

Daniel Freedman
dff@jmbm.com

1900 Avenue of the Stars, 7th Floor
Los Angeles, California 90067-4308
(310) 203-8080 (310) 203-0567 Fax
www.jmbm.com

Ref: 79963-0001

December 7, 2020

BY EMAIL ONLY (clerk.plumcommittee@lacity.org)

Hon. Chair Marqueece Harris-Dawson and
Members of the Planning and Land Use Management Committee
Attn: Leyla Campos, Legislative Assistant
City of Los Angeles
200 N. Spring Street
City Hall - Room 272
Los Angeles, CA 90012

Re: **Council File: 20-0246**
Hearing Date: December 8, 2020; Agenda Item 9
12244-12248 West Pico Boulevard / Chili Bowl / Historic-Cultural
Monument

Dear Chair Harris-Dawson and Hon. Members of the PLUM Committee:

This firm represents the owner of 12244-12248 W. Pico Boulevard (the "Property"), which is improved with an old dilapidated structure that was once a "chili-bowl" fast-food restaurant. This structure, which is now a sushi restaurant, was nominated for consideration as a Historic Cultural Monument ("HCM") in November of 2019, with the intent of preventing the owner from demolishing the building to make way for a new Transit Oriented Communities ("TOC") project proposed for the Property.

We submit this letter to advise the PLUM Committee that, on November 30, 2020, a legal action was filed with the Los Angeles Superior Court in connection with this nomination (See *12244 Pico LLC v City of Los Angeles*, Case No. 20STCP03940.). While our client did not want to resort to litigation, unfortunately this nomination and its associated stay had been pending for more than a year without any end in sight, and so drastic actions were necessary to avoid further delay. As described in the complaint (See Exhibit A), the lawsuit seeks relief from the court to enforce the deadlines set forth in Los Angeles Administrative Code ("LAAC") Section 22.171.10(f), which operates to deem this HCM nomination denied as of July 20, 2020. Due to this, it is our view that the PLUM Committee lacks jurisdiction to hear this nomination, as the LAAC clearly considers it to have been *deemed denied* almost 6 months ago now.

While we acknowledge the Mayor's COVID-19 orders purports to toll the Cultural Heritage Ordinance's deadlines, such an order is not authorized by law. The Charter is clear that the Mayor is not granted any legislative power, even in emergencies. The Mayor, therefore, does not have the authority to modify or toll a legislatively adopted ordinance by executive order, which is what the order tolling all LAAC deadlines purports to do. This conclusion is both sensible and reasonable, as HCM nominations severely restrict property rights while they are pending, which is why the strict deadlines contained in the Cultural Heritage Ordinance reflect the City Council's understanding that nominations must be expeditiously processed and concluded. It would be unreasonable for the City to permit a stay on permits to continue indefinitely, particularly when the City Council has been regularly hearing other HCM nominations and could have taken an action to modify the ordinance had it deemed it necessary. In consideration of these circumstances, to the extent PLUM seeks to continue forward with the upcoming hearing, **we respectfully request the PLUM Committee use this hearing as an opportunity to update the Council file to reflect that the nomination was deemed denied as of July 20, 2020.** This is needed to provide guidance to all City departments that our client may proceed forward with the TOC project.

Should the PLUM Committee decide to proceed with a full hearing on the nomination, notwithstanding the LAAC's deadline to act, please be advised that the owner participates in this hearing under protest and with a reservation of rights to pursue any and all claims set forth in the pending lawsuit. Subject to this reservation, we urge the PLUM Committee to deny this nomination. The so-called "chili-bowl" structure is not a historic monument or resource under any standard, and the fact that the City would even consider prioritizing fast-food nostalgia over affordable housing, is shocking to say the least.

With respect to the application of the HCM criteria to this structure, attached as **Exhibit B** is a complete Historic Resource Assessment ("HRA") performed by the experts at Sapphos Environmental. The HRA concludes that, due to extensive alterations to the "chili bowl" structure, the "property does not possess sufficient architectural quality or integrity to meet the minimum standards set forth under HCM Criterion 3, and **does not qualify for designation as an HCM** under the City of Los Angeles's Cultural Heritage Ordinance." (Sapphos HRA, Pg. 13).(Emphasis Added)

Accordingly, notwithstanding the City's failure to act, the nomination is substantively flawed. The "chili bowl" structure has been so heavily modified over the years that it is a shadow of its former self, and as a result cannot be restored and does not qualify for designation as an HCM. While we understand the Cultural Heritage Commission has been increasingly considering the nostalgic qualities of legacy businesses in HCM nominations, this is not a basis for designating a building as an HCM, and is certainly not a good reason to be stopping new housing developments that provide much needed affordable housing. For these reasons, we urge the PLUM Committee to find that this nomination was deemed denied as of July 20, 2020, and in the alternative, fails to meet the criteria for designation as an HCM under the City's Cultural Heritage Ordinance.

Hon. Members of the PLUM Committee
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Thank you for your consideration.

Very truly yours,

A handwritten signature in black ink, appearing to read 'DMR' or similar, written in a cursive style.

BENJAMIN M. REZNIK and
DANIEL FREEDMAN of
Jeffer Mangels Butler & Mitchell LLP

DF:df

CC Holly L. Wolcott, Los Angeles City Clerk (Cityclerk@lacity.org)
Kristen Gordon, Planning and Econ. Dev. Deputy, Councilmember Harris-Dawson.
Elizabeth Ene, Director of Planning and Land Use, Councilmember Blumenfield.
Sherilyn Correa, Director of Planning and Econ. Dev., Councilmember Price.
Gerald Gubatan, Planning Director, Councilmember Cedillo.
Hannah Lee, Chief of Staff, Councilmember Lee.
Terry P. Kaufmann-Macias. Deputy City Attorney, Office of the City Attorney.

Exhibit A

JEFFER MANGELS BUTLER & MITCHELL LLP
BENJAMIN M. REZNIK (Bar No. 72364)
breznik@jmbm.com
MATTHEW D. HINKS (Bar No. 200750)
mhinks@jmbm.com
DANIEL F. FREEDMAN (Bar No. 279225)
dfreedman@jmbm.com
1900 Avenue of the Stars, Seventh Floor
Los Angeles, California 90067-4308
Telephone: (310) 203-8080
Facsimile: (310) 203-0567

Attorneys for Petitioners 12244 PICO, LLC

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES

12244 PICO, LLC, a limited liability
company,

Petitioners,

v.

CITY OF LOS ANGELES, a municipal entity;
and DOES 1-25, inclusive,

Respondents.

CASE NO. 20STCP03940

**VERIFIED PETITION FOR WRIT OF
MANDATE AND COMPLAINT FOR
DECLARATORY RELIEF**

[Code of Civil Procedure §§ 1085]

I.

