses to those comments back 10 days in advance from the final EIR (inaudible)?

Commissioner Levin: Good luck with that.

Commissioner Castro: I don't think so.

Commissioner Levin: Good luck with that.

Vice-Chair Torgan: I mean, for example, if the City of Los

Angeles were to comment, the City of West Hollywood would have to provide, under law, the responses to the City of Los Angeles's comments 10 days in advance of the final EIR being submitted -- being made public.

The question is if a body within the lead agency does it, do we get to see those, I guess. So that's the way I would pose the question to try to get as direct an answer as possible.

Commissioner Kaye: I want to follow up with that point. Since we've been talking quite a bit tonight, referring quite a bit to the limited scope of our authority, that we're not a final review authority and so on, what is -- this may be a provocative question to you -- what's the possibility of us reviewing our ordinance to make a recommendation to City Council that our authority be legislatively revised so that we actually have more power than we have today? What's -- is that something that we can agendize, discuss, and make a recommendation on even if it's perhaps rejected?

Commissioner Levin: Are you specifically referring to city projects or--?

Commissioner Kaye: I'm referring to reviewing the ordinance that empowered this commission to exist and reviewing and making perhaps a recommendation to revise who we are as a -- what kind of authority we have.

Francisco Contreras: Yeah, and I think from Staff's perspective, I think that is within the HPC's authority to do just that. With any matters regarding any type of historic-related issues, be it the ordinance itself, being review of historic, or cultural resources, I think that you have that power.

Like I said, in some instances, your power is at an advisory capacity. You're not the final decision makers on certain projects. But I think that nothing keeps you from making recommendations to the City Council, from requesting things from the City Council, from making statements to the City Council as long as it relates to historic properties or the historic program of the city.

Commissioner Kaye: Right.

Francisco Contreras: I mean that's particularly my view, and I will make sure to confirm with our city attorney to make sure

that I'm actually correct.

Vice-Chair Torgan: And I think that it may be just more a matter of being in the loop more formally.

Commissioner Levin: Yeah.

Vice-Chair Torgan: So, for example, things get routed to us as a matter of ordinance rather than, oh, we find out about it and want to take a look at it informally.

Commissioner Kaye: But let me ask you since you're more the expert certainly on this, if we were a final review authority, would we not then receive --

Commissioner Levin: We cannot be on a city project. We absolutely cannot be.

Vice-Chair Torgan: No, no, I -- the answer -- well, that begs the question of whether we can be a final review authority.

Commissioner Kaye: Well, but let's say we were, assuming --

Vice-Chair Torgan: Then it would have to come back to us, yes.

Commissioner Kaye: -- for the sake --

Vice-Chair Torgan: I think the question is is the broader question -- and maybe this is something for an ad hoc subcommittee -- is where we fit in formally into the development process. And as I've been on this commission now a year and change, I'm still not clear of where we fit in unless it's a certificate of appropriateness.

Commissioner Kaye: Well, it's a very good point. I think for those of us who have been on more than a year-and-a-half, it's an open question.

Commissioner Levin: And, of course, it bears whether it's a private development or a city project.

Commissioner Castro: That makes a difference.

Chair Ostergren: Okay. If we have nothing further, then we will move on to item number 14, which is Public Comment. Victor Omelczenko will have the last word.

Victor Omelczenko: It's a new year for all the city agencies and all the commissions here. I'm Victor Omelczenko, a resident of West Hollywood. I just wanted to throw out some things here.

As I listen to the discussion and we've heard from City Staff that there are 20 projects in the pipeline and you've already requested that maybe probably could get some advanced warning on them so you can read them and analyze them, maybe you could just get a list of all 20 addresses and do one of your own visual inspection drive-bys because after this meeting, I'm going to get on my bicycle, and I'm going to go look at 1143 and 1135 and 1243 Fuller. I want to see -- this is interesting.

I think one is a house with rocks. That's one thing. The lady from -- the rocks and the front stones, some kind of river stones.

The Historic Preservation Works group presentation I thought was very interesting because it brings up financial things like tax credits. I didn't know about this 25% national rehabilitation tax credit that's still available. That's something that requires city resources and staff time to pursue those kinds of opportunities.

The third thing I'd like to say is I know that in the General Plan that has finally been approved, the ARG survey that was conducted, the properties in the R2 and R3 and R4 zones, I don't know if that's on the Web yet, but that would be nice for folks to see that entire list of ARG. That was that survey that kind of said, yes, these craftsmen are eligible. I'm sure that's where the two Fuller ones come from.

And the fourth thing I'd like to say -- and I just bring this up as discussion -- I was very concerned and I commented even at the last -- at the meetings when the General Plan was being discussed. I have the zoning maps going back a while, and we used to have the color yellow around some neighborhood conservation overlay zones, one of which was a map designating Ponsettia Drive/Ponsettia Place and Greenacre, then further west, Laurel Park, which doesn't include Laurel Avenue but includes the streets that are south of the Gold Coast and Marcos Avenue, like Marco's Restaurant, like La Jolla. That's a pretty intact neighborhood.

Then we had West Hollywood West, and you know that, by Cedars-Sinai and by Robertson and Doheny, and then we had the Norma Triangle. Those -- that designation kind of evaporated from all the maps, and just like L.A. has historic preservation overlay

zones, I would hope that you as commissioners would start talking, and maybe we as citizens could start talking about designating kind of like more streets that are still intact like maybe Greenacre cul-de-sac built just before World War II started, or Betty Way, intact little street, these one-stories bungalows.


There's some parts of the city that still could get historic designation landmark status, and I hope that we can look at that as the future goes on, and thank you for your work for us.

Chair Ostergren: Thank you. And with that, I adjourn this meeting of January 23, 2012. To a regularly scheduled meeting of February 27, 2012

APPROVED BY A MOTION OF THE HISTORIC PRESERVATION COMMISSION ON THIS 27th DAY OF MARCH, 2012.


CHAIRPERSON

ATTEST:


HISTORIC PRESERVATION STAFF LIAISON