
Office of the City Clerk, City of Los Angeles

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Council File Number

[03-0926](#)

Title

GIESE RESIDENCE / 840 WEST CESAR CHAVEZ BOULEVARD

Subject

Motion - On April 19, 2003, the Giese Residence at 840 West Cesar Chavez Boulevard was knowingly and wrongfully demolished by G.H. Palmer Associates (Palmer) without a demolition permit. Built in 1887, the Giese Residence was the last 19th Century home in the Bunker Hill area of downtown Los Angeles. On April 12, 2003, the Department of Building and Safety verified that the destruction of the Giese Residence had occurred without issuance of a demolition permit and immediately issued Palmer a "Stop Work" order and a 48-hour order to correct. On May 2, 2003, the Community Redevelopment Agency (CRA) advised Palmer that it "did not, and could not clear [his] Application, because the proposed demolition did not comply with the Plan or applicable law." The Community Redevelopment Agency further informed Palmer that his "demolition of the 'Giese Residence' (a structure of historical significance" without review, mitigation or permit was inconsistent with the Plan and the California Environmental Quality Act (CEQA), and was not authorized by the Agency." In 2002, Palmer had applied for a permit to demolish the Giese Residence to clear the site for future development. The Giese Residence was located within the boundaries of the Chinatown Redevelopment Project Area. Pursuant to the Chinatown Redevelopment Plan (Plan), the Community Redevelopment Agency was required to review Palmer's application to ensure conformance with the Plan. In September 2002, following preparation of an Initial Study/Draft Mitigated Negative Declaration and public comment period, the Community Redevelopment Agency determined that the Giese Residence was an historical resource and that an Environmental Impact Report (EIR) was required under the California Environmental Quality Act prior to the Community Redevelopment Agency's clearance of Palmer's application for a demolition permit. The Community Redevelopment Agency's determination was communicated to Palmer's legal counsel on October 31, 2002. Not only had the residence been identified as an historic resource within the Chinatown Redevelopment Project Area, but it also appeared to be eligible for listing in the California Register of Historic Resources. The home had historic significance as a last remaining example of "Boom of the Eighties" architecture downtown and as the last remaining home in downtown's "Park Tact" laid out by Prudent and Victor Beaudry. Prior to the wrongful weekend demolition of the Giese Residence, Council District One (1) had been in communication with Palmer's legal counsel and agents in an effort to facilitate the relocation of this historical resource. Just two days before the demolition occurred, an interagency meeting was held to facilitate relocation of the house by a willing buyer to a vacant lot located in the Angelino Heights Historic Preservation Overlay Zone (HPOZ), less than a mile away. In the late- 1980's, the City of Los Angeles enacted the so-called "Scorched Earth Ordinance" found in Section 91.106.4.1(10) of the Municipal Code to punish illegal demolition activity without proper permits and to deter developers from defying City permit requirements and State environmental laws. This ordinance authorizes the Department of Building and Safety to withhold development permits on a property for five years if it determines that demolition has occurred without proper permits. THEREFORE MOVE that the City Council direct the Department of Building and Safety in consultation with the City Attorney to undertake all civil and criminal measures available to the City under the Los Angeles Municipal Code and State law to enforce and prosecute G.H. Palmer Associates for this clearly egregious violation of City codes and the California Environmental Quality Act, including but not limited to the invoking of Section 91.106.4.1(10) of the Los Angeles Municipal Code, otherwise known as the "Scorched Earth Ordinance" in relation to the demolition of the Giese Residence at 840 West Cesar Chavez Boulevard; and FURTHER MOVE that the Department of Building and Safety and the City Attorney provide a status report of the enforcement actions undertaken by them to the Planning and Land Use Management Committee of the Council with two weeks.

Last Change Date

07/19/2005

Council District

1

Mover

ED REYES

Second

ALEX PADILLA

Archive History

5-6-03 - This day's Council session

5-6-03 - File to Calendar Clerk for placement on next available Council agenda

5-13-03 - Council Action - Motion ADOPTED *AS AMENDED (see attached motion)

5-13-03 - Council Action - *Verbal Motion - Bernson Mover 2003 / Reyes - ADOPTED - HEREBY MOVE that Council AMEND the Motion (Reyes - Padilla) on today's agenda (Item No. 32, Council File No. 03-0926) relative to possible prosecution of G. H. Palmer Associates for the wrongful demolition of the Giese Residence at 840 West Cesar Chavez Boulevard, to include the following recommendations:
*1. INSTRUCT the Department of Building and Safety and REQUEST the City Attorney to issue no permits for any new development for a minimum period of five years in connection with the wrongful demolition at 840 West Cesar Chavez Boulevard; and further REQUIRE that the property shall be maintained during this period at the owner's expense, and further, if the owner does not comply with this requirement, the City shall clean the property and place a lien on said property to cover the cost of cleaning.