INTRODUCTION

1. Petitioner 12244 PICO, LLC, (“Petitioner”), is the owner of a commercial property located at 12240-12248 W. Pico Boulevard (“Property”), in the City of Los Angeles (the “City”). The Property is improved with two structures, one of which is a small engineering work-shop, and the other a small sushi restaurant.

2. The structure containing the sushi restaurant is referred to as the “Chili Bowl” structure, because it is an old structure that has been modified and repurposed from its original use as a fast food restaurant previously called the “Chili Bowl” restaurant. The Chili Bowl restaurant ended its use of the structure more than 60 years ago; however, the building maintains elements of its original “bowl-like” cylindrical shape.

3. Petitioner purchased the Property in August 2019, with the intent of demolishing the existing structures and developing the Property with a mixed-use residential development with dedicated affordable units (the “Project”). This use is permitted by-right under local and state law.

4. Soon after Petitioner closed escrow on the Property, Petitioner submitted an application to the Los Angeles Department of Building and Safety (“DBS”) for a permit to demolish the existing structures as a first step towards developing the intended affordable housing project. Pursuant to City regulations, no permit would be issued until Petitioner posted at the Property a notice of demolition, and 30 days passed from the date of the application.

5. Shortly after Petitioner applied for the demolition permit, the City’s Office of Historic Resources accepted a nomination to consider the “Chili Bowl” structure for inclusion in the City’s list of protected Historic-Cultural Monuments (“Monument”). Under the City’s Cultural Heritage Ordinance (the “Ordinance”), once the nomination was accepted, no demolition permit or any other permit that might alter the Property, could be issued. As a result, the affordable housing project was stopped in its tracks. If the nomination ultimately results in the building being designated as a Monument, the housing project would be impossible to construct.

6. Nominations under the Ordinance are first heard by the Commission, which reviews the nomination and makes a recommendation to the City Council. The City Council finally decides

1 whether or not to designate the nominated property as a Monument. The Ordinance provides that the
2 City Council must make its final determination on the nomination within 165 days (inclusive of
3 extensions) of the Commission's recommendation. If the City Council fails to act within that time,
4 the nomination is deemed denied.

5 7. The Commission considered the nomination for the Property at hearings on December
6 5, 2019, and February 4, 2020. After deliberations, the Commission voted 3-1 to recommend that the
7 City Council designate the Property as a Monument. The recommendation was then forwarded to the
8 City Council, and a report of the Commission's action was submitted to the City Clerk's office on or
9 about February 21, 2020.

10 8. In or around March 2020, the City of Los Angeles declared a local emergency due to
11 the COVID-19 public health crisis. On March 21, 2020, the Mayor of Los Angeles issued an
12 executive order purportedly "tolling [] deadlines prescribed in the Municipal Code." Included in the
13 list of municipal code deadlines being tolled, were all time limits contained in the Ordinance.
14 Specifically, the order acted to "toll all time limits included within the [Ordinance] (Los Angeles
15 Administrative Code Section 22.171 et. seq.)." About a month later, the City Clerk's records were
16 updated to note that the City's deadlines to act on the nomination were tolled pursuant to the Mayor's
17 order.

18 9. To date, the City Council has not acted on the nomination. Notwithstanding the
19 Ordinance's requirement that the City Council act on the nomination within 165 days, the nomination
20 has been pending with the City Council for almost 300 days, and the City's stay on the issuance of
21 permits for the Property pursuant to the Ordinance has been in place now for more than a year.
22 Meanwhile, the City Council has continued to regularly convene, and has heard and decided several
23 Monument nominations for other properties.

24 10. The City's reliance on the Mayor's executive orders to ignore the Ordinance timelines
25 is improper and illegal. The Mayor does not have and has never had the authority to amend legislative
26 actions by executive order under any circumstance, and the City Council's reliance on those
27 improperly-issued orders cannot be used as justification for failing to apply and enforce the hearing
28 deadlines set forth in the Ordinance. Because the Mayor's order is of no force or effect whatsoever,

1 the Property's nomination is deemed denied by the passage of the statutory time for the City Council
2 to act.

3 11. With the proposed affordable housing development having been delayed for a year,
4 and with no apparent end in sight, Petitioner has no choice but to seek relief from the Court to bring
5 an end to this absurd and unlawful situation. Specifically, Petitioner seeks (i) declaratory relief to
6 declare and affirm that the nomination is deemed denied pursuant to the requirements of the
7 Ordinance; (ii) declaratory relief to declare the Mayor's orders tolling all Los Angeles Administrative
8 Code ("LAAC") deadlines as void and an unlawful *ultra vires* act, and/or in the alternative, an
9 unlawful moratorium under Gov't. Code § 65858; and (iii) a writ of mandate directing the City to
10 issue Petitioner's demolition permit so Petitioner can proceed with development of the affordable
11 housing project.

12 II.

13 THE PARTIES AND VENUE

14 12. Petitioner 12244 PICO, LLC is a limited liability company doing business in Los
15 Angeles County, California. Petitioner owns the real property that is the subject of this Petition and
16 is the applicant for the entitlements at issue.

17 13. Respondent City is a municipal corporation and a charter city, organized and existing
18 under the laws of the State of California, with the capacity to sue and be sued. As used herein, the
19 term "City" includes, but is not limited to, City employees, agents, officers, boards, commissions,
20 departments, and their members, all equally charged with complying with duties under the City
21 Charter, and with the laws of the State.

22 14. Petitioner does not know the true names or capacities, whether individual, corporate,
23 associate or otherwise, of Respondent Does 1 through 25, inclusive, and therefore sues said
24 Respondents under fictitious names. Petitioner will amend this Petition to show their true names and
25 capacities when and if the same have been ascertained.

26 15. Venue is proper in this court since the actions complained of in this Petition, the
27 subject property, and the project took place or is or would be sited in Los Angeles County.

28 III.

1 **FACTS COMMON TO ALL CAUSES OF ACTION**

2 **A. The Property, the Project, and the Historic Monument Designation Stay on**
3 **Permits.**

4 16. Petitioner is the owner of the real property located at 12240-12248 W. Pico Boulevard,
5 in the City of Los Angeles (the “Property”). The Property consists of three parcels totaling
6 approximately 8,185 square feet, and is currently improved with two small commercial buildings with
7 parking.

8 17. Petitioner contracted to purchase the Property in or around August 2019. Petitioner’s
9 intent was to develop the Property with a mixed-use, multi-family residential building containing
10 much-needed affordable housing (the “Project”). Escrow on the Property closed in October 2019.

