



CITY OF BEVERLY HILLS
455 N. Rexford Drive
Beverly Hills, California 90210

CULTURAL HERITAGE COMMISSION
SPECIAL MEETING MINUTES
November 24, 2014
9:00 AM

MEETING CALLED TO ORDER

Date / Time: November 24, 2014 / 9:06 AM

ROLL CALL

Commissioners Present: Commissioners Pynoos, Waldow, Furie, Vice Chair Greer (*arrived 9:46am*) Chair Beck.

Commissioners Absent: None.

Staff Present: Jay Trevino, William Crouch, Reina Kapadia, Karen Myron, David Snow; Jan Ostashay (City Historic Consultant)

COMMUNICATIONS FROM THE AUDIENCE

Speakers: None.

APPROVAL OF AGENDA

Motion: Motion by Chair Beck, Second by Commissioner Waldow to approve the agenda as amended, moving Communications from the Urban Designer to the beginning of the agenda (4-0-1, Greer absent).

Action: The agenda was approved as amended.

(Taken out of Order)

COMMUNICATIONS FROM THE URBAN DESIGNER

- 2015 Cultural Heritage Commission Priorities
- 2015 Cultural Heritage Commission Draft Meeting Schedule

The Commission took a recess at 9:27 am.

The Commission reconvened at 9:46 am, with Vice Chair Greer joining the meeting.

(Return to Order)

CONTINUED BUSINESS

1. Review of Proposed Amendments to Beverly Hills Municipal Code Article 32: Historic Preservation Ordinance, as presented by Planning Commissioner Corman

The Commission is asked to review Commissioner Corman's proposed draft Ordinance and provide comments to be transmitted to the Planning Commission. *(Continued from the Cultural Heritage Commission Special Meeting of November 17, 2014, and the November 17, 2014 report will be utilized for the Commission's continued consideration.)*

Planner: William Crouch, Urban Designer

Planning Commissioner Input: Craig Corman

Public Comment: Marcello Vavala, LA Conservancy

Action: The Commission engaged in extended discussions over specific provisions of the proposed draft Ordinance, as well as to the overall Ordinance amendment.

- CHC Commissioners raised concerns with several of the new definitions (§10-3-3202), including:
 - Questioning the source of many of the definitions, which did not appear to align with generally accepted architectural and preservation industry terms
 - Why "archeological site" was removed from definitions
 - Why landscaping, setbacks, windows, and doors were removed from the definition of "character defining features"
 - That the definition of "eligible property" relies on "*prima facie*" (based on the first impression) evidence, when further investigation or research may be needed to make such a determination.
 - The Commission expressed concern with the definition of "exceptional work" for several reasons, including the following components:
 - Major architectural award
 - Electronic work
 - National figures
- Powers and Duties of the Commission (§10-3-3208)
 - The CHC expressed the belief that Commissioners should continue to be required to complete training and continuing education (deleted §10-3-3208R)
 - Commissioner Pynoos expressed her concern with removing the CHC's ability to review "a citywide survey of historic resources" (deleted §10-3-3208C)

- **Commissioner Waldow voiced his concern with revising the legislative intent, which was approved by the City Council in the original Ordinance adopted on 1-24-12**
- **Historic District Designation Criteria**
 - **Commissioners Waldow and Pynoos stated their opposition to the amendment that removes from the Ordinance the ability to form historic districts in the single family or R-1 zones (§10-3-3213)**
- **Timeframes Imposed**
 - **The Commission expressed overall support with instituting timeframes to streamline the process for property owners.**
 - **The Commission expressed concerns with the implications of the strict time frames on staff time and resource availability, particularly resulting from the new Certificate of Exemption procedure.**
 - **The CHC highlighted the need to identify to the Planning Commission and City Council what would be required to meet the required timeframes set out in the new Ordinance.**
 - **Commissioner Waldow opposed the provision that the extension of timeframes may only be granted upon the request of the property owner (multiple instances, e.g. §10-3-3215N), expressing his opinion that this unilateral grant of power does not work productively in the public interest.**
- ***Originally* designed by a Master Architect**
 - **The Commission expressed a global issue with the language “originally designed” by a Master Architect, raising questions about later renovations or redesigns to a property that might have been the work of a Master Architect.**
- **Public Noticing requirements**
 - **The CHC recommended that the City Council consider an enhancement to the Community Development Department budget to purchase the most up-to-date tax assessors information software to ease in providing expedient notice to current property owners.**
- **Certificate of Exemption**
 - **The CHC recommended inserting into this section the language used in §10-3-3215A4 regarding meeting scheduling if the next regularly scheduled meeting is set to occur less than ten (10) days or more than thirty (30) days after the application is deemed complete.**
- **Fiscal and staffing impacts**

