

## **Communication from Public**

**Name:**

**Date Submitted:** 05/31/2021 08:11 PM

**Council File No:** 21-0119

**Comments for Public Posting:** Please see attachment. Thank you.

May 31, 2021

TO: Los Angeles City Council  
councilmember.ofarrell@lacity.org  
councilmember.Blemenfield@lacity.org  
councilmember.Bonin@lacity.org  
councilmember.Buscaino@lacity.org  
councilmember.Cedillo@lacity.org  
councilmember.Krekorian@lacity.org  
councilmember.Lee@lacity.org  
councilmember.Martinez@lacity.org  
councilmember.Raman@lacity.org  
councilmember.Rodriguez@lacity.org  
councilmember.Koretz@lacity.org  
councilmember.price@lacity.org  
councilmember.Ridley-Thomas@lacity.org  
councilmember.Harris-Dawson@lacity.org

Council File: **21-0119**  
Taix French Restaurant  
1911-1929 W. Sunset Blvd

Historic Cultural Monument  
Designation

CC: shannon.ryan@lacity.org, lambert.giessinger@lacity.org, melissa.jones@lacity.org  
afine@laconservancy.org, The Silverlake Heritage Trust

Dear Councilmembers:

On December 17, 2020 the Cultural Heritage Commission unanimously voted to recommend designation of the TAIX BUILDING as a Historic Cultural Monument. The Commission did not vote on designating accessories of the building. The Commission did not vote to designate lights, or chairs, or door knobs, individual signs, or ornamentation. They voted on the TAIX BUILDING.

### **PROBLEMS WITH THE PUBLIC HEARING PROCESS**

At both the CHC hearing on 12/17/2020 and the PLUM hearing on 5/4/2021 on the TAIX item, Brown Act violations occurred. During the pandemic it has become even more difficult for the public to communicate and participate in these issues. In its unwillingness to account for the flawed phone-based speaking system that is confusing for most of the general public, the City has failed any proper due diligence or reasonableness standard that might be associated with the public speaking process. The public participation process for TAIX has been flawed in that members of the public who were patiently waiting to participate during public comment, were not allowed to speak.

### **MICHAEL TAIX DOES NOT OWN THIS LAND ANYMORE**

In 2019, Michael Taix sold the TAIX property to developers known as Holland Partner Group, who have established themselves under the name "1911 Sunset Investors LLC" for purposes of their development plans for TAIX. However, Michael Taix has continued to represent himself with authority regarding this project, and together with Holland Partner Group, they continue to press Councilmember O'Farrell to support their ideas of designating salvaged items removed from the Taix building. **This is not what the CHC voted or intended.**

### **O'FARRELL HAS MANIPULATED THE NOMINATION & THE HCM PROCESS**

O'Farrell's 5/4 "amendment" erroneously states: "*The Cultural Heritage Commission*

*unanimously voted to limit its designation recommendation for Taix Restaurant to only significance under Criterion 1 ("exemplifies the broad cultural, economic or social history of the nation, state, city or community"), and expressed a desire to permit the owner to make necessary changes to Taix Restaurant to enable it to continue as a legacy business."*

The 12/17/2020 audio recording of the CHC hearing indicates no such thing occurred. While the CHC did unanimously vote in favor of designating the TAIX BUILDING under Criteria 1, O'Farrell manipulated the decision and the intention of the Commissioners by implying that they *"unanimously voted to limit its designation recommendation for Taix Restaurant to only significance under Criterion 1"*.

No "limit" was applied to the CHC's decision. It should not be construed as a limitation on said approval when the CHC recommends "only" Criterion 1. Pursuant to Sec. 22.171.7. of the Cultural Heritage Ordinance, a proposed monument is required to meet only ONE criteria. The CHC either approves a nomination or not, and it is not unusual for an HCM to be fully designated with "only" one criteria.

O'Farrell further misrepresents the CHC decision by claiming they: *"permit the owner to make necessary changes..."* No such dialogue occurred; there was never a discussion regarding any changes to the CHC's recommendation to designate the building. The 1/26/2021 CHC decision letter was clear, simple and approved with the following language:

*" 1. **Determined** that **the property** conforms with the definition of a Monument pursuant to Section 22.171.7 of the Los Angeles Administrative Code; and **Recommended** that the City Council consider Taix French Restaurant for inclusion in the list of Historic-Cultural Monuments."*

*"The Cultural Heritage Commission would appreciate your **inclusion of the subject property** to the list of Historic- Cultural Monuments."*

Furthermore, there is no criteria in the Cultural Heritage Ordinance that defines a *"legacy business"*. As heard on the audio recording from the 12/17 CHC hearing, one Commissioner states:

*"..The argument that we only designate the site doesn't make sense to me. **We have to either designate or not...** I'm not really persuaded by the business argument, um I think that **the building itself meets the criteria**, it's obviously a legacy **building**, so the business part of it is out of our expertise. You know if this owner can't make a go of it, potentially there's other owners that can come in and make a go of it... I think it's really not our decision. I think **we need to look at the criteria does it meet the criteria yes or no and those other decisions are not really ours.**"*

Finally, at the 12/17 CHC hearing, comments were made by Michael TAIX and his attorney where they asked the Commission to refer to and approve a previous submission they called "Exhibit A". The public had no access to this document and was never informed as to what was being asked of the CHC. "Exhibit A" was never made available to the public.

After tracking down Exhibit A, we learned this was a 22 page document addressed to the CHC and included proposed development plans for TAIX. Specifically, Michael Taix asked the CHC to approve the "TAIX family preservation plan" which seeks demolition of the existing building, but preserves the alleged "legacy business" which we already know is outside the purview of the CHC.

## **PROBLEMS WITH SLICING & DICING A HISTORIC CULTURAL MONUMENT RECOMMENDATION SPECIFICALLY TO ACCOMMODATE DEVELOPMENT PLANS**

The CHC is not charged with approving building plans when reviewing a nomination. In addition to the Brown Act violations and the elusive "Exhibit A", Councilmember O'Farrell has drafted an "amendment" that has put the entire HCM program in jeopardy. A devastating and dangerous precedent would be set for the future of historic preservation in Los Angeles. O'Farrell's "amendment" circumvents the Cultural Heritage Ordinance by proposing the designation of a few handpicked accessories such as a bar top and a couple of signs. What O'Farrell is proposing to this Council goes against the recommendations of historians and experts City-wide (including the City's own Cultural Heritage Commission and the Office of Historic Resources). If O'Farrell's culling of the CHC's actions prevail, the entire designation process will be undermined; the Historic Cultural Monument Ordinance becomes obsolete and dies.

**What O'Farrell has called an "amendment" is, in reality, a custom tailored manipulation designed to conform to the developer's desired outcome.**

## **CEQA**

Because the TAIX BUILDING falls under the definition of a "Historic Resource" as defined by CEQA, its ELIGIBILITY to be listed in the California Register of Historical Resources is a material fact. The City of Los Angeles has already found the TAIX BUILDING to be historically significant. The CHC and other historians have urged the TAIX BUILDING be designated as an HCM. The TAIX BUILDING's eligibility status does not remove the CEQA review process. Whether or not O'Farrell's salvaged items are approved by this Council.

PRC Section 21084.1 is clear on defining a historical resource as a resource listed in, or **determined to be eligible** for listing in, the California Register of Historical Resources.

PRC Section 21155.1 requires that SCPE projects **NOT** have a significant effect on historical resources pursuant to Section 21084.1.

Because an EIR must be certified or rejected by public officials, **it is a document of accountability. If CEQA is scrupulously followed, the public will know the basis on which its responsible officials either approve or reject environmentally significant action, and the public, being duly informed, can respond accordingly to action with which it disagrees.'** "The EIR "protects not only the environment but also informed self-government.'" (Sierra Club v. County of Fresno (2018) 6 Cal. 5th 502, 511-512 (Sierra Club).) " "The EIR is the heart of CEQA," and the integrity of the process is dependent on the adequacy of the EIR.'" Our own elected official has gone to great lengths to evade this process, which is what O'Farrell's "amendment" seeks to do.

## CONCLUSION

Councilmember O'Farrell has muddied the waters with his "amendment". The HCM nomination has been hijacked and corrupted. The validity of O'Farrell's amendment is questionable as it no longer conforms to the Monument Designation Criteria and the procedure for applications for designations specified in the Los Angeles Administrative Code in Article 1 of Chapter 9.

Despite many attempts to communicate with Councilmember O'Farrell, **he and his office have failed to engage with the community or applicants**. The only response received from CD13 was when they declined an invitation to a meeting between the applicants and the property owners. This turned out to be a fruitful meeting wherein we were informed of the owners previous experience with adaptive reuse. It was then that we introduced the idea of a reconfigured project that would allow more flexibility for reuse at this site. They seemed pleasantly surprised that we would be open to these options.

In order to allow the applicants and the Office of Historic Resources to work with the owners to reconfigure a plan that gives us all a winning solution, **we ask that you DENY O'Farrell's "amendment" and vote to support the CHC's ORIGINAL recommendation, designating the existing TAIX BUILDING as our next Historical Cultural Monument.**

**Thank you.  
The Friends of Taix**