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November 2, 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 & April 17, 2020, Order Tolling Deadlines**
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"), a commercially zoned property improved with a small sushi restaurant and an automotive repair bay. For over a year now, our client has been working towards developing the Property with a 24 unit affordable housing development pursuant to the City's Tier 3 Transit Oriented Communities ("TOC") density bonus program. After submitting for a demolition permit in October of 2019 to clear the Property's existing structures, a Historic Cultural Monument ("HCM") nomination was filed with the City shortly thereafter in November of 2019. This nomination, which stayed the processing of the demolition permit (and all other permits), sought to designate the small sushi restaurant structure as an HCM based on its association with the former "Chili Bowl" restaurant chain. The nomination has been pending since November of 2019, and has restricted our client's ability to demolish the existing structure and to obtain permits for the proposed affordable housing project for over a year now. Accordingly, during our state's worst housing crisis in recent history, a structure known for its association with a fast food restaurant, is delaying the development of affordable housing. This is patently absurd.

Notwithstanding the absurdity, as a result of the City's failure to act on the nomination within the period mandated under the Los Angeles Administrative Code ("LAAC"), we submit this letter to respectfully request the City Council direct the City Clerk to update its records to reflect that the nomination was deemed denied as of July 20, 2020. This update is necessary to clarify the fact the nomination is denied, and to permit the Department of Building and Safety ("DBS") to release its ongoing stay on the issuance of our client's demolition and building permits. This determination is mandated pursuant to the requirements of LAAC Section

22.171.10(f), which provides that an HCM nomination must be processed within "90-days of the public hearing held before the Commission on the proposed designation," with optional 15 day and 60 day extensions available to extend this deadline. If the City Council fails to act within this time period, the Cultural Heritage Ordinance is clear that the HCM nomination "***shall be deemed to have been denied.***" (*id.*) As the nomination was originally heard by the Cultural Heritage Commission on February 6, 2020, the City Council was required to act on the nomination – inclusive of all available extensions - no later than July 20, 2020. It has now been 4 months since this date has passed, and yet the City Clerk's records fail to reflect that this nomination has been deemed denied. Accordingly, our client's project continues to be delayed.

To the extent the City seeks to rely on the Mayor's COVID-19 emergency orders to toll / extend the City Council's deadline to act on the nomination, such interpretation of these orders is illegal and inconsistent with the City's own laws. The time limits set forth in the Cultural Heritage Ordinance were adopted by the Los Angeles City Council, which is vested "[a]ll legislative power[s] of the City..." (See LAAC Sec. 2.1.) The Mayor does not have the authority to modify an ordinance by proclamation, and the emergency powers granted to the Mayor under the LAAC and the Charter do not change this fact. To the extent the Mayor does have the authority to make emergency orders under the LAAC Section 8.29, this authority is limited to making of rules and regulations "necessary for the protection of life and property." An order tolling all deadlines for the City Council to act on HCM nominations, done solely for the scheduling convenience of the legislative body, is not a rule or regulation "necessary of the protection of life and property." It also has absolutely no relevance to the dangers posed by the local emergency. Accordingly, the Mayor's orders cannot toll a legislatively adopted deadline proscribed by ordinance, and cannot change the fact that this HCM nomination is deemed denied.¹

Finally, a deemed denial determination would be consistent with the facts and the spirit of the Cultural Heritage Ordinance. Attached as **Exhibit A** is a Historic Resource Assessment ("HRA") prepared by Sapphos Environmental, Inc., which investigates the Property and its qualifications for designation as a historic resource under the LAAC. The HRA concludes that due to extensive alterations to the "chili bowl" structure, "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." (Sapphos HRA, Pg. 13.) Accordingly, notwithstanding the City's failure to act, the nomination itself is substantively flawed, as the "chili bowl" structure has been so heavily modified over the years that it does not qualify for designation as an HCM under any standard.

In conclusion, due to the City's failure to act on the nomination, the Clerk's records must be updated to reflect that the nomination has been deemed denied. Pursuant to the Cultural

¹ This is particular true in this instance, where the legislative body has been meeting regularly throughout the emergency, maintaining the ability to pass ordinances and hear other HCM nominations at its scheduling discretion.

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Heritage Ordinance, the City Council was required to act on the nomination no later than July 20, 2020, and by failing to act by that date, the nomination is denied. Please reflect this denial in the Clerk's records within 10 days so that DBS will release its continuing hold on our client's permits, and so our client can proceed forward with their affordable development project. If the record is not updated, or if the Council takes any other further action on this nomination, we reserve the right to take immediate legal action against the City in connection with its failure to comply with the its own laws.

Very truly yours,

A handwritten signature in black ink, appearing to read 'DMF', is written over a large, faint, stylized 'D' that serves as a background for the signature.

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)

Exhibit A

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.

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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.