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May 17, 2019

BY EMAIL AND U.S. MAIL

Honorable Marqueece Harris-Dawson, Chair
Planning Land Use Management Committee
Los Angeles City Council
200 N. Spring Street
Los Angeles, CA 90012

Re: **Case No. DIR-2764-SPP-1A; ENV-2018-2765-CE**
Location: 4511 Russell Street, Los Angeles 90027
CEQA Appeal
Hearing Date: May 21, 2019, Agenda Item No. (9)

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

Our office represents Mr. And Mrs. Afifi, the owners of the 4511-4513 Russell Avenue, Los Angeles, CA 90027 (the "Property") and the applicants for DIR 2018-2764-SPP, a Director of Planning approval for the development of a 4-unit residential building on the Property ("Project"). The Property is zoned for by-right multifamily uses, and is surrounded by commercial uses on three sides, and multi-family on the remaining side. The Director of Planning approved the 4-unit development on September 18, 2018. An unincorporated association which calls itself as the "Concerned Citizens of Los Feliz" (the "appellant") appealed the approval, which was unanimously denied by the Central Area Planning Commission ("APC") on November 27, 2019. This same group also filed an application with the City to designate what was a dilapidated duplex that has since been demolished on the Property as a Historic Cultural Monument ("HCM"). The HCM nomination was denied by the Cultural Heritage Commission not once, but **twice**, concluding that the Property "does not meet any of the four criteria for [HCM] designation," and is "ineligible for designation" as a historic monument.

Seeking to once again oppose the Afifi's efforts to develop the Property with housing, the appellant has filed the instant appeal of the Project's categorical exemption under the California Environmental Quality Act ("CEQA") as a means of rehashing its baseless claim that the Property is a historic resource. In doing so, the appellant has subjectively and falsely asserted that the Project, which is surrounded primarily by commercial uses, is somehow "incompatible with Russell Avenue's history and architectural aesthetic...." The appellant has even fabricated allegations that the Property was once used to store hazardous waste and that it is uniquely vulnerable to an unspecified seismic event. As detailed below, the appellant's protracted opposition to the Project is based upon blatantly erroneous contentions, is unsupported by

substantial evidence, and is revealing of an intent to bully and discriminate the Afifi's rather than to voice legitimate concerns over the negligible impacts this small Project may have on the Los Feliz community. For the reasons set forth below, and those our office will present at the May 21, 2018 hearing, we urge the City Council to deny this appeal, and uphold the categorical exemption as approved by the Director of Planning and the Area Planning Commission.

(1) The Project will not cause a substantial adverse change in a significant historic resource.

The primary basis for appellant's instant appeal is that the Project should not have been categorically exempted from CEQA because the Property supposedly maintained a historic resource that the Afifi's proposed to demolish. In support of this position, the appellant alleges that the Project "may cause a substantial adverse effect on [a] significan[t] ... historical resource," which they describe as a "textbook example of the Craftsman Architectural style." However, the appellant misrepresents not only the legal and technical standards applicable to designating a structure as a historic resource, but also the character of the building that was proposed for demolition – and which has since been demolished pursuant to duly-issued permits. This Property has already been denied designation as a historic resource by numerous City and independent experts on several occasions, and there is no basis for now concluding otherwise. The findings made by these City and independent experts are instructive:

- February, 2010:** Chattel Architecture, Planning & Preservation Inc. surveyed the street for the Community Redevelopment Agency ("CRA"). The CRA survey did not identify the Property as a potentially eligible resource.
- November, 2015:** SurveyLA completed a survey of potential historic resources in the area in November 2015, and again the Property was not identified as a potential resource.
- December, 2015:** In response to an HCM nomination, City experts recommended against considering the Property for HCM designation.
- January, 2016:** Qualified architectural historian Dr. Margarita Jerabek reviewed the HCM nomination and the Property, and similarly recommended against designating the Property as an HCM, finding it to be an "unremarkable example of a Craftsman bungalow."
- February, 2016:** An Office of Historic Resources report prepared for the Cultural Heritage Commission found that the Property represents a "simple craftsman bungalow" that "does not retain sufficient integrity to be a Historic Cultural Monument for its architectural style."
- March, 2016:** The City's Cultural Heritage Commission voted against nominating the Property as an HCM.

September 2018: The Director of Planning issued a Specific Plan Project Permit Compliance Review and corresponding CEQA clearance, and did not find the existing building to be a historic resource.

November, 2018: Sapphos Environmental, Inc. reviewed the appeal and Project and submitted its expert analysis to the Central APC, finding that the Property "is not a historical resource" under CEQA; the APC agreed with finding and denied appeal.

There may be no other property in the entire City that has achieved such unanimity amongst experts in the field that this Property is neither a historic resource nor a contributor to any historic district.