11 18. On or about October 18, 2019, Adrian Scott Fine, of the Los Angeles Conservancy filed
12 a Monument nomination form with the Commission seeking to designate the Property as a Monument
13 under the Ordinance. The nomination argued that the Chili Bowl structure meets the Ordinance’s criteria
14 for the designation of Monuments that “embod[y]the distinctive characteristics of a style, type, period, or
15 method of construction; or represents a notable work of a master designer, builder, or architect whose
16 individual genius influenced his or her age.” (the “HCM Nomination.”) The Commission’s staff report
17 described the structure to be designated as follows:

18 The Chili Bowl is a one-story commercial building located at the southeast corner of
19 West Pico Boulevard and South Wellesley Avenue in the Sawtelle neighborhood of
20 Los Angeles. Constructed in 1935 and relocated from its original location in Silver
21 Lake to the present site in 1939, the subject property was erected as a restaurant by
22 restaurateur and entrepreneur Arthur N. Whizin, whose multi-location Chili Bowl
23 restaurant chain operated throughout Los Angeles County between 1931 and the mid-
24 1940s. The building was constructed in the Programmatic architectural style, designed
to mimic the appearance of a giant chili bowl. The subject property remains in use as
a restaurant. The parcel also includes a 1952 one-story industrial building to the rear
of the restaurant, constructed as a storage facility and presently used as a welding shop.
(Commission’s December 5, 2019 Staff Report, Pg. 2.)

25 19. No notice was provided to Petitioner that the nomination was being prepared, or that it
26 was submitted to the Commission for its review.

27 20. On or about November 4, 2019, Petitioner submitted an application to DBS for a
28 permit to demolish the existing structures located on the Property (Permit No. 19019-10000-05531),

1 as a first step towards the development of the Project. No permit was issued at that time due to the
2 fact that the City requires a notice be posted at the project site for a period of the proposed demolition
3 before a permit is issued. After a demolition permit application is submitted, a permit will be issued
4 to the applicant after the 30 day period elapses, and upon showing evidence that the notice was posted.
5 Petitioner complied with these regulations and posted the required notice.

6 21. Before the 30 days elapsed, on or about November 21, 2019, the City's Office of
7 Historic Resources ("OHR") accepted the HCM Nomination for the Commission's review and
8 deemed it complete. Under LAAC Sec. 22.171.12, the City immediately imposed a stay on the
9 issuance of any building or demolition permit for the Property.

10 22. Under the Ordinance, the stay remains in place until either (i) "[a] final determination
11 [is made] by the Commission and the City Council on whether the proposed site... shall be designated
12 as a [Monument];" or, (b) "after the expiration of the final period of time to act contained in Section
13 22.171.10(f) [...], the City Council has not taken an action on the application [...] to designate a
14 Monument..." LAAC Section 22.171.10(f) sets forth the following timing requirements for the City
15 to act on a requested Monument designation:

16 **Time for City Council to Act.** The City Council may approve or disapprove in whole
17 or in part an application or initiation for a proposed designation of a Monument. The
18 City Council shall act within 90 days of the public hearing held before the Commission
19 on the proposed designation. The City Council may unilaterally extend the 90-day time
20 limit to act for a maximum of 15 days for good cause. With written consent of the
21 owner, the time for the City Council to act may be extended by up to an additional 60
22 days. If the City Council does not act on the application or initiation within the
specified time limit, the application or initiation to designate a Monument shall be
deemed to have been denied. The City Council may override a Commission
recommendation of denial of a City Council-initiated designation by a minimum often
votes.

23 23. On December 5, 2019, the Commission held the first of two hearings it would hold on
24 the HCM Nomination before sending the nomination to the City Council with its recommendation.
25 The Commission reviewed the nomination and voted to take the property under consideration and
26 view it in person.

27 24. On January 9, 2020, a subcommittee of the Commission consisting of Commissioners
28 Barron and Kanner visited the property accompanied by staff.

1 25. On February 6, 2020, the Commission held its second hearing and voted 3-1 to
2 recommend the City Council designate the Property as a Monument. The Commission issued a letter
3 of determination (“LOD”) on February 21, 2020.

4 26. The LOD included the following summary of the Ordinance’s procedural
5 requirements:

6 **Time for Council to Act:** The Commission action is hereby transmitted to the City
7 Council for consideration. Pursuant to Section 22.171.10(f) of the Los Angeles
8 Administrative Code, the Council may approve or disapprove in whole or in part an
9 application or initiation for a proposed designation of a Monument. The Council shall
10 act in 90-days of the public hearing held before the Commission on the proposed
11 designation. The City Council may unilaterally extend the 90-day time limit to act for
12 a maximum of 15 days for good cause. With written consent of the owner, the time for
the City Council to act may be extended by up to an additional 60 days. ***If the Council
does not act on the application or initiation within this specified time limit, the
application or initiation to designate a Monument shall be deemed to have been
denied.*** [Emphasis Added.]

13 27. The Commission’s recommendation was then referred to the City Council for a final
14 action. Pursuant to the Ordinance, the City Council was required to act on the nomination no later
15 than May 6, 2020; otherwise, the Monument designation is deemed to have been denied. Inclusive
16 of all possible extensions, the Ordinance required the City Council to act on the nomination no later
17 than July 20, 2020 (Feb. 6, 2020 + 165 days = July 20, 2020.).

18 28. As a matter of standard practice, City Council hearings on Monument designations are
19 conducted by the Planning and Land Use Management Committee (“PLUM”) of the City Council,
20 before being the nomination is sent to the full City Council for a final vote.

21 29. On or about April 17, 2020, PLUM waived consideration of the item, and sent the
22 designation to the full City Council for a public hearing.

23 30. On or about April 27, 2020, upon the request of the City, the Property owner submitted
24 a letter to the City Council agreeing to permit any and all extensions provided under the Ordinance
25 to permit the City Council additional time to hear the HCM Nomination..

26 31. The Monument designation was then scheduled to be heard by the City Council on
27 April 29, 2020. Instead of hearing the item, the City Council voted 15-0 to refer the nomination back
28 to PLUM for a hearing.

1 32. No action has been taken by the City on this nomination since.

2 33. Given the “deemed denied” status of the Monument designation under the Ordinance,
3 on or about September 24, 2020, Petitioner filed a vesting SB 330 Preliminary Application with the
4 Department of City Planning for a ministerial “4-Story, 24 units Transit Oriented Communities multi-
5 residential building...[with] 3 affordable units for extremely low-income households.” (the
6 “Affordable Housing Project”)

7
8 34. Petitioner is informed and believes, and on that basis alleges, that the City continues
9 to maintain an ongoing stay on the issuance of any and all building or demolition permits for the
10 Property. The City’s refusal to apply the time limits specified in the Ordinance and to deem the HCM
11 Nomination denied prohibits Petitioner from obtaining a ministerial permit to demolish the existing
12 structures and develop the new Affordable Housing Project.

