

Attachment 3

RESOLUTION NO. 13-R-

A RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY HILLS DESIGNATING FOX WILSHIRE – SABAN THEATRE AT 8440 WILSHIRE BLVD, BEVERLY HILLS AS A LOCAL LANDMARK AND PLACING THE PROPERTY ON THE LOCAL REGISTER OF HISTORIC PROPERTIES.

Section 1. On January 24, 2012, the City Council adopted Ordinance No. 12-O-2617 establishing a historic preservation program and establishing a Local Register of Historic Properties in the City of Beverly Hills. The Ordinance enables the City Council to designate local landmarks and historic districts and to place those properties and geographical areas on the City's Register of Historic Properties.

Section 2. On September 4, 2012, the Cultural Heritage Commission conducted a preliminary consideration of the National Register Landmark, Fox Wilshire – Saban Theatre located at 8440 Wilshire Boulevard, Beverly Hills pursuant to section 10-3-3215 A. of the Historic Preservation Ordinance, and concluded that the Fox Wilshire – Saban Theatre warranted formal consideration by the Commission for inclusion onto the Local Register of Historic Properties.

Section 3. On April 10, 2013, the Cultural Heritage Commission considered a *Landmark Assessment Confirmation Review* for Fox Wilshire – Saban Theatre incorporated herein as Exhibit A, and other evidence provided during the proceedings and observations and moved to nominate Fox Wilshire – Saban Theatre as a Local Landmark. The Commission based its action on the findings of fact and reasons listed in the *Landmark Assessment Confirmation Review* by Jan Ostashay of Ostashay and Associates Consulting and other evidence.

Section 4. On May 7, 2013, the City Council considered the application for landmark designation along with the recommendation of the Cultural Heritage Commission and adopted this resolution. The Council based its action on the findings of fact and reasons listed in the *Landmark Assessment and Evaluation Report* by Jan Ostashay of Ostashay and Associates Consulting and other evidence provided during the proceedings.

Section 5. BACKGROUND. The Fox Wilshire – Saban Theatre has been both a significant cultural and an architectural landmark for Los Angeles and Beverly Hills since its opening in 1930. It was designed with 2500 seats by noted theatre architect S. Charles Lee to be a major film presentation house, even including a stage for live musical acts before the films. The theater is located on Wilshire Boulevard, the one of the most important and prestigious thoroughfares in the Southland. Situated one block inside the border of Beverly Hills the Fox Wilshire – Saban Theatre drew patrons from that city as well as from outlying areas but did not compete with its other flagship theatre in downtown Los Angeles. The iconic exterior of the building with its simple Art Deco ornamentation and central office tower is one of the first buildings seen by pedestrians and drivers entering the eastern boundary of the city of Beverly Hills along Wilshire Boulevard. Over its 80 year history, the Fox Wilshire – Saban Theatre has been the site of numerous film premieres, exclusive first-run film engagements, live concerts and touring Broadway shows. Despite several renovations, the largely intact interior of the theater continues to delight and amaze theatergoers with its columned two-story rotunda lobby, spacious orchestra and balcony level seating for 2,000, and its breath-taking silver, gold and black proscenium and organ screens. The connection with architect S. Charles Lee, a long-time resident of the city of Beverly Hills, make the Fox Wilshire – Saban Theatre significant also as a virtually intact example of Lee's

transition from the French Regency style of the Tower and Los Angeles Theatres to the nascent Art Deco style that would come to dominate movie palace architecture in the 1930's.