Notwithstanding the consensus among City staff and independent experts alike, the appellant still attempts to derail this tiny Project based upon the false premise that the Project's categorical exemption was improperly issued because the existing building is supposedly a historic resource. However, the City has already unequivocally determined, based on expert analysis and findings, that the Property is not a historic resource—a determination that is supported by substantial evidence in the record and is consistent with CEQA's standards and requirements. (See *Friends of Willow Glen Trestle v. City of San Jose*, 2 Cal. App. 5th 457, 471 (Ct. App. 2016) (a City's determination that a property is not historic shall be upheld if it is supported by substantial evidence.) The City's determination that the Property is not a historic resource is supported by multiple expert opinions, the findings and conclusions of the City's Cultural Heritage Commission, and the Director of Planning's analysis of evidence submitted to it by the appellant.¹ Accordingly, City Planning correctly found that the existing building is not a historic resource individually or as part of a district, and thereby approved this Project to proceed forward with the appropriate environmental clearance. On appeal, the APC agreed with the conclusion reached by both City Planning and the expert opinions.

Although the City Council already has at its disposal an overwhelming amount of evidence to affirm the Planning Department's and APC's decision, attached hereto as **Exhibit A** is a supplemental analysis prepared by Sapphos Environmental, which further confirms that the appellant has not submitted any new information capable of undermining the City's finding that the Project will not cause a substantial adverse change to any historic resource. Accordingly, we urge the City Council to deny the appellant's baseless appeal and uphold the APC's decision.

(2) The Project is not located on a toxic site listed by the California Environmental Protection Agency.

The appellant arbitrarily and incorrectly contends that the CEQA determination was inadequate because "a Phase 1 environmental analysis [would] allay concerns that any excavation

¹ Substantial evidence requires evidence of "ponderable legal significance... reasonable [], credible, and of solid value... drawn from evidence rather than... mere speculation as to probabilities without evidence." *Bowers v. Bernards* (1984) 150 Cal.App.3d 870, 873.

activity would disperse toxins..." The evidence the appellant used to support this "concern," is an unverified photo of a "Hazardous Waste" label which they contend was attached to a drum of soil excavated from a different property in 2013, and photos from 1978 of a gas station – also located on a different property - that used to be located near the Project site. This questionable evidence neither supports the appellant's contentions nor constitutes the Project is located on a toxic site.

Section 15300.2 of the CEQA Guidelines sets forth the grounds upon which concerns over toxic sites may render a categorical exemption improper. It specifically provides that a "categorical exemption shall not be used for a project located on [any] site" designated as a toxic site by the California Environmental Protection Agency. The Project site here **is not** included on any list compiled by the EPA or the Department of Toxic Substances Control. Moreover, there is absolutely no evidence presented that this small residential property includes any toxic substances. The appellant illogically contends that because some hazardous materials may have been located *nearby* the project site at some point that there are in fact toxic materials onsite. This is precisely the type of "[a]rgument, speculation, unsubstantiated opinion " that "shall not constitute substantial evidence" CEQA Guidelines Section 15064. Accordingly, the appellant has failed to demonstrate that the Project is located on a toxic site and has thus likewise failed to establish that the City erred in approving the Project's categorical exemption on this basis.

(3) No reasonable possibility exists that the Project may have a significant environmental impact because of unusual circumstances.

Finally, the appellant also contends that the Property's proximity to a fault line presents an unusual circumstance that requires "geological study" and additional environmental review. The appeal does not, however, provide any details about which fault line the appellant is concerned about, why this fault presents a unique issue for the Property, or in what way the Property's location is uniquely vulnerable to the adverse impacts of a seismic event as compared to other properties in the City. In determining if an "unusual circumstance" exists, an agency must first determine whether substantial evidence exists that the project presents unusual circumstances. If an unusual circumstance does exist, the next question is whether there is a reasonable possibility that a significant environmental impact will result from those unusual circumstances. *Berkeley Hillside Preservation v City of Berkeley* (2015) 60 C4th 1086, 1104. The City only considers the second prong if it first finds that some circumstance of the project is unusual. *Id.* Here, the appellant fails to establish even the first prong.

There is a high bar for establishing the existence of the "unusual circumstance," and courts have routinely declined to apply the unusual circumstances exception in situations like the present. See *San Francisco Beautiful v City & County of San Francisco* (2014) 226 CA4th 1012, 1025 (city's decision to allow utility boxes in urban environment that already contains thousands of such structures is not unusual in context of city's urban environment); *Wollmer v City of Berkeley* (2011) 193 CA4th 1329, 1351 (rejecting claims that location of infill project at crowded intersection was unusual circumstance, noting that this type of circumstance is expected in infill development context); *San Lorenzo Valley Community Advocates for Responsible Educ. v San Lorenzo Valley Unified Sch. Dist.* (2006) 139 CA4th 1356 (no evidence that traffic, parking, and access problems are unusual circumstances in context of school consolidations); *Santa Monica*