13 35. Given that the City Council’s deadline to act on the nomination expired more than 4
14 months ago, Petitioner is informed and believes and based thereon alleges that the City is relying on
15 the Mayor’s order to extend indefinitely the deadline for deciding on the HCM Nomination. This is
16 evidenced by a note contained in the City Clerk records which states: “Time Limit was tolled pursuant
17 to the Mayor’s Public Order issued on 3/21/20. (Original Time Limit: 5/6/20)”

18 36. Now, more than a year after Petitioner sought to start construction on the Affordable
19 Housing Project, Petitioner is still unable to obtain permits due to the ongoing stay put into place as
20 a result of the nomination. As the indefinite continuance of the City Council hearing drags on, so
21 does an indefinite stay on Petitioner’s rights to obtain demolition and building permits.

22 37. Understandably frustrated over the City’s refusal to act, on or about November 2,
23 2020, Petitioner submitted a letter to the City Council objecting to the City’s failure to comply with
24 the Ordinance and LAAC Sec. 22.171.10(f), and requesting the Clerk update its records to specify
25 that the Monument designation was deemed denied as of July 20, 2020. To date, the City has provided
26 no response to Petitioner’s letter, and DBS records continue to state that the Property is subject to a
27 stay on permit issuance due to the HCM Nomination's pending status.

28 **B. Mayor’s Unauthorized Tolling of all Municipal Code and Administrative Code**

1 **Deadlines.**

2 38. On or about March 21, 2020, the Mayor of Los Angeles issued a “Public Order Under
3 City of Los Angeles Emergency Authority” (the “Order”). Petitioner is informed and believes and
4 on that basis alleges that the City Council relies on the Order to justify its disregard of the timelines
5 set forth in the Ordinance. The Order concerns the “Tolling of Deadlines Prescribed in the Municipal
6 Code,” and states as follows:

7 To further aid in our efforts to slow the spread of the COVID-19 virus, by virtue of
8 authority vested in me as Mayor of the City of Los Angeles under the provisions of
9 the Los Angeles Administrative Code, Chapter 3, Section 8.29 to promulgate, issue,
10 and enforce emergency rules, regulations, orders, and directives, I hereby declare the
following order to be necessary for the protection of life and property and I hereby
order, effective immediately, until April 19, 2020, that:

11 All deadlines prescribed in the Los Angeles Municipal Code, including but not limited
12 to provisions in community, specific, or other similar plans, pertaining to public
13 hearings and decisions made by legislative bodies, zoning administrators, the Director
14 of Planning, the General Manager of the Department of Building and Safety, or other
City department general managers, including expiration dates for utilization of
existing approvals, shall be tolled and suspended until further notice. This order shall
apply, without limitation, to the following non-exhaustive list of circumstances:

15 (1) Expiration of Building and Other Related Permits and Plan Check Applications.
16 During the effective period of this order, toll all local municipal code provisions
17 regarding expiration of permits, plan check, and slight modifications or alternatives,
including LAMC Sections 98.0602, 98.0603, and 98.0604 as well as LAMC 12.26
18 A.3(a).

19 (2) Time to Act on Entitlement Applications. During the effective period of this order,
20 toll all Zoning Code provisions regarding the Time to Act on filed applications. These
actions shall be implemented consistent with State law and/or any directive issued by
21 the Governor.

22 (3) Time Period for Effectuation & Utilization of Entitlements. Toll and extend time
23 limits by 6 months for effectuation and utilization of all entitlements already approved
and still valid, or approved during the effective period of this order.

24 (4) Time Limits in the Cultural Heritage Ordinance. Toll all time limits included within
25 the Cultural Heritage Ordinance (Los Angeles Administrative Code Section 22.171 et.
seq.).

26 Local decision-makers, including the Director of Planning and Zoning Administrator,
27 are hereby authorized to hold public hearings prescribed by the Los Angeles Municipal
Code in a manner consistent with the Governor’s Executive Order N-29-20, and any
28 subsequent orders or published guidance, pertaining to local legislative bodies.

1 Nothing in this Order prohibits the applicable City Departments from continuing to
2 process applications in a reasonable and timely manner.

3 This order may be extended prior to April 19, 2020.

4 39. On or about April 17, 2020, the Mayor issued another “Public Order Under City of
5 Los Angeles Emergency Authority” (the “Extension Order”). The Extension Order provides, in part,
6 as follows:

7 Order Extending the Expirations of Prior Orders The expiration of the City of Los
8 Angeles public emergency orders, dated March 15, 21, and 23, 2020, are hereby
extended until the end of the local emergency period.

9 40. Both Orders claim that the Mayor is authorized to issue the Orders pursuant to
10 “Los Angeles Administrative Code, Chapter 3, Section 8.29.” This section, and other relevant sections
11 of Division 8 of the LAAC, provide as follows:

12 **Sec. 8.24. Board.** The term “Board” shall mean the Emergency Operations Board.

13 **Sec. 8.29. Director of Emergency Operations Organization.** During the period of
14 a local emergency, and with respect to emergency preparedness and response
15 activities, the Mayor shall be the Director of the Emergency Operations Organization,
16 and all powers and duties herein *conferred upon the Board or any officer or chief of*
17 *a division* shall be exercised subject to the direction and approval of the Mayor. The
18 Director is authorized to promulgate, issue and enforce rules, regulations, orders and
directives which the Director considers necessary for the protection of life and
property. Such rules, regulations, orders and directives shall take effect immediately
upon their issuance, and copies thereof shall be filed in the Office of the City Clerk.
[Emphasis Added.]

19 **Sec. 8.40. Designation and Membership of Board.** There is hereby created an
20 Emergency Operations Board hereinafter referred to in this chapter as the “Board”.
Said Board shall consist of the following members: Chief Engineer and General
21 Manager of the Fire Department. Chief Legislative Analyst of the City Council. Chief
of Police who is hereby designated as permanent chairman. Chief of the Public Works
22 Division. Director of the Office of Administrative and Research Services. General
Manager and Chief Engineer of the Department of Water and Power. General Manager
23 of the Airport Department. General Manager of the Emergency Management
Department. General Manager of the Department of General Services. General
24 Manager of the Harbor Department. General Manager of the Information Technology
Agency. General Manager of the Personnel Department. General Manager of the
25 Department of Recreation and Parks. General Manager of the Department of
26 Transportation. Superintendent of Building and General Manager of the Department
of Building and Safety.

