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Via E-mail Only

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Re: Council File: **21-0119**, December 7, 2021 PLUM RE-HEARING, Agenda Item # 15, 16;
Taix French Restaurant, 1911 Sunset Blvd, Los Angeles, CA 90026;
Historic Cultural Monument case # CHC-2020-5524-HCM
Official SLHT Public Comment to be included in the Administrative Record and Council File #
21-0119

Dear Members of the PLUM Committee:

On August 11, 2021 the Silver Lake Heritage Trust filed a legal action against the City for violating the public’s rights and for operating outside the bounds of the laws in regards to historical preservation and its related standards. The City has since chosen to “re-hear” the TAIX matter shortly after being served with a copy of our lawsuit.

At the time of writing this letter, there exists nothing on the City website including the HTML agenda that shows Councilmember O’Farrell submitted his “amendment” to this Committee, nor is it anywhere available for members of the public to view as required by the Brown Act. If O’Farrell intends on re-submitting his “amendment”, we are left to assume he is once again failing to comply with the laws that require the public be made aware of what specifically this Committee is voting on.

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Item #15 on the December 7, 2021 Agenda states you are hereby considering rescinding the City Council's prior action taken on June 2, 2021, wherein the City repeatedly violated the Brown Act by failing to call on members of the public, **including the applicant** to the HCM nomination. What the agenda does not cover is the singularly most critical part of the decision before you.

The "Findings" glossed over in the agenda describe Councilmember Mitch O'Farrell's "amendment" to the January 26, 2021 Cultural Heritage Commission's (CHC) recommendation to designate the TAIX BUILDING a Historic Cultural Monument pursuant to the criteria in the City's Cultural Heritage Ordinance.

This matter was heard by this Committee on May 4, 2021, However, the fundamental "amendment" was not presented to this Committee in a timely manner, nor was it made available to the public. Yet, this Committee voted and approved O'Farrell's "amendment" which sought to use our HCM nomination as a catalyst to demolish the TAIX building, while simultaneously attempting to designate three fragmented pieces as the Historic Cultural Monument. Also at this hearing, many members of the public were not called upon to speak despite waiting with their virtual hands raised. It remains unclear as to why this Committee took a vote that resulted in approval of a wooden bar top and two exterior signs to be designated as a historic cultural monument, in lieu of the CHC's recommendation.

THE CULTURAL HERITAGE COMMISSION (CHC) RECOMMENDED THE TAIX BUILDING BE DESIGNATED

Members of the Cultural Heritage Commission (CHC) are appointed by the City and widely respected as experts in their field. Their job is to review and determine the merits of our City's historic resources. On January 26, 2021 the CHC unanimously voted to designate the TAIX building under criteria 1, which recognized the restaurant's significant contributions to the broad cultural, economic and social history of this community. Taix provides an extraordinary example of the Continental Dining experience, a popular trend from the 1960's. Taix is rare, one of the few surviving examples of this style remaining in Los Angeles; even recent modifications were made with meticulous effort to keep these interiors intact. For more than 60 years at this location, Taix has been a destination, a gathering spot, a neighborhood refuge and a place of celebration for locals and visitors alike. Taix is more than a building, it is more than a bar and a couple of signs. Taix has been recognized as an irreplaceable and invaluable asset to our community.

ABUSE AND MISUSE OF THE CULTURAL HERITAGE ORDINANCE & SPIRIT OF PRESERVATION

Normally, PLUM takes an up-or-down vote, and an HCM nomination is either supported or rejected. Yet here, against the Cultural Heritage Commissioners' recommendation and findings, Mitch O'Farrell has proposed a dangerous and far-reaching "amendment" which aims to

designate three salvage items (a wooden bar top and two exterior signs) from the existing building as a Historic Cultural Monument, claiming he is preserving a historic resource. This unprecedented and outrageous “amendment” requests that this Committee eviscerate our HCM nomination and destroy the very resource it seeks to preserve. This subversive concept manipulates the Cultural Heritage Ordinance in a way that claims the historic resource is being preserved, when in fact this “amendment” will demolish Taix. This is clearly deviant from the intent of the law, reducing the designation to the salvaging of remnants in a recycling yard. If approved, Mitch’s “amendment” sets a destructive new standard; it will send a message to developers that they can expect our City Council to expedite their project, avoid environmental review and more easily gain approval to demolish our historic resources. Mitch’s “amendment” weakens the law which governs the conservation of our City’s historic resources; it is an attack against every preservation effort in the City of LA.