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Chamber of Commerce v City of Santa Monica (2002) 101 CA4th 786, 802 (city ordinance that created residents-only parking district involved normal and common considerations relating to municipal parking regulations); *Fairbank v City of Mill Valley* (1999) 75 CA4th 1243, 1260 (nothing about small retail and office building sets it apart from other small commercial structures built in urbanized area); *Bloom v McGurk* (1994) 26 CA4th 1307, 1316 (presence of comparable facilities in immediate area adequately supported agency's implied finding that there were no unusual circumstances precluding application of categorical exemption for ongoing operation of existing facilities to medical waste treatment plant); *City of Pasadena v State* (1993) 14 CA4th 810 (decision by State Department of Corrections to lease space in existing building in civic center for use as parole officer was not unusual circumstance given presence of other custodial and criminal justice facilities in immediate area); *Association for Protection of Env't'l Values v City of Ukiah* (1991) 2 CA4th 720, 731 (size, height, and hillside location of house not unusual in that area, and potential environmental impacts alleged are common in construction of single-family residence).

Consistent with these cases, the Project's location near commercial uses and/or alleged fault lines is not an "unusual circumstance," let alone a circumstance creating an environmental risk that does not generally exist for other in-fill projects. If appellant's position were to be validated by the City Council, every property or project in the City of Los Angeles would be deemed "unusual" given that there is a consistent seismic risk throughout Southern California. Clearly, this would lead to absurd and unintended results. In conclusion, the appellant has failed to present substantial evidence—let alone any evidence—that the Project presents an unusual circumstance. Accordingly, the Project's categorical exemption was properly approved, and the appeal must be denied. Thank you for your consideration.

Sincerely,



DANIEL F. FREEDMAN of
Jeffer Mangels Butler & Mitchell LLP

Enclosure

CC: Jennifer Tobkin, Deputy City Attorney, Office of the City Attorney
Parissh Knox, Deputy City Attorney, Office of the City Attorney
Rachel Brashier, Deputy Chief of Staff, Councilmember Harris-Dawson, Chair
Andrew Pennington, Director of Land Use & Planning, Councilmember Blumenfield
Sherilyn Correa, Director of Planning, Councilmember Price, Jr.
Gerald Gubatan, Planning Director, Councilmember Cedillo
Hannah Lee, Chief of Staff, Councilmember Smith
Meg Greenfield, Planning Deputy, Councilmember Ryu

EXHIBIT A



May 16, 2019
Job Number: 2339-002
Peer Review for 4511-4513 W. Russell Avenue
Los Angeles, CA 90027

MEMORANDUM FOR THE RECORD

2.6 2339-001.M02

TO: Gevork George and Gohar Afifi

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

SUBJECT: Peer Review for 4511-4513 W. Russell Avenue, Los Angeles, California 9027

ATTACHMENT: A. Resume of Key Personnel

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EXECUTIVE SUMMARY

This Memorandum for the Record (MFR) documents the peer review efforts undertaken by a Sapphos Environmental, Inc. architectural historian (Ms. Carrie Chasteen) in November 2018 and May 2019 for the property located at 4511-4513 W. Russell Avenue, City of Los Angeles, Los Angeles County, California (APN 5590-016-018) that resulted in a determination that the property is not eligible for inclusion in the National Register of Historic Places (National Register) or California Register of Historical Resources (California Register), for designation as an Historic-Cultural Monument (HCM), or for designation as a potential contributor to a potential Historic Preservation Overlay Zone (HPOZ). Ms. Chasteen meets the Secretary of the Interior's *Professional Qualification Standards* (PQS) in the fields of History and Architectural History (36 CFR Part 61) and meets the City of Los Angeles education and experience requirements to perform this work. The property owners propose to redevelop the site with a four-unit multi-family residential project. A single one-story Craftsman residence (4511) and a single one-story vernacular cottage (4513) are located on the subject property. The subject property was reviewed for SurveyLA and was not identified as significant individually as an HCM or as part of a potential historic district (HPOZ). This MFR summarizes a formal evaluation of the property addresses issues raised in the current appeal of the project review.

The appeal dated January 14, 2019, states the subject property was surveyed by the Los Feliz Improvement Association in 2011 and was found to contribute to a potential historic district. However, based upon the preponderance of evidence in the public record, this survey does not meet the requirements of Public Resources Code Section 5024.1(g)(4) and is not on file with the South Central Coastal Information Center, located at California State University, Fullerton. Furthermore, this appeal states impacts to these historical resources are not considered in the categorical exemption and impacts of the project to the potential historic district are not mitigated. Two HCM nominations were previously denied by the Cultural Heritage Commission because the subject property does not meet the eligibility criteria. Additionally, the subject property and its setting were vetted for inclusion in federal, state, and local historical registers by four qualified architectural historians and historians (36 CFR Part 61) and was determined ineligible for listing in a historical register because it does not meet one or more eligibility criteria and does not possess integrity. The buildings do not contribute to a potential historic district for these reasons. Additionally, the subject property's setting is ineligible for designation as a historic district because of infill multi-family apartment buildings of varying architectural styles. Based upon the preponderance of evidence, the subject property and its setting does not meet the definition of a "historical resource" pursuant to Section 15064.5(a) of the CEQA Guidelines. Therefore, the proposed project would not result in a substantial adverse change to a historical resource pursuant to Section 15064.5(b) of the CEQA Guidelines.