27 **Sec. 8.57. Building and Safety Division.** The Building and Safety Division shall be
28 under and subject to the control of the Department of Building and Safety of the City

1 of Los Angeles. The Chief of this division shall be the Superintendent of Building and
2 General Manager of the Department. The chief of this division shall have the power
3 and duty to determine the extent of damage to buildings, structures and other
4 installations and soil conditions within the jurisdiction of the Department of Building
5 and safety, to determine imminent and potential hazards to such items, to determine
6 and order the necessary vacating, barricading, demolishing or other abatement of such
7 hazards, to advise individuals or other agencies regarding the condition of buildings
8 or sites and the use of temporary bracing, shoring and other safety measures, to provide
9 liaison and cooperation with other divisions of the Emergency Operations
10 Organization as well as assistance to other City departments, to provide mutual aid, in
11 the form of inspection personnel to other local agencies or municipalities as can be
afforded and to supervise volunteer inspection and engineering personnel, who are
registered disaster service workers and are assisting Building and Safety Division
personnel. The chief of this division shall also cooperate with other divisions of the
Emergency Operations Organization as well as other City departments to develop and
recommend to the City Council any appropriate legislation or modifications to existing
legislation in order to enhance the safety of buildings and structures or mitigate safety
hazards in buildings or structures.

12 41. To the extent the City seeks to rely on the Mayor's Orders to toll and/or extend the
13 City Council's deadline to act on the nomination, the City's interpretation and application of the
14 Orders is illegal and inconsistent with the City's laws.

15 42. Pursuant to the City Charter, the Los Angeles City Council is vested with "all
16 legislative power of the City..." (See Los Angeles Charter, Article II, Sec. 240; LAAC, Sec. 2.1
17 (emphasis supplied)). Neither the Charter nor the LAAC grants the Mayor authority to create, amend,
18 or disregard existing legislation by executive order. To the contrary, the Charter clearly limits the
19 Mayor's authority to such actions that are "not inconsistent with the Charter or ordinance..." (Los
20 Angeles Charter, Article II, Sec. 231.) Accordingly, the Mayor does not have the authority to
21 promulgate orders or rules inconsistent with City law.

22 43. The time limits set forth in the Ordinance for the processing of a Monument
23 designation were adopted by legislative action of the Los Angeles City Council in 2018 (Ordinance
24 No. 185472.), and the Mayor does not have the legal authority to unilaterally modify or stay the
25 enforcement of the Ordinance under any circumstance.

26 44. To the extent the Mayor does have the authority to make emergency orders under
27 LAAC Section 8.29, this authority is limited to making of rules and regulations "necessary for the
28 protection of life and property," but this authority does not include the authority to modify

1 legislatively-adopted ordinances.

2 45. This is highlighted by the fact that the emergency provisions of the Charter do not
3 grant the Mayor any power to exercise the City Council’s legislative authority; it vests the Mayor
4 only with the powers of the members of the Emergency Operations Board, none of whom wield the
5 authority to make or amend legislation. This fact is acknowledged in the Charter itself. For example,
6 even in an emergency, the powers of the Board of Building and Safety are limited to “recommend[ing]
7 to the City Council any appropriate legislation or modifications to existing legislation [needed] to
8 enhance the safety of buildings and structures or mitigate safety hazards in buildings or structures.”
9 Accordingly, the Charter recognizes that even in the event of an emergency, the City Council—and
10 the City Council alone—is vested with the authority to make or amend legislative acts for the City.
11 The emergency powers granted to the Mayor do not alter this separation of powers within the City.

12 46. In this instance, the Mayor’s Orders modifying the requirements of the LAAC by
13 tolling all deadlines for the City Council to act is an illegal legislative act that is not permitted by the
14 Charter or the City’s Municipal Code. Moreover, as it was done solely for the scheduling convenience
15 of the legislative body, it does not constitute a rule “necessary of the protection of life and property,”
16 as it has absolutely no relevance to the dangers posed by the local emergency caused by the COVID-
17 19 pandemic.

18 47. In summary, the Mayor’s orders cannot toll a legislatively-adopted deadline
19 proscribed by ordinance, and cannot change the fact that the Monument designation is properly
20 considered deemed denied as of July 20, 2020.

21 48. Even assuming, *arguendo*, that the Charter and LAAC authorize the Mayor to issue the
22 Orders (as established above, they do not), the Orders constitute an unlawful moratorium under
23 California Government Code § 65858. Under Section 65858, state law grants the City the authority to
24 adopt an urgency measure prohibiting uses that may conflict with a contemplated zoning proposal (*e.g.*,
25 future historic designations); however, such action must follow the procedures and requirements set
26 forth in the same section. One such requirement, is that any moratorium must be approved by a four-
27 fifths vote of the City Council. Here, none of the requirements set forth in Government Code § 65858
28 were met by the Mayor’s Orders. Consequently, to the extent the City is relying on the Orders to permit

1 an indefinite moratoria on development for properties in the HCM Nomination process, such an action
2 constitutes an illegal moratoria in conflict with state law and is therefore void on that basis.

3 IV.

4 **STANDING AND EXHAUSTION OF ADMINISTRATIVE REMEDIES**

5 49. Petitioner is the owner of the Property that is the subject of the proposed HCM
6 Nomination and the building permits at issue, and is therefore beneficially interested in the subject of
7 this Petition.

8 50. Petitioner sought the subject demolition permit through the City's defined procedures.

9 51. Petitioner has no plain, speedy or adequate remedy in the course of ordinary law unless
10 this Court grants the requested declaratory relief and writ of mandate.

11 52. Petitioner has exhausted all administrative remedies available to it. There are no
12 additional appeals from the decision of the Commission, other than to the City Council, which has
13 refused to respond to Petitioner's objections and has refused to schedule a hearing on the matter. In
14 addition, and alternatively, to the extent the City contends that administrative appeals are available to
15 Petitioner it would be futile in these circumstances to require Petitioner to engage in the lengthy and
16 expensive process as the City has already deemed the Mayor's Orders to be valid and operative, and
17 has refused to acknowledge deadlines specified by the Ordinance.

18 19 **FIRST CAUSE OF ACTION**

20 **(Declaratory Relief Against Respondent City Of Los Angeles)**

21 53. Petitioner re-alleges Paragraphs 1 through 52, which are incorporated herein by this
22 reference.

23 54. An actual controversy has arisen and now exists between Petitioner and Respondent.
24 As described above, Petitioner contends that by operation of the timelines set forth in the Ordinance,
25 that the HCM Nomination was deemed denied as of July 6, 2020. Petitioner is informed and believes
26 and on that basis alleges that the City denies Petitioner's contention.

27 55. A judicial determination of these issues and of the respective rights and duties of
28 Petitioner and Respondent is necessary and appropriate at this time under the circumstances to

1 properly implement the requirements and timelines set forth in the Ordinance, which is currently
2 being improperly and illegally disregarded by the City. A judicial determination is necessary to
3 prevent the City from continuing to ignore the requirements of the Ordinance.

4 5 **SECOND CAUSE OF ACTION**

6 **(Declaratory Relief Against Respondent City Of Los Angeles)**

7 56. Petitioner re-alleges Paragraphs 1 through 55, which are incorporated herein by this
8 reference.