MITCH O’FARRELL’S “AMENDMENT” IS DESIGNED TO ASSIST THE DEVELOPERS IN AVOIDING ENVIRONMENTAL REVIEW

Taix is identified in Survey LA (the City’s survey of historically significant sites) and was twice honored by the City of Los Angeles with special recognition for its contributions to the community. These designations maintain the status of Taix as a historic resource. Additionally, Holland Partner Group, LLC has made substantial contributions to Councilmember Mitch O’Farrell, and has worked with him on their plans to develop the Taix site with a 6-story mixed use project that spans every available inch of land. By claiming to “save” Taix, Mitch O’Farrell’s “amendment” is intentionally and specifically designed to allow developers Holland Partner Group, LLC, to avoid the environmental review required by CEQA when destroying a historic resource and upzoning the land. The demolition of Taix would result in a significant and major environmental impact. Therefore, an Environmental Impact Report (EIR) is necessary to fully assess impacts and possible preservation alternatives. Not only does Mitch’s “amendment” allow for the demolition of this beloved historic resource with a drastically reduced environmental review, but it also paves the way for other developers to follow suit, facilitating a major shift in preservation policy which will further streamline demolition of other potentially historic sites.

THERE IS NO ORDINANCE OR CRITERIA TO DESIGNATE A “LEGACY BUSINESS” IN LOS ANGELES

This “amendment” alleges to preserve Mitch O’Farrell’s self-proclaimed “Legacy Business status” for Taix. However, the City of Los Angeles has no existing process or program in place where a “legacy business” could be nominated, let alone designated. The City does not have an ordinance, a commission, or any other criteria that would provide for a “legacy business” designation, as acknowledged by the Cultural Heritage Commissioners themselves at the 12/7/2020 hearing. Therefore, Councilmember O’Farrell’s amendment, which seeks a legacy business designation, has no foundation within the laws of the City.

MITCH O'FARRELL'S INTERPRETATION OF "HISTORIC PRESERVATION" IS IN MAJOR CONFLICT WITH [THE SECRETARY OF THE INTERIOR'S STANDARDS FOR REHABILITATION](#)

As stated in the CHC's January 26, 2021 "FINDINGS" (attached to this letter), the Secretary of the Interior's Standards for Rehabilitation **are expressly incorporated into the LAAC [The Los Angeles Administrative Code] and provide standards concerning the historically appropriate construction activities which will ensure the continued preservation of the subject property.** **Sec. 19.143. Required Provisions of Historical Property Contracts requires this City to adhere to the rules and regulations** of the Office of Historic Preservation of the Department of Parks and Recreation, the State Historical Building Code, and the United States **Secretary of the Interior's Standards for Rehabilitation** some of which are seen below:

1. A property shall be used for its historic purpose or be placed in a new use that requires **minimal change to the defining characteristics of the building and its site and environment.**
2. **The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.**
3. Each property **shall be recognized as a physical record of its time, place, and use.** Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.
4. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.
5. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved.
6. Deteriorated historic features shall be repaired rather than replaced. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.
9. New additions, exterior alterations, or related new construction **shall not destroy historic materials that characterize the property.** The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.
10. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, **the essential form and integrity of the historic property and its environment would be unimpaired.**

Mitch's "amendment" ignores these standards altogether.