INTRODUCTION

This Memorandum for the Record (MFR) documents the peer review undertaken by Sapphos Environmental, Inc. (Ms. Carrie Chasteen; Attachment A, *Resume of Key Personnel*) for the property located at 4511-4513 W. Russell Avenue, Los Angeles, Los Angeles County, California (Assessor's Parcel Number [APN] 5590-016-018). A single one-story Craftsman single-family residence (4511) and a single one-story vernacular cottage (4513) are located on the subject property. The purpose of peer review was to assess the eligibility of the property, located at 4511-4513 W. Russell Avenue, City of Los Angeles, Los Angeles County, California (APN 5590-016-018), for inclusion in the National Register of Historic Places (National Register) or California Register of Historical Resources (California Register), for designation as an Historic-Cultural Monument (HCM), or for designation as a potential contributor to a potential Historic Preservation Overlay Zone (HPOZ). The peer review efforts were undertaken by Ms. Chasteen, who meets the Secretary of the Interior's *Professional Qualification Standards* (PQS) in the fields of History and Architectural History (36 Code of Federal Regulations [CFR] Part 61) and meets the City of Los Angeles education and experience requirements to perform this work. The work included review of the SurveyLA findings, a review of previously completed assessments, and an independent evaluation of the property in November 2018 and May 2019. This MFR was prepared for submittal to the City of Los Angeles for consideration of an appeal of the Planning Director's approval of a Categorical Exemption to allow demolition of the existing buildings on the subject property in order to construct small-scale multi-family residential buildings.

BACKGROUND

The consideration of the whether the subject properties constitute historical resources pursuant to California Environmental Quality Act (CEQA) was initiate by the project applicant in conjunction with preparation of a Categorical Exemption for the subject property in 2018 and has continued through the current City of Los Angeles Planning and Land Use Management (PLUM) hearing and two subsequent appeals initiated by the Los Feliz Improvement Association. The subject property was reviewed for SurveyLA and was not identified as significant individually as a Historic-Cultural Monument (HCM) or as part of a potential historic district (Historic Preservation Overlay Zone; HPOZ). An application to designate the subject property as an HCM was prepared by Concerned Citizens of Los Feliz. The HCM application was reviewed by the City of Los Angeles Cultural Heritage Commission on December 3, 2015. The staff recommendation was to decline the application; however, the commission voted to take the property under consideration.

A second hearing for the HCM nomination was held on February 4, 2016, and the Cultural Heritage Commission voted to decline further consideration of the HCM application prepared for the subject property because it does not meet the eligibility criteria. To support the 2016 hearing, PCR Services Corporation (PCR; now Environmental Science Associates [ESA]) prepared a peer review and evaluation memo of the HCM application for the subject property. The PCR memo was prepared by Margarita Jerabek, PhD, Amanda Kainer, and Virginia Harness, all of whom meet the Secretary of the Interior's PQS in the fields of History and Architectural History (36 CFR Part 61) and meet the City of Los Angeles education and experience requirements to perform this work, which are based upon the federal regulations. The PCR peer review memo supported the City of Los Angeles Office of Historic Resources' (OHR) finding that the application inadequately demonstrated the subject property is eligible for designation as an HCM. On September 18, 2018, the City of Los Angeles issued the Vermont/Western Neighborhood Area Plan (SNAP) Specific Plan Project Permit Compliance Review letter, which approved the project with conditions of approval and determined the project is exempt from the California Environmental Quality Act (CEQA)

pursuant to City of Los Angeles CEQA Guidelines Article III, Section 1, Class 3, Category 2 (apartments, duplexes, and similar structures designed for no more than six dwelling units in an urbanized area). There is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2 applies.

On October 2, 2018, Concerned Citizens of Los Feliz filed an appeal of this discretionary action by asserting that the property is a historical resource and not eligible for a categorical exemption.

In November 2018, Sappho Environmental, Inc. (Ms. Carrie Chasteen), in response to the appeal, conducted a site visit to document the current conditions of the property and conducted independent research to assess the OHR and PCR eligibility findings. The appeal was reviewed by Area Planning Commission on November 27, 2018, and the appeal was denied.