9 57. An actual controversy has arisen and now exists between Petitioner and Respondent.
10 As described above, Petitioner is informed and believes and on that basis alleges that the City relies
11 on the Mayor's March 21, 2020 and April 17, 2020 Orders to justify disregarding applicable deadlines
12 in the Municipal Code and the Ordinance. The Municipal Code and the Ordinance, however, were
13 adopted by legislative action. The Mayor is vested with no authority to modify, amend, or toll
14 legislatively-adopted laws. Petitioner further contends that the Orders, including the indefinite time
15 frame of the applicability of the Orders, are the product of arbitrary and capricious decision making
16 in that, among other things, there is no evidence that an order indefinitely tolling the HCM nomination
17 in respect to Petitioners' Property is necessary for the protection of either life or property.

18 58. Petitioner is informed and believes and on that basis alleges that the City denies these
19 contentions.

20 59. Moreover, Petitioner further contends that the City's indefinite stay on the issuance of
21 demolition permits for all properties subject to an HCM Nomination constitutes an unlawful
22 moratorium, in conflict with the mandates of Government Code § 65858. Petitioner is informed and
23 believes and on that basis alleges that the City denies these contentions.

24 60. A judicial determination of these issues and of the respective rights and duties of
25 Petitioner and Respondent is necessary and appropriate at this time under the circumstances.

26 27 **THIRD CAUSE OF ACTION**

28 **(Petition For Writ Of Mandate Against Respondent City Of Los Angeles)**

61. Petitioner re-alleges Paragraphs 1 through 60, which are incorporated herein by this reference.

62. The HCM Nomination is deemed denied under the Ordinance. Accordingly, Respondent has a ministerial duty to issue Petitioner's demolition permit.

63. Petitioner is entitled to a writ of mandate to compel enforcement of Respondent's ministerial duty to issue Petitioner's permit.

PRAYER FOR RELIEF

WHEREFORE, Petitioner prays for judgment against all Respondents, and each of them as follows:

1. For a judicial declaration that the HCM Nomination relative to the Property is deemed denied pursuant to the requirements of the Ordinance.

2. For a judicial declaration that the Mayor's Orders tolling all Ordinance deadlines is void as an unlawful legislative action, or in the alternative is an unlawful moratorium under Gov't. Code § 65858;

3. For a peremptory writ of mandate pursuant to Code of Civil Procedure § 1085 directing the City to process and issue Petitioner's ministerial demolition permit (Permit No. 19019-10000-05531).

4. For preliminary and permanent injunctive relief prohibiting the City and all other acting in concert with the City from enforcing the Orders to delay the processing of HCM Nominations within the time limits of the Ordinance;

5. For costs of suit and reasonable attorneys' fees pursuant to applicable provisions of law, including Code of Civil Procedure § 1021.5; and

6. For such other relief as the Court may deem just and proper.

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DATED: November 30, 2020

JEFFER MANGELS BUTLER & MITCHELL LLP
BENJAMIN M. REZNIK
MATTHEW D. HINKS
DANIEL F. FREEDMAN

By: 
MATTHEW D. HINKS
Attorneys for Petitioner 12244 PICO LLC

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VERIFICATION

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I have read the foregoing **VERIFIED PETITION FOR WRIT OF MANDATE AND COMPLAINT** and know its contents.

CHECK APPLICABLE PARAGRAPH

- ☐ I am a party to this action. The matters stated in it are true of my own knowledge except as to those matters which are stated on information and belief, and as to those matters I believe them to be true.
- ☒ I am ☒ an Officer ☐ a partner, ☐ a _____ of 12244 Pico, LLC, a party to this action, and am authorized to make this verification for and on its behalf, and I make this verification for that reason. I have read the foregoing document and know its contents. I am informed and believe that the matters stated herein are true.
- ☐ I am one of the attorneys for _____, a party to this action. Such party is absent from the county of aforesaid where such attorneys have their offices, and I make this verification for and on behalf of that party for that reason. I have read the foregoing document and know its contents. I am informed and believe and on that ground allege that the matters stated in it are true.

I declare under penalty of perjury under the laws of the United States of America and the State of California that the foregoing is true and correct.

Executed on November 27, 2020, at Los Angeles, California.

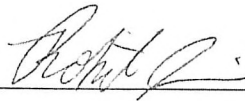


Exhibit B

November 2, 2020
Project No. 2339-006
Historic Preservation Services for
12244 Pico Boulevard, Los Angeles, CA

MEMORANDUM FOR THE RECORD

2.6 2339-006.M01

TO: 12244 Pico, LLC

FROM: Sapphos Environmental, Inc.
(Ms. Carrie Chasteen)

SUBJECT: Historic Preservation Services for 12244 Pico Boulevard, Los Angeles, California

EXECUTIVE SUMMARY

This Memorandum for the Record (MFR) recounts the preliminary findings for peer review of the Historic-Cultural Monument (HCM) nomination under consideration by the City of Los Angeles City Council for the subject property located at 12244 Pico Boulevard, also known as the Chili Bowl (APN 4259-040-006). Sapphos Environmental, Inc. understands that the subject property was found eligible for designation as an HCM pursuant to Criterion 3, exemplifies the distinctive characteristics of a style, type, period, or method of construction.

Sapphos Environmental, Inc. (Ms. Carrie Chasteen) was retained by 12244 Pico, LLC to complete a peer review of the HCM nomination for the subject property. Methods included reviewing the HCM nomination, identifying character-defining features of the Programmatic style of architecture for the Chili Bowl restaurant chain, and completing preliminary background research. Although the subject property is a rare surviving example of Programmatic architecture in the City of Los Angeles, the building has been substantially altered, does not retain integrity, and does not retain the character-defining features of the property type with the exception of the rounded bay with curved parapet and foundation. Because the building has been substantially altered, it no longer embodies the distinguishing characteristics of the Programmatic style. The rooftop sign has also been substantially altered as noted in the HCM nomination. There are other better examples of Chili Bowl restaurants found in the greater Los Angeles area. Based on these findings, Sapphos Environmental, Inc. concludes that the subject property does not possess sufficient architectural quality or integrity to meet the minimum standards set forth under HCM Criterion 3, and does not qualify for designation as an HCM under the City of Los Angeles's Cultural Heritage Ordinance.