*2. REQUEST the City Attorney to prepare and present an Ordinance to amend the Los Angeles Municipal Code Section 91.106.4.1(10) to state that the Department of Building and Safety shall withhold a building permit. *(Miscikowski - Reyes)

5-23-03 - File in files

6-9-04 - For ref - Communication from the Community Redevelopment Agency 4600 relative to increase of purchase order amount for the law firm of Fox & Sohagi by \$170,000 (From \$75,000 To \$245,000) for litigation services related to developer's permitless demolition of historic "Giese Residence" and subsequent lawsuit against Agency and City Chinatown Redevelopment Project - Downtown Region - Council District One.

6-9-04 - Ref to Housing, Community and Economic Development Committee

6-9-04 - File to Housing, Community and Economic Development Committee Clerk

7-2-04 - For ref - Communication from the City Administrative Officer 0220-00013-1952 relative to increase in contract authority for legal services related to the demolition of the Giese Residence lawsuit.

7-7-04 - Ref to Housing, Community and Economic Development Committee - to Committee Clerk

7-14-04 - Council Action - Motion ADOPTED to APPROVE Housing, Community and Economic Development Committee communication recommendations to:

AUTHORIZE the Chief Executive Officer, Agency, or designee to:

a. Amend the Agency's 2003-04 Budget and Work Program to transfer \$170,000 from Work Objective CH9990 (Project General) to CH6990 (Response to Development Opportunities).

b. Increase the Work Order for Fox and Sohagi in the amount of \$170,000 (from \$75,000 to \$245,000) for additional legal services related to the demolition of the Historic Giese Residence lawsuit.

7-19-04 - File to Housing, Community and Economic Development Committee Clerk OK

7-20-04 - File in files

1-10-05 - For ref - Communication from the Community Redevelopment Agency 4677, dated January 7, 2005, relative to increase of work order amount for the law firm of Fox & Sohagi by \$25,000 (from \$245,000 to \$270,000) for litigation and settlement services related to Developer's permitless demolition of historic "Giese Residence," Developer's subsequent lawsuit against Agency and City, and subsequent settlement of that lawsuit, Chinatown Redevelopment Project Area in Council District One.

1-11-05 - Ref to Housing, Community and Economic Development Committee

1-11-05 - File to Housing, Community and Economic Development Committee Clerk

3-1-05 - Council Action - Motion ADOPTED to APPROVE communication recommendation from the Housing, Community and Economic Development Committee to AUTHORIZE the Chief Executive Officer, Community Redevelopment Agency (CRA), or designee, to increase the work order amount for law firm, Fox & Sohagi, in the amount of \$25,000 (from \$245,000 to \$270,000) for additional legal services related to the litigation and settlement of Palmer Boston Street Properties II vs. City of Los Angeles and CRA (USDC Case No. CV03-6402-SVW), currently in the United States Federal District Court - Central District of California.

3-3-05 - File to Housing, Community and Economic Development Committee Clerk OK

3-4-05 - File in files

6-22-05 - For ref - Communication from the Community Redevelopment Agency 4789, dated June 16,

2005, relative to increase of work order amount for the law firm of Fox & Sohagi by \$22,000 (from \$270,000 to \$292,000) for litigation and settlement services related to the demolition of historic "Giese Residence," developer's lawsuit against the Community Redevelopment Agency and the City of Los Angeles, settlement of the lawsuit, and subsequent implementation of the settlement agreement for the lawsuit, Chinatown Redevelopment Project Area.

6-24-05 - Ref to Housing, Community and Economic Development Committee

6-24-05 - File to Housing, Community and Economic Development Committee Clerk

7-13-05 - Council Action - Housing, Community and Economic Development Committee report

ADOPTED to AUTHORIZE the Chief Executive Officer, Community Redevelopment Agency (Agency), or designee, to increase the work order amount for the law firm of Fox & Sohagi in the amount of \$22,000 (from \$270,000 to \$292,000) for additional legal services related to the settlement of the litigation entitled Palmer Boston Street Properties II v. City of Los Angeles and Community Redevelopment Agency, United States District Court Case No. CV03-6402-SVW, regarding the demolition of the historic "Giese Residence" located near the southeast corner of Figueroa Street and Cesar Chavez Avenue in the Chinatown Redevelopment Project Area.

7-18-05 - File to Housing, Community and Economic Development Committee Clerk OK

7-19-05 - File in files