The Los Feliz Improvement Association subsequently appealed the decision, which, at time of preparation of this MFR, is being reviewed by the PLUM Committee, and the appeal asserts the impacts to historical resources were not analyzed. The appeal dated January 14, 2019, states the subject property was surveyed by the Los Feliz Improvement Association in 2011 and was found to contribute to a potential historic district. However, based upon the preponderance of evidence in the public record, this survey does not meet the requirements of Public Resources Code Section 5024.1(g)(4) and is not on file with the South Central Coastal Information Center, located at California State University, Fullerton. Furthermore, this appeal states impacts to these historical resources are not considered in the categorical exemption and impacts of the project to the potential historic district are not mitigated. Two HCM nominations were previously denied by the Cultural Heritage Commission because the subject property does not meet the eligibility criteria. Additionally, the subject property and its setting were vetted for inclusion in federal, state, and local historical registers by four qualified architectural historians and historians (36 CFR Part 61) and was determined ineligible for listing in a historical register because it does not meet one or more eligibility criteria and does not possess integrity. The buildings do not contribute to a potential historic district for these reasons. Additionally, the subject property's setting is ineligible for designation as a historic district because of infill multi-family apartment buildings of varying architectural styles. Based upon the preponderance of evidence, the subject property and its setting does not meet the definition of a "historical resource" pursuant to Section 15064.5(a) of the CEQA Guidelines. Therefore, the proposed project would not result in a substantial adverse change to a historical resource pursuant to Section 15064.5(b) of the CEQA Guidelines.

REGULATORY SETTING

Federal

The National Historic Preservation Act of 1966, as amended, defines the criteria to be considered eligible for listing in the National Register:

The quality of significance in American history, architecture, archeology, engineering, and culture is present in districts, sites, buildings, structures, and objects that possess integrity of location, design, setting, materials, workmanship, feeling, and association and

A. *that are associated with events that have made a significant contribution to the broad patterns of our history; or*

B. *that are associated with the lives of persons significant in our past; or*

- C. *that embody distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or*
- D. *that have yielded, or may be likely to yield, information important in prehistory or history (36 CFR Section part 63).*

In order to be considered eligible, a property must meet at least one of the above four criteria. According to *National Register Bulletin No. 15*, “to be eligible for listing in the National Register, a property must not only be shown to be significant under National Register criteria, but it also must have integrity.” Integrity is defined in *National Register Bulletin No. 15* as “the ability of a property to convey its significance.”¹ Within the concept of integrity, the National Register recognizes the following seven aspects or qualities that in various combinations define integrity: location, design, setting, materials, workmanship, feeling, and association. Location is the place where the historic property was constructed or the place where the historic event occurred. Design is the combination of elements that create the form, plan, space, structure, and style of a property. Setting is the physical environment of a historic property. Materials are the physical elements that were combined or deposited during a particular period of time and in a particular pattern or configuration to form a historic property. Workmanship is the physical evidence of the crafts of a particular culture or people during any given period in history or prehistory. Feeling is a property’s expression of the aesthetic or historic sense of a particular period of time. Association is the direct link between an impact historic event or person and a historic property.

State of California

Section 5024.1(c), Title 14 California Code of Regulations (CCR), Section 4852 of the California Public Resources Code defines the criteria to be considered eligible for listing in the California Register:

A resource may be listed as an historical resource in the California Register if it meets any of the following [National Register] criteria:

1. *Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage;*
2. *Is associated with the lives of persons important in our past;*
3. *Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values; or*
4. *Has yielded, or may be likely to yield, information important in prehistory or history.*

¹ National Park Service, U.S. Department of the Interior. 2017. *National Register Bulletin, How to Apply the National Register Criteria for Evaluation*. Available at: <https://www.nps.gov/nr/publications/bulletins/nrb15/>

In addition to meeting one of the four criteria above, to be eligible for listing in the California Register, a property must also retain sufficient integrity to convey its significance. Section 4852(C) of the CCR² defines integrity as follows:

Integrity is the authenticity of an historical resource's physical identity evidenced by the survival of characteristics that existed during the resource's period of significance. Historical resources eligible for listing in the California Register must meet one of the criteria of significance described in section 4852(b) of this chapter and retain enough of their historic character or appearance to be recognizable as historical resources and to convey the reasons for their significance. Historical resources that have been rehabilitated or restored may be evaluated for listing.

Integrity is evaluated with regard to the retention of location, design, setting, materials, workmanship, feeling, and association. It must also be judged with reference to the particular criteria under which a resource is proposed for eligibility. Alterations over time to a resource or historic changes in its use may themselves have historical, cultural, or architectural significance.

City of Los Angeles

Historic-Cultural Monument. Section 22.171.7 of the City Cultural Heritage Ordinance defines an HCM:

For purposes of this article, an HCM is any site (including significant trees or other plant life located on the site), building or structure of particular historic or cultural significance to the City of Los Angeles. A proposed HCM may be designated by the City Council upon the recommendation of the Commission if it meets at least one of the following criteria:

- 1. Is identified with important events of national, state, or local history, or exemplifies significant contributions to the broad cultural, economic, or social history of the nation, state, city or community;*
- 2. Is associated with the lives of historic personages important to national, state, city, or local history; or*
- 3. Embodies the distinctive characteristics of a style, type, period, or method of construction; or represents a notable work of a master designer, builder, or architect whose individual genius influenced his or her age.³*

Unlike the National and California Registers, the City Cultural Heritage Ordinance makes no mention of concepts such as integrity or period of significance. Additionally, properties do not have to reach a minimum age, such as 45 to 50 years, to be designated as HCMs.