Corporate Office:

430 North Halstead Street
Pasadena, CA 91107
TEL 626.683.3547
FAX 626.628.1745

Billing Address:

P.O. Box 655
Sierra Madre, CA 91025

Web site:

www.sapphosenvironmental.com

INTRODUCTION

The Los Angeles Conservancy filed a City of Los Angeles (City) Historic-Cultural Monument (HCM) nomination for the subject property, 12244 Pico Boulevard ("Chili Bowl") on October 18, 2019. The HCM nomination was deemed complete by the City of Los Angeles Office of Historic Resources (OHR) and was initially reviewed by the Cultural Heritage Commission (CHC) on December 5, 2019. The CHC accepted the nomination for further consideration and a site visit was conducted by the commission and OHR staff on January 9, 2020. On February 6, 2020, the CHC voted to recommend designation of the subject property as an HCM.

Sapphos Environmental, Inc. (Ms. Carrie Chasteen) was retained by 12244 Pico, LLC to conduct a peer review of the HCM nomination. Ms. Chasteen possesses a MS in Historic Preservation, more than 18 years of experience in the field of cultural resource management, meets the Secretary of the Interior's *Professional Qualification Standards* in the fields of History and Architectural History, and is included in the City of Los Angeles' qualified historic preservation consultants list. Sapphos Environmental, Inc. conducted an independent third-party due diligence review of the subject property in 2019.

METHODOLOGY

In order to conduct a peer view of the HCM nomination, Sapphos Environmental, Inc. conducted a site visit on June 25, 2020 to document the current condition of the Chili Bowl. The site visit included inspection of the interior, exterior, and rooftop of the Chili Bowl. Alterations noted were the removal of the smooth-textured stucco and painted-on signage and advertisements, replacement of all windows and doors, removal of all interior and exterior lighting fixtures, complete gutting of the interior of the building, and several additions that are visible from the public right-of-way.

Research was conducted in SurveyLA to review the historic context statement prepared for Programmatic architecture.¹ Additionally, research was conducted in the City Department of Building and Safety permit records. Online research included historic issues of the *Los Angeles Times* and *Los Angeles Sentinel* (ProQuest), Sanborn Fire Insurance Maps, and other sources.

HISTORIC CONTEXT

The Chili Bowl was a chain of 18 restaurants located throughout Los Angeles that was established by Arthur Whizen in 1931. The last Chili Bowl closed its doors in 1943 in response to World War II. A total of five Chili Bowl buildings are extant; however, the majority have been rehabilitated for other purposes. The period of significance for the Chili Bowl restaurants is 1931 to 1943, the years the business was in operation.

Of the five extant Chili Bowl Restaurants that Whizin commissioned, four are located in Alhambra, Glendale, Huntington Park, and the subject property. Although the Alhambra Chili Bowl Restaurant has been re-clad in rough textured stucco and some windows on the rectangular bay have been infilled, the Alhambra example generally retains integrity and reflects the design of the original prototype (Figure 1, *Chili Bowl Restaurant, Alhambra*; Figure 2, *Chili Bowl Restaurant, Alhambra*).

¹ City of Los Angeles, Department of City Planning. Los Angeles Citywide Historic Context Statement. Context: Commercial Development, 1850–1980. Theme: Commercial Development and the Automobile, 1910-1970. August 2016. Available at https://planning.lacity.org/odocument/3007ea6e-c4dd-42ec-bede-b109293f2873/CommercialDevelopmentandtheAutomobile_1910-1970.pdf



Figure 1. Chili Bowl Restaurant, Alhambra
 SOURCE: Sapphos Environmental, Inc., 2019



Figure 2. Chili Bowl Restaurant, Alhambra
 SOURCE: Sapphos Environmental, Inc., 2019

The Glendale Chili Bowl Restaurant has been substantially altered. It was converted to a car dealership at an unknown date. The windows, window openings, and entries have been altered over the course of time (Figure 3, *Chili Bowl Restaurant, Glendale*).



Figure 3. Chili Bowl Restaurant, Glendale
SOURCE: Sapphos Environmental, Inc., 2019

The Huntington Park Chili Bowl Restaurant retains its prominently placed curved bowl bay and rectangular bay. The Huntington Park example generally retains integrity with the exception that all of the windows have been infilled or modified. The building reflects the design of the original prototype (Figure 4, *Chili Bowl Restaurant, Huntington Park*).



Figure 4. Chili Bowl Restaurant, Huntington Park
SOURCE: Sapphos Environmental, Inc., 2019

Of the remaining examples of Chili Bowl Restaurants, the Alhambra and Huntington Park examples exhibit a greater degree of integrity of design, materials, workmanship, feeling, association, and location than the subject property.

The Chili Bowl Restaurant prototype featured a rounded bay with a convex curved base and concave curved parapet to mimic the shape of a bowl for serving chili. Landscaping was minimal in order to emphasize the curviness of the rounded bay. The one-over-one wood sash windows featured wood window surrounds. The public entrances were accessed via raised cast concrete steps with decorative metal railings and allowed egress to each side of the rounded bay. Narrative descriptions of the restaurant describe the interior as having a standing counter for food service without table seating. A rectangular rear bay presumably housed the kitchen for cooking. The Chili Bowl Restaurant in Figure 5, *Historic Photograph of the Chili Bowl Restaurant* was reportedly located at 801 N. La Brea Avenue; however, based upon the shape and design of the rooftop sign, it is assumed the restaurant located at the subject property was identical in design and materials.



Figure 5. Historic Photograph of the Chili Bowl Restaurant
SOURCE: *Herman Schutheis, Circa 1937*²

CHARACTER-DEFINING FEATURES

The character-defining features of the prototype include:

- Rounded bay with curved parapet and foundation wall
- Subordinate rectangular back of house bay
- Ribbon of evenly spaced double-hung wood windows
- Cast concrete entry steps with decorative metal railings
- Pair wood doors with glazing
- Rooftop signage

² Los Angeles Public Library. "Chili Bowl restaurant." Available at: <https://tessa.lapl.org/cdm/singleitem/collection/photos/id/35582/rec/1>

INTEGRITY

Although the HCM eligibility criteria do not address the concept of integrity, consideration of the quality, condition, and ability to convey an association with a significant event or person are important factors to be taken into account for designating HCMs. The following table summarizes the permits that have been issued for the Chili Bowl (Table 1, *Historic Building Permits*).