Section 6. FINDINGS. Pursuant to the City of Beverly Hills Historic Preservation Ordinance (Title 10, Chapter 3, Article 32; BHMC 10-3-32), this property satisfies the necessary requirements for local landmark designation. Fox Wilshire – Saban Theatre is eligible under "significance" criterion A.1, for its association with the cultural and recreational history of the City. As such, the Fox Wilshire – Saban Theatre has been a preferred location for film premieres, long running film engagements and live theatrical performances due to its central location in the city of Beverly Hills. From early talking pictures accompanied by stage shows, through major road show film engagements, lavish movie premieres and, most recently, Broadway plays and musicals, the Fox Wilshire – Saban Theatre has always been a key entertainment venue for the city of Beverly Hills and the west side of Los Angeles. Its modernistic architecture was also an optimistic rejection of the Depression and reflected the hope of moving forward to better times. The theatre is also eligible under "significance" criterion A.3, since it is a distinctive and unique property type in the City and was designed in the Art Deco style to specifically fit the corporate Fox Wilshire – Saban Theatre image as well as the regional forms of architecture popular in the late 1920s and early 1930s. In addition, the property satisfies local landmark "significance" criteria A.4, as it was designed by master architect S. Charles Lee. Finally, this property satisfies "significance" criteria A.6, since it has been formally listed on the National Register of Historic Places. The property also retains sufficient historical integrity from its period of significance (1930), and clearly has exceptional significant architectural value to the community.

Section 7. PARTICULAR CHARACTERISTICS JUSTIFYING LANDMARK

DESIGNATION THAT SHOULD BE PRESERVED. Use and development of Fox Wilshire – Saban Theatre shall be governed by the *Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings* (1995) by Weeks and Grimmer (herein referred to as the SOI Standards). These standards and guidelines have been formulated to ensure that any significant adverse changes to the property do not compromise those qualities that justify its listing as a landmark. In addition, the National Register of Historic Places Registration Form (the "National Register Form") set forth in Exhibit "A" further identifies those physical characteristics that represent Fox Wilshire – Saban Theatre historical significance for listing on the National Register of Historic Places. The primary characteristics justifying landmark designation and that should be preserved, are described in the National Register form.

Section 8. REASONS FOR DESIGNATING THE FOX WILSHIRE –

SABAN THEATRE A LOCAL LANDMARK. The City Council finds that the property meets the criteria for designation as a local landmark, and that the property warrants designation because it possesses important historical and cultural associations and architectural integrity to reflect the early development of a flagship theater in Beverly Hills, located on one of the most important and prestigious thoroughfares in the region. The Fox Wilshire – Saban Theatre is distinguished by its iconic exterior with simple Art Deco ornamentation that became a dominant movie palace archetype of the 1930s, its placemaking central office tower and by a largely intact interior with two-story rotunda lobby, spacious orchestra and balcony level seating and breathtaking silver, gold and black proscenium and organ screens. The Theater's association with

Master Architect S. Charles Lee marks an important stylistic shift in the architect's professional career. Finally, the Fox Wilshire – Saban Theatre retains historic integrity from its period of significance (1930) and clearly has exceptional significant architectural value to the community.

Section 9. GENERAL GUIDELINES AND STANDARDS FOR FUTURE PROPOSED CHANGES PURSUANT TO THE HISTORIC PRESERVATION ORDINANCE (Section 10-3-3224). The *Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings* (1995) by Weeks and Grimmer (herein referred to as the SOI Standards and Guidelines) are incorporated as reference. These standards and guidelines have been formulated to ensure that any significant adverse changes to the property do not compromise those qualities that justify its listing as a landmark. The guidelines and standards are an aid to public and private property owners, and others, formulating plans for new construction, for rehabilitation or alteration of existing structures, and for site development. The guidelines pertain to buildings of all occupancy and construction types, sizes and materials, and pertain to construction on exterior of existing buildings as well as new, attached, or adjacent construction. The SOI Standards and Guidelines are also designed to be standards which City Staff and the Cultural Heritage Commission shall apply when making decisions about Certificates of Appropriateness as required by the City of Beverly Hills Historic Preservation Ordinance. The location and boundaries of the delineated resource or resources are the property boundaries.

Section 10. ENVIRONMENTAL ANALYSIS. Designation of Fox Wilshire – Saban Theatre located at 8440 Wilshire Boulevard, Beverly Hills as a local historic landmark was assessed in accordance with the authority and criteria contained in the California Environmental Quality Act (CEQA), the State CEQA Guidelines, and the environmental regulations of the City. It

has been determined that landmark designation of Fox Wilshire – Saban Theatre would not have a significant environmental impact and is exempt from CEQA pursuant to Sections 15061(b)(3), 15308, and 15331 of Title 14 of the California Code of Regulations. It can be seen with certainty that there is no possibility that the designation of Fox Wilshire – Saban Theatre may have a significant effect on the environment, as no specific development is authorized by this resolution, and any future development proposed pursuant this resolution will require separate environmental analysis when the details of those proposals are known. Further, designating Fox Wilshire – Saban Theatre is an action of the City to protect and preserve an historic resource.