Historic Preservation Overlay Zone. The City has established 36 HPOZs, or historic districts. City Ordinance No. 175891 amended Section 12.20.3 of the City's municipal code regarding HPOZs. The purpose of the ordinance was stated as follows:

² California Office of Historic Preservation. 1999. *California State Law and Historic Preservation*, 4853 (c), p. 66.

³ City of Los Angeles. 2018. Ordinance No. 185472, Section 22.171.7. Available at: <https://preservation.lacity.org/sites/default/files/Cultural%20Heritage%20Ordinance%2C%20Revised%202018.pdf>

It is hereby declared as a matter of public policy that the recognition, preservation, enhancement, and use of buildings, structures, Landscaping, natural features, and areas within the City of Los Angeles having Historic, architectural, cultural, or aesthetic significance are required in the interest of the health, economic prosperity, cultural enrichment, and general welfare of the people.

Contributing elements are defined as any building, structure, landscape, or natural feature identified in a historic resource survey as contributing to the historic significance of the HPOZ, including a building or structure which has been altered, where the nature and extent of the alterations are determined reversible by the historic resources survey.

HISTORIC CONTEXT STATEMENT

The subject property is located within the City of Los Angeles Hollywood Community Plan Area (CPA). The historic context statement for this CPA is found in SurveyLA Historic Resources Survey Report, which is necessary for the purposes of informing the evaluation.⁴

The subject property was evaluated using the Citywide Historic Context Statement developed for SurveyLA, specifically the Residential Development and Suburbanization context and Early Residential Development theme, and the Architecture and Engineering context and the Arts and Crafts Movement subtheme.

Vernacular buildings do not reflect a specific style or school of architecture. As such, eligibility standards, periods of significance, and integrity considerations have not been developed for vernacular architecture.

PROPERTY HISTORY

Construction History

The original building permit is not available for 4511 W. Russell Avenue. The garage was demolished at an unknown date.

The building permit for 4513 was issued for construction of a four-room residential building on April 22, 1920. The permit indicates that no architect designed the building; the building was constructed by the owner, "Mrs. Andrew Ott." The permit indicates the second residence will be located in the rear of the parcel behind 4511 W. Russell Avenue.⁵ Other permitted work is summarized in the HCM application, and permitted and unpermitted work are summarized in the PCR peer review memo. These summaries indicate both the interior and exterior of the buildings have been substantially altered over the course of time.

⁴ City of Los Angeles Department of City Planning, Office of Historic Resources. Los Angeles, CA. November 2015. "SurveyLA Historic Resources Survey Report, Hollywood Community Plan Area." Prepared by: Historic Resources Group, Inc., Pasadena, CA.

⁵ City of Los Angeles. Building Permit No. 5973. Issued April 22, 1920.

Tract History

The Croake and McCann's Gem of Hollywood Tract was recorded on November 16, 1904, by owners John A. Aldritt, P.W. Croake, and William F. McCann. Based upon a review of the historical *Los Angeles Times*, the tract owners were undistinguished real estate developers during a period of rapid residential development in the City of Los Angeles, based upon a lack of fanfare, awards, or other recognition.

Owner/Occupant History

The HCM application summarizes information pertaining to the previous owners of the property. The PCR peer review memo summarizes the previous occupants, occupations, and date of residence. The current owners are Gevork George and Gohar Afifi. It is noted that Forrest J. Ackerman rented 4511 W. Russell Avenue from 2002 to 2008. Ackerman was significant in the science fiction genre of literature and a collector of associated memorabilia beginning in the 1950s. As noted in both the HCM nomination and the PCR peer review, Ackerman resided at 2495 Glendower Avenue prior to retiring from his profession and relocating to 4511 W. Russell Avenue. The residence located at 2495 Glendower Avenue is extant. Ackerman's period of significance is from the 1950s, when he became known in the science fiction genre while owning the Glendower Avenue property, to 2002, when he sold the Glendower Avenue residence and much of his collection. The Glendower Avenue is associated with Ackerman during his period of productivity.

EVALUATION

Individual Resources

Because the National Register, California Register, and HCM eligibility criteria mirror each other, the subject property was evaluated utilizing the National Park Service National Register Bulletin, *How to Apply the National Register Criteria for Evaluation*.⁶

Criterion A/1/1

In order for a property to be considered for listing under this criterion, a property must be associated with one or more events important in the defined historic context. ... The event or trend must clearly be important within the associated historic context. ... Moreover, the property must have an important association with the event or historic trends, and it must retain historic integrity.