**TABLE 1
HISTORIC BUILDING PERMITS**

Date	Permit No.	Architect/Engineer	Builder	Owner	Scope of Work
5/15/1935	8077	None	J.M. Lamb	Minnie Whizin	Erection of a 25' x 45' 10-story building with plaster finish exterior walls. NOTE: Building originally located at 2453 Fletcher Drive.
6/10/1935	9686	None	Artistic Neon Sign	Art Whizin	Erecting a roof sign.
11/8/1939	43740	None	Kress House Moving Co.	A. Whizin	Relocate building to subject property.
12/9/1953	WLA6917	None	Smith Awning Shop	A.N. Whizin	Recover existing awnings with canvas retractable awnings (two).
7/11/1953	LA44877	None/John Case	Owner	Arthur N. Whizin	Construct a 32' x 40' 1-story furniture store, clad in corrugated galvanized steel. Located at 12244 W. Pico Blvd.
1956	WLA18196	None	Owner	N. Hernandez	Convert vacant food establishment to beer tavern. Construct a rear addition. Furniture store previously converted to a garage.
8/14/1958	25400	None	Owner	A & R Mazano	Remove interior partitions.
11/30/1961	38609	None	Owner	Abad Manzano	Comply with occupancy survey. Present use is vacant.
9/11/1980	V6461	None	LeBuff Bros.	Virginia Manzano	Repair fire damage.
5/21/2002	01016-2000-20709	None	None	Abad and Virginia Manzano	Damage repair and re-stucco the building.
4/14/2005	05016-10000-06842	None	None	Abad and Virginia Manzano	Patch plaster/drywall.

While the permit history is generally accurate in the HCM nomination, the 1980 permit to repair fire damage was not included (highlighted in Table 1 for emphasis). The extent of the damage is not noted in the application or attached plot plan; however, based upon the extant interior materials, it appears the interior was substantially altered as a result of this permit. The interior, including the kitchen, has been completely gutted of all historic materials and no elements associated with the Chili Bowl are extant. Other alterations include all interior and exterior lighting fixtures have been removed. The painted-on wall signage and advertising is no longer extant.

Exterior

Based upon a review of the historic Sanborn Fire Insurance Maps and the current Los Angeles County Assessor map, the Chili Bowl has been substantially altered over the course of time. As shown in Figure 6, the footprint of the Chili Bowl no longer reflects the historical footprint of the building. The historic Sanborn Fire Insurance Map was overlain on the current footprint as documented by the Assessor. Several side and rear additions, both permitted and unpermitted, are clearly visible and are highlighted with red arrows. The additions are incompatible in terms of materials and design (Figure 7, *Southern and Western Additions*).



Figure 6. 12244 Pico Boulevard

SOURCE: Sanborn Fire Insurance Maps, Los Angeles and Venice District, 1918–March 1950, Sheet 56; County of Los Angeles Assessor Property Assessment Information System, July 10, 2020



Figure 7. Southern and Western Additions
 SOURCE: Sapphos Environmental, Inc., 2020

In addition, the building is re clad in rough textured stucco and the original smooth-textured stucco is no longer extant. Some of windows have been boarded up and infilled. The steps and landings were re clad in Roman brick and stone veneer (Figure 8, *Detail of Rough Textured Stucco, Brick and Stone Veneer, and Boarded-Up Windows*).



Figure 8. Detail of Rough Textured Stucco, Brick and Stone Veneer, and Boarded-Up Windows
 SOURCE: Sapphos Environmental, Inc., 2020

The doors were replaced with Mission-style doors that are not in keeping with Programmatic architecture and are incompatible with the Chile Bowl. All other doors have been replaced with modern units. The goose-neck lighting attached to the parapet wall was removed at an unknown date and was not replaced. Additionally, large metal spikes intended to deter roosting birds was installed at an unknown date and further detracts from the historic design of the curved parapet (Figure 9, *Mission-Style Door*).



Figure 9. Mission-Style Door

SOURCE: *Sapphos Environmental, Inc., 2020*

The ribbon of windows on the bowl is dissimilar to the prototype, meaning the window openings have been substantially altered and the windows have been replaced with modern fixed-pane units (Figure 10, *Side by Side Comparison to Demonstrate Window Alterations*).



Figure 10. Side by Side Comparison to Demonstrate Window Alterations
 SOURCE: Sapphos Environmental, Inc., 2019; Herman Schutheis, Circa 1937³

Also of note, the rooftop sign has been substantially altered. The original “Get the Chili Bowl Habit!” signage and neon is no longer extant. The intent of Programmatic architecture, as well as neon signage, was to capture the eye of passing drivers. The removal of the neon is a substantial departure from the intended function of the building; that being the building and signage are advertisements for the foods or services on offer. The current signage is clad in corrugated metal with modern lettering referencing the current tenant of the building that is augmented with modern goose-neck lighting.

Although the original landscape plan, if any, is unknown, the current landscaping appears to be modern and of recent installation.

Interior

As seen in Figure 11A, the interior features modern fixed-pane anodized aluminum windows. The tile on the floor is modern.

³ Los Angeles Public Library. “Chili Bowl restaurant.” Available at: <https://tessa.lapl.org/cdm/singleitem/collection/photos/id/35582/rec/1>



Figure 11A. Interior Detail (facing northeast)
 SOURCE: Sapphos Environmental, Inc., 2020

The interior configuration of the Chili Bowl is unknown because no floor plans are known to be available. However, based upon the can lights, suspended flat plane of the lowered ceiling, and the Japanese-style counter, none of these features date to the period of significance for the Chili Bowl (Figure 11B, *Interior Detail*).



Figure 11B. Interior Detail (facing southwest)
 SOURCE: Sapphos Environmental, Inc., 2020

The kitchen features modern equipment that does not date to the period of significance (Figure 12, *Kitchen Detail*).



Figure 12. Kitchen Detail

SOURCE: Sapphos Environmental, Inc., 2020

HCM CRITERIA

The subject property was nominated as an HCM pursuant to Criterion 3:

Criterion 3: Exemplifies the distinctive characteristics of a style, type, period, or method of construction.

The HCM nomination makes the following arguments for eligibility under this criterion:

- Embodies the distinguishing characteristics of the Programmatic style
 - Designed to mimic a chili bowl
 - One of the last remaining examples of the Chili Bowl chain
 - Rare surviving example of Programmatic architecture

Although the subject property is a rare surviving example of Programmatic architecture in the City of Los Angeles, the building has been substantially altered, does not retain integrity, and does not retain the character-defining features of the property type with the exception of the rounded bay with curved parapet and foundation. Because the building has been substantially altered, it no longer embodies the distinguishing characteristics of the Programmatic style and does not exemplify the distinctive characteristics of a particular style, type, period, or method of construction. The rooftop sign has also been substantially altered as noted in the HCM nomination. There are other better

examples of Chili Bowl restaurants found in the greater Los Angeles area. Based on these findings, Sapphos Environmental, Inc. concludes that the subject property does not possess sufficient architectural quality or integrity to meet the minimum standards set forth under HCM Criterion 3, and does not qualify for designation as an HCM under the City of Los Angeles's Cultural Heritage Ordinance.

CONCLUSION

Sapphos Environmental, Inc. completed a peer review of the HCM nomination for the subject property. From this preliminary research and review, Sapphos Environmental, Inc. has determined that the subject property does not possess sufficient integrity or meet Criterion 3 to merit designation as an HCM. If you have any questions, please contact Ms. Carrie Chasteen at (626) 683-3547, extension 102.