MITCH O'FARRELL'S MODIFIED "FINDINGS" ARE IN CONFLICT WITH THE CULTURAL HERITAGE ORDINANCE

Mitch O'Farrell's "amendment" is based on findings which are invalid, as he has misinterpreted and distorted the Cultural Heritage Ordinance *Sec. 22.171.10.(f). Procedures For Designation Of Monuments*. Specifically, O'Farrell's **modified** findings ask:

"that the City Council identifies the following physical features of the Taix Restaurant that should be preserved in order to convey the restaurant's historic significance and justify its designation as a Historic-Cultural Monument, as well as its eligibility for inclusion in the California Register of Historical Resources: (i) The red and white east-facing Taix billboard sign along Reservoir Street; (ii) the vertical red and white 'Cocktails' sign along Sunset Boulevard; and (iii) the restaurant's original cherry wood bar top."

O'Farrell's "amendment" calls for three salvaged items to be nominated as the "monument", in lieu of the historic building which was originally recommended for designation by the CHC.

THIS DOES NOT HAVE TO BE AN "EITHER/OR" SITUATION

Through creative design and compromise, there is a way to preserve Taix and still develop the property. Viable and vibrant options have been presented to the developers, who have experience with adaptive reuse and were receptive to our ideas. Mitch O'Farrell's "amendment" gives them the easy way out, but with cooperation and a few open minds, it's highly feasible that the Taix building can be incorporated through meaningful preservation and continued use, where the old and new work together in a thoughtful, compatible design that can be celebrated by all.

THE CITY HAS ALREADY ACKNOWLEDGED TAIK AS A HISTORIC RESOURCE

Taix French Restaurant is significant as one of the oldest and most enduring businesses in Los Angeles, tracing its roots to the former French Quarter Downtown and well-known for the distinctive building it has occupied in Echo Park for six decades. The business and its colorful history were recognized in a lengthy and lavish resolution by the Los Angeles City Council on August 14, 1987. Then again in 2012, long before Mitch O'Farrell was a Councilmember, the intersection in front of Taix was officially designated "Taix Square" by the City Council, to honor the restaurant's significant contributions to the community. Even more importantly, Taix has been noted as being eligible for HCM listing by Survey LA, the groundbreaking citywide historic resources survey which serves as the Planning Department's primary tool for identifying, recording, and evaluating historic properties in Los Angeles. This survey provides the foundation for the City's historic preservation program; it notes that Taix has retained the required aspects of integrity and its character defining features and is eligible for historic designation. Two years

ago, the Los Angeles Conservancy commissioned a report on the Taix building by Historic Resources Group which concurs with the Survey LA recommendation.

The importance of Taix cannot be overstated, it is an undeniable fixture in the community and one of the oldest and most unique restaurants in Los Angeles.

A Councilmember's election into office is **not** an authorization to destroy decades of collaborative preservation efforts that have taken place between the public and the Councilmembers who previously represented their communities. Approval of O'Farrell's "amendment" does exactly that! Considering its value and significance, any attempt at demolition is irresponsible and disrespectful to the culture of the Echo Park community and the history of this City.

Councilmember O'Farrell and our other elected officials have an opportunity to preserve and adapt this treasured historic resource as it stands today.

Thank you for you time and consideration,
The Silver Lake Heritage Trust

TAIX FRENCH RESTAURANT
1911-1929 West Sunset Boulevard; 1910-2018 West Reservoir Street
CHC-2020-5524-HCM
ENV-2020-5525-CE

FINDINGS

(As Amended by the Cultural Heritage Commission on December 17, 2020)

- Taix French Restaurant “exemplifies significant contributions to the broad cultural, economic or social history of the nation, state, city or community” as the long-time location of Taix French Restaurant, a business that bears a significant association with the commercial identity of Los Angeles.

DISCUSSION OF FINDINGS

Taix French Restaurant meets one of the Historic-Cultural Monument criteria: the subject property “exemplifies significant contributions to the broad cultural, economic or social history of the nation, state, city or community” as the long-time location of Taix French Restaurant, a business that bears a significant association with the commercial identity of Los Angeles.