Section 11. GENERAL PLAN CONSISTENCY. Designation of Fox Wilshire – Saban Theatre as a local historic landmark is consistent with the objectives, principles, and standards of the General Plan. General Plan Policy “HP 1.3 – Promote National, State, and Local Designation of Historic Resources” encourages the establishment of programs encouraging the nomination of landmarks.

Section 12. The City Council hereby designates Fox Wilshire – Saban Theatre as a local landmark in the City of Beverly Hills and places Fox Wilshire – Saban Theatre on the City of Beverly Hills Local Register of Historic Properties as Landmark No. 12, for the reasons set forth in this resolution.

Section 13. The record of proceedings for designation of Fox Wilshire – Saban Theatre as a local landmark included on the City’s Register of Historic Properties is maintained by the City as part of the official records of the Community Development Department at 455 North Rexford Drive, Beverly Hills, California 90210.

Section 14. The City Clerk shall certify to the adoption of this Resolution and shall cause this Resolution and his certification to be entered in the Book of Resolutions of the City of Beverly Hills. The City Clerk shall also cause the Resolution to be recorded in the office of the county recorder of the county of Los Angeles as authorized by Section 3215 K of Chapter 3 of Title 10 of the City of Beverly Hills Municipal Code.

JOHN A. MIRISCH
Mayor of the City of
Beverly Hills, California

ATTEST:

BYRON POPE
City Clerk

APPROVED AS TO FORM

fw  (CDS)

LAURENCE S. WIENER
City Attorney

APPROVED AS TO CONTENT



SUSAN HEALY KEENE
Director of Community Development

Exhibit A – Landmark Assessment Report for the Fox-Wilshire Saban Theatre at
8440 Wilshire Boulevard, Beverly Hills, Prepared by Ostashay &
Associates Consulting.

EXHIBIT A:

Landmark Assessment Report for
Fox Wilshire - Saban Theatre at 8440 Wilshire Boulevard, Beverly Hills
Prepared by Ostashay & Associates Consulting

Ostashay & Associates

CONSULTING

P.O. Box 542
Long Beach, CA
562.500.9451
HISTORICS@AOL.COM

Memorandum

To: William Crouch, City of Beverly Hills

Date: 10/03/2012

From: Jan Ostashay, Principal OAC

Re: LANDMARK ASSESSMENT CONFIRMATION REVIEW: The Wilshire Theatre/Saban Theatre,
8440 Wilshire Boulevard, Beverly Hills, CA

Overview

At the request of the City of Beverly Hills Community Development Department, Planning Division, Ostashay & Associates Consulting has conducted an assessment review to confirm local landmark eligibility for the property located at 8440 Wilshire Boulevard (8430 Wilshire Boulevard). This property, referred to as The Wilshire Theatre or Saban Theatre, is currently listed on the National Register of Historic Places (see Attachment A).

The City's Historic Preservation Ordinance (Title 10, Chapter 3, Article 32; Beverly Hills Municipal Code 10-3-32) states that a property may be designated as a Landmark if it satisfies the following three criteria:

A. The Property meets at least two of the following criteria:

1. Is identified with important events in the main currents of national, state, or local history, or directly exemplifies or manifests significant contributions to the broad social, political, cultural, economic, recreational, or architectural history of the Nation, State, City, or community;
2. Is directly associated with the lives of Significant Persons important to national, state, City or local history;
3. Embodies the distinctive characteristics of a style, type, period, or method of construction;
4. Represents a notable work of a person included on the City's List of Master Architects or possesses high artistic or aesthetic value;
5. Has yielded or has the potential to yield, information important in the prehistory or history of the Nation, State, City, or community;
6. Is listed or has been formally determined eligible by the National Park Service for listing on the National Register of Historic Places, or is listed or has been determined eligible by the State Historical Resources Commission for listing on the California Register of Historical Resources.