As described in the Hollywood CPA historic context, residential development exploded around the same time the property was developed in 1911. The subject property is associated with this historic trend of residential development. However, research and the record does not indicate this association is significant. The subject property was constructed after early suburban development began occurring within the City of Los Angeles with the development of the Boyle Heights and Westlake/MacArthur Park neighborhoods, and no singularly significant event is attributed to the property. The subject property does not represent a very early period of settlement/residential development in a neighborhood or community because it was developed eight years after Hollywood incorporated and is one of many extant residences constructed at that time. As

⁶ National Park Service, U.S. Department of the Interior. 2017. *National Register Bulletin, How to Apply the National Register Criteria for Evaluation*. Available at: <https://www.nps.gov/nr/publications/bulletins/nrb15/>

described in the Hollywood CPA historic context, many people migrated from the Midwest and points beyond to Hollywood during the early 1900s, and this act in itself is insignificant. Additionally, the buildings have been altered over the course of time and do not retain sufficient integrity to convey an association with a historically significant event or historical trend. Therefore, the subject property is ineligible for listing in the National Register, California Register, or for designation as an HCM.

Criterion B/2/2

Criterion B applies to properties associated with individuals whose specific contributions to history can be identified and documented. Persons "significant in our past" refers to individuals whose activities are demonstrably important within local, state, or national historic context. The criterion is generally restricted to those properties that illustrate (rather than commemorate) a person's important achievements. ... A property is not eligible if its only justification for significance is that it was owned or used by a person who is a member of an identifiable profession, class, or social or ethnic group. ... Properties eligible under Criterion B are those associated with a person's productive life, reflecting the time period when he or she achieved significance. Properties that pre- or post-date an individual's significant accomplishments are usually not eligible.

Of the previous owners and tenants, only Ackerman can be demonstrated to have made a specific contribution to history within the context of science fiction literature and associated memorabilia. However, Ackerman achieved significance while residing at the Glendower Avenue property. The Glendower Avenue property is more closely associated with Ackerman's productive life because Ackerman gained his fame while residing at that location and spent the majority of his working years at that property. The subject property is ineligible under this criterion as stated in the HCM nomination because the only justification for significance presented in the application is the property was used by Ackerman. As the National Park Service bulletin states, mere use by a significant person is insufficient for designation. It cannot be demonstrated that the previous owners and tenants made important contributions to the history of the nation, state, or region while residing at the subject property. Therefore, the subject property is ineligible for listing in the National Register, California Register, or for designation as an HCM.

Criterion C/3/3

This criterion applies to properties significant for their physical design or construction, including such elements as architecture, landscape architecture, engineering, and art work. To be eligible under Criterion C, a property must meet at least one of the following: Embody the distinctive characteristics of a type, period, or method of construction; Represent the work of a master; Possess high artistic value.

4511 W. Russell was constructed during the peak of popularity of the Craftsman style of architecture. However, the building is a common and low-style example of a Craftsman bungalow. The building does not exhibit quality craftsmanship because the exterior and interior features are common and utilitarian. The building is not an excellent example of the Craftsman style of architecture in Los Angeles for these same reasons. Because the building is a common and low-style example of a Craftsman residence, it does not embody the distinctive characteristics of a type, period, or method of construction and does not possess high artistic value. The original architect, if any, is unknown, and the building is therefore not the work of a master. Due to infill construction and alterations, the building does not possess integrity of design, materials, workmanship, feeling,

association, and setting. It has not been moved and possesses integrity of location. Because the building does not meet any eligibility standards and does not possess sufficient integrity, it is ineligible for listing in the National Register, California Register, or for designation as an HCM.

4513 W. Russell is a simple and common vernacular cottage with minimal architectural detailing. The building does not exhibit quality craftsmanship as a result. Therefore, the building is not an excellent example of a vernacular cottage in Los Angeles. The cottage does not embody the distinctive characteristics of a type, period, or method of construction and does not possess high artistic value for these same reasons. No architect designed this building; therefore, the building is not the work of a master. Due to infill construction and alterations, the building does not possess integrity of design, materials, workmanship, feeling, association, and setting. It has not been moved and possesses integrity of location. Because the building does not meet any eligibility standards and does not possess sufficient integrity, it is ineligible for listing in the National Register, California Register, or for designation as an HCM.

Criterion D/4

Certain important research questions about human history can only be answered by the actual physical material of cultural resources. Criterion D encompasses the properties that have the potential to answer, in whole or in part, those types of research questions. The most common type or property nominated under this Criterion is the archeological site. ... Criterion D has two requirements, which must both be met for a property to qualify: The property must have, or have had, information to contribute to our understanding of human history or prehistory, and the information must be considered important.

The subject property is ineligible for the National Register and California Register under Criterion D/4, as it is not anticipated to yield, or may be likely to yield, information important in prehistory or history.

HPOZ Eligibility

Although not approved by the City of Los Angeles at the time of this study, a potential HPOZ has been identified in Los Feliz. The Los Feliz HPOZ is roughly bounded by Griffith Park to the north, Riverside Drive to the east, Franklin Avenue to the south, and Los Feliz Boulevard to the west. The subject property is not located within the boundary identified for the Los Feliz HPOZ or other previously identified HPOZ. Properties neighboring the subject property include commercial properties constructed over the course of time, many of which are vernacular or substantially altered. Neighboring single- and multi-family residential properties were also constructed over the course of time and reflect a variety of architecture styles. Alterations such as inappropriate replacement windows and additions were noted in the 1400 block of W. Russell Avenue. The 1400 block of W. Russell Avenue does not possess the requisite greater than 50 percent of potential contributors to support an HPOZ application; therefore, the subject property is not located within a potential HPOZ. Furthermore, the subject property would not contribute to a potential HPOZ for the same reasons it is individually ineligible for listing in the National Register, California Register, or for designation as an HCM.

