RESOLUTION NO. 20-____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD DENYING AN APPEAL FILED BY KATHY YOUNESSI AND APPROVING THE CULTURAL RESOURCE DESIGNATION OF THE PROPERTY AT 1251 DETROIT STREET, WEST HOLLYWOOD, CALIFORNIA (CRD19-0001)

THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. On May 6, 2019, Michael Younessi submitted an application on behalf of the property owner, Kathy Younessi to nominate the front duplex on the property located at 1251 Detroit Street as a designated cultural resource of the City of West Hollywood.

SECTION 2. On October 28, 2019, a duly noticed public hearing was held