- The CHC expressed overall concern with the potential fiscal and staffing impacts of the new Ordinance, not wanting to impose unreasonable costs and timeframes upon the City.
- **In-Lieu Parking Waiver (§10-3-3228)**
 - The CHC suggested that the PC re-review the eligibility standards for historic properties into the in-lieu parking program, in light of the desire to provide incentives and the recently-adopted incentive Ordinance, BHMC Article 32.5 – Historic Incentive Permit.
- **Dangerous and Immediately Dangerous Properties**
 - The Commission recommended that the language “or persistent” be struck from proposed §10-3-3230.
- **Master Architect definition**
 - Based on the dialogue between the CHC and Commissioner Corman at the public hearings, the CHC maintained the need to clarify the definition of “architect” in the Ordinance.
- **Electronic work**
 - The Commission discussed the direction of the publishing industry moving towards electronic-only format for many mainstream and academic publications. As a result, the CHC suggested that the Planning Commission remove the provision in the definition for Master Architect (§10-3-3202) that “works published in solely electronic form [...] shall not be counted towards [the] minimum.”
- **Significant persons**
 - The CHC expressed concern with the replacement of the “Significant Persons” definition with “Person of Great Importance” (§10-3-3202), not wanting to lose the ability to honor and acknowledge figures important to local history.
- **Commissioner Rebecca Pynoos stated her serious concerns as she believes that the proposal represents an entirely new ordinance rather than discrete amendments to the existing Historic Preservation Ordinance. She stated that she did not feel it was the best custom crafted option for Beverly Hills, and expressed concern that the new ordinance does not contain federal, state, professionally accepted definitions. She expressed concern with the pace at which the new ordinance is being advanced and did not feel she had sufficient time to review such substantial changes. Lastly, Commissioner Pynoos stated that she could not in good faith uphold the new proposed standards which appeared to have been derived without the consultation of architectural professionals.**

- Commissioner Noah Furie stated that he had had some initial reservations with the new Ordinance when presented with it originally, as he believed it represented a departure from the original Historic Preservation Ordinance. However, Commission Furie indicated that he felt the changes were workable for the CHC and his support for the Ordinance if the final version incorporated the additional suggestions made by the CHC. Commissioner Furie reiterated his concerns with the definitions of “exceptional work,” “Master Architect,” and “electronic work.”
- Commissioner Richard Waldow expressed his support with revamping the Ordinance to the extent that the proposed revisions rectify problems that have been actually observed in the application of the current Ordinance (e.g. timelines). He identified other areas where he believed the new Ordinance reached too far in limiting the ability to protect historic resources in the community (e.g. many of the revised definitions and criteria). He concluded that most people in the community support preservation, but stated his opinion that this new Ordinance was headed in the wrong direction.
- Vice Chair Lisa Greer stated that she was in support of an amended Ordinance because she felt that it was necessary at this point in time. She agreed with process improvements such as tightening up timelines but did not see the need to place certain limitation upon the Commission’s powers. Vice Chair Greer also expressed the hope that over time the pendulum would swing back in terms of supporting preservation in the community.
- Chair Maralee Beck echoed her fellow Commissioners’ comments, citing the need to balance necessary amendments to the Preservation Ordinance while leaving in place the meaningful ability to protect and honor the city’s heritage.

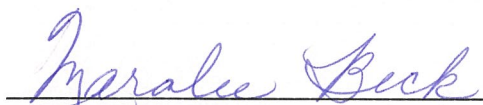
COMMUNICATIONS FROM THE COMMISSION

None.

MEETING ADJOURNED

Date / Time: November 24, 2014 /12:06 PM

PASSED AND APPROVED THIS 14TH DAY OF JANUARY, 2015



Maralee Beck, Chair