Los Angeles has a wide range of long-term businesses that have served residents, visitors, and tourists for decades and have made important contributions to the commercial history of Los Angeles. SurveyLA identifies several eligibility standards for evaluating properties for historic significance under the theme of “Commercial Identity, 1920-1980.” These include evaluating whether a property “is associated with a business that made an important contribution to commercial growth and development in Los Angeles” and whether it “is the founding or the long-term **location of a business significant in commercial history.**” The subject property has served as the location for Taix French Restaurant, a business established in 1927, for nearly 60 years. In Los Angeles and elsewhere, well-established and long-lived businesses, such as Taix French Restaurant, take on important social qualities and over time, they often organically mature into iconic and revered cultural institutions. Their endurance becomes ingrained into a neighborhood’s collective memory and plays an integral role in defining a community’s sense of cultural and commercial identity. Since 1962, Taix French Restaurant has remained in continuous operation at its location in Echo Park. Over the course of its nine decades in business, the restaurant has become known for serving country French dishes in its stylish, dimly lit dining rooms and a cocktail lounge. Its banquet rooms have often been used as gathering places for large parties, especially before and after games at nearby Dodger Stadium. Taix French Restaurant is considered a legacy business and a beloved community institution, earning it a reputation as one of Los Angeles’ most iconic dining establishments.

Although the property has experienced some interior and exterior alterations since Taix relocated to the subject property in 1962, all changes are associated with the restaurant’s growth over time and are compatible with the original continental dining design intent. Therefore, the subject property retains a high level of integrity of location, design, setting, materials, workmanship, feeling, and association to convey its significance.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (“CEQA”) FINDINGS

State of California CEQA Guidelines, Article 19, Section 15308, Class 8 “*consists of actions taken by regulatory agencies, as authorized by state or local ordinance, to assure the maintenance,*

restoration, enhancement, or protection of the environment where the regulatory process involves procedures for protection of the environment.”

State of California CEQA Guidelines Article 19, Section 15331, Class 31 “*consists of projects limited to maintenance, repair, stabilization, rehabilitation, restoration, preservation, conservation or reconstruction of historical resources in a manner consistent with the Secretary of the Interior’s Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic buildings.*”

The designation of Taix French Restaurant as an Historic-Cultural Monument in accordance with Chapter 9, Article 1, of The City of Los Angeles Administrative Code (“LAAC”) will ensure that future construction activities involving the subject property are regulated in accordance with Section 22.171.14 of the LAAC. **The purpose of the designation is to prevent significant impacts to a Historic-Cultural Monument through the application of the standards set forth in the LAAC.** Without the regulation imposed by way of the pending designation, the historic significance and integrity of the subject property could be lost through incompatible alterations and new construction and the demolition of an irreplaceable historic site/open space. **The Secretary of the Interior’s Standards for Rehabilitation are expressly incorporated into the LAAC and provide standards concerning the historically appropriate construction activities which will ensure the continued preservation of the subject property.**

The City of Los Angeles has determined based on the whole of the administrative record, that substantial evidence supports that the Project is exempt from CEQA pursuant to CEQA Guidelines Section Article 19, Section 15308, Class 8 and Section 15331, Class 31, and none of the exceptions to a categorical exemption pursuant to CEQA Guidelines Section 15300.2 applies. The project was found to be exempt based on the following:

The use of Categorical Exemption Class 8 in connection with the proposed designation is consistent with the goals of maintaining, restoring, enhancing, and protecting the environment through the imposition of regulations designed to prevent the degradation of Historic-Cultural Monuments.

The use of Categorical Exemption Class 31 in connection with the proposed designation is consistent with the goals relating to the preservation, rehabilitation, restoration and reconstruction of historic buildings and sites in a manner consistent with the Secretary of the Interior’s Standards for the Treatment of Historic Properties.

Categorical Exemption ENV-2020-5525-CE was prepared on November 13, 2020.