CONCLUSION

This peer review MFR summarizes the peer review and evaluation of the subject property for listing in federal, state, and local historical registers. The peer review conducted for the subject property demonstrates it is not associated with a historically significant event, is not associated with a historically significant person during their period of productivity, and is not architecturally significant or the work of a master. Therefore, the subject property is ineligible listing in the National Register, California Register, or for designation as an HCM as an individual resource. Additionally, this area of Los Feliz does not qualify for designation as an HPOZ due to infill construction of multi-family apartment buildings of varying architectural styles, and the subject property would not contribute to a potential HPOZ for these same reasons. Therefore, the subject property is not a historical resource pursuant to Section 15064.5(a) of the CEQA Guidelines, and demolition of the buildings located on the subject property would not result in a substantial adverse change to a historical resource (Section 1564.5(b) of the CEQA Guidelines). Therefore, the City of Los Angeles determination letter issued on September 18, 2018, remains valid.

Should there be any questions regarding the information contained in this MFR, please contact Ms. Carrie Chasteen at (626) 683-3547, extension 102.

ATTACHMENT A
RESUME OF KEY PERSONNEL

Carrie E. Chasteen, MS

Historic Resources Manager

Master of Science, (Historic Preservation), School of the Art Institute of Chicago, Chicago, Illinois

Bachelor of Arts (History and Political Science), University of South Florida, Tampa, Florida

- Cultural resource management and legal compliance
- History of California
- Architectural History
- Cultural History
- Identification and evaluation of the built environment
- Archival documentation
- Historic preservation consultation
- Certified Oregon Transportation Investment Act (OTIA) III CS3 Technical Lead
- Historic Preservation Commissioner, City of Pasadena
- Phi Alpha Theta National Honor Society

Years of Experience: 17

Relevant Experience:

- *Historic Evaluation for 54 Parks, Golf Course, and Arboreta Project*
- *Historic Evaluation and Design Review for Fries Avenue Elementary School*
- *Los Angeles Union Station Forecourt and Esplanade Project*
- *Los Angeles Music Center*

Ms. Carrie Chasteen has more than 17 years of experience in the field of cultural resources management and the built environment, including project management, agency coordination, archival research, managing large surveys, preparation of Environmental Impact Statement/Environmental Impact Report (EIS/EIR) sections, Mitigated Negative Declaration (MND) and Initial Study (IS) sections, peer review, and regulatory compliance. She has served as Principal Investigator / Principal Architectural Historian on projects throughout Los Angeles County. Ms. Chasteen meets and exceeds the Secretary of the Interior's *Professional Qualification Standards* in the fields of History and Architectural History. She has extensive experience with the City of Los Angeles Office of Historic Resources (OHR), California Office of Historic Preservation, California Department of Transportation (Caltrans), County of Los Angeles Department of Parks and Recreation, and various other state, county, and local government agencies.

On behalf of the County of Los Angeles (County) Department of Parks and Recreation, Ms. Chasteen is managing the documentation and evaluation of 54 parks, golf courses, and arboreta. The historic evaluations assess County facilities that were identified as priorities due to the age of the facility, architect of record, or affiliation with event of importance to the history of development of Los Angeles County. The historic evaluations consider eligibility for listing on the National Register of Historic Places, the California Register of Historical Resources, the standards provided in CEQA, and the County Register of Landmarks and Historic Districts. The results documented in the historic evaluations were used by the County to address future projects in the facilities, alter plans as needed, and to inform a Cultural Resources Treatment Plan (CRTP) and Worker Environmental Awareness Program (WEAP) training.

On behalf of the Los Angeles Unified School District (LAUSD), Ms. Chasteen prepared a historical evaluation of the Fries Avenue Elementary School. The evaluation tiered off the historic context and registration criteria developed for the award-winning LAUSD Historic Context Statement, 1870 to 1969. The property was determined to be a historical resource pursuant to CEQA. As a result, Ms. Chasteen also reviewed the design of the proposed campus revisions to determine if the proposed project complied with the Secretary of the Interior's *Standards for the Treatment of Historic Properties*.

On behalf of the County of Los Angeles, Ms. Chasteen reviewed plans for the proposed renovation of the plaza at the Los Angeles Music Center. Design refinements were suggested and implemented in order to reduce impacts to the plaza and its character-defining features.

Ms. Chasteen is a member of the Society of Architectural Historians, National Trust, California Preservation Foundation, Los Angeles Conservancy, Pasadena Heritage, and currently serves as a City of Pasadena Historic Preservation Commissioner.