B. The property retains integrity from its Period of Significance.

The proposed landmark retains integrity of location, design, setting, materials, workmanship, and association. Integrity shall be judged with reference to the particular criteria specified in subsection 10-3-3212 (A) of this section. A proposed Landmark's deferred maintenance, dilapidated condition, or illegal alterations shall not, on their own, be construed to equate to a loss of Integrity.

C. The Property Has Historic Value.

The proposed Landmark is of significant architectural value to the community, beyond its simple market value, and its designation as a Landmark is reasonable, appropriate, and necessary to promote, protect, and further the goals and purpose of this Article.

As part of the landmark assessment confirmation review, a brief context of information regarding the property has been provided followed by the application and evaluation of local significance for local designation consideration.

Background Information

THE WILSHIRE THEATRE/SABAN THEATRE

Address: 8440 Wilshire Boulevard (8430 Wilshire Bl.)

APN: 4333-029-018

National Register Info: 12000164; Listed: 2012

Significance: Entertainment-Recreational History, Architecture

Period of Significance: 1930

Architect: S. Charles Lee

The Fox Wilshire Theatre (The Wilshire Theatre) has been both a significant cultural and an architectural landmark for Los Angeles and Beverly Hills since its opening in 1930. It was designed with 2500 seats by noted theatre architect S. Charles Lee to be a major film presentation house, even including a stage for live musical acts before the films. The theater is located on Wilshire Boulevard, the one of the most important and prestigious thoroughfares in the Southland. Situated one block inside the border of Beverly Hills the Fox Theatre drew patrons from that city as well as from outlying areas but did not compete with its other flagship theatre in downtown Los Angeles. The iconic exterior of the building with its simple Art Deco ornamentation and central office tower is one of the first buildings seen by pedestrians and drivers entering the eastern boundary of the city of Beverly Hills along Wilshire Boulevard. Over its 80 year history, the Wilshire has been the site of numerous film premieres, exclusive first-run film engagements, live concerts and touring Broadway shows. Despite several renovations, the largely intact interior of the theater continues to delight and amaze theater-goers with its columned two-story rotunda lobby, spacious orchestra and balcony level seating for 2,000, and its breath-taking silver, gold and black proscenium and organ screens. The connection with architect S. Charles Lee, a long-time resident of the city of Beverly Hills, make the Wilshire significant also as a virtually intact example of Lee's transition from the French Regency style of the Tower and Los Angeles Theatres to the nascent Art Deco style that would come to dominate movie palace architecture in the 1930's.

Local Significance Findings

Pursuant to the City of Beverly Hills Historic Preservation Ordinance (Title 10, Chapter 3, Article 32; BHMC 10-3-32), this property satisfies the necessary requirements for local landmark designation. Fox Wilshire is eligible under "significance" criterion A.1, for its association with the cultural and recreational history of the City. As such, the Wilshire Theatre has been a preferred location for film premieres, long running film engagements and live theatrical performances due to its central location in the city of Beverly Hills. From early talking pictures accompanied by stage shows, through major road show film engagements, lavish movie premieres and, most recently, Broadway plays and musicals, the Wilshire has always been a key entertainment venue for the city of Beverly Hills and the west side of Los Angeles. Its modernistic architecture was also an optimistic rejection of the Depression and reflected the hope of moving forward to better times. The theatre is also eligible under "significance" criterion A.3, since it is a distinctive and unique property type in the City and was designed in the Art Deco style to specifically fit the corporate Fox Theatre image as well as the regional forms of architecture popular in the late 1920s and early 1930s. In addition, the property satisfies local landmark "significance" criteria A.4, as it was designed by master architect S. Charles Lee. Finally, this property satisfies "significance" criteria A.6, since it has been formally listed on the National Register of Historic Places. The property also retains sufficient historical integrity from its period of significance (1930), and clearly has exceptional significant architectural value to the community.



Figure 1, Source: National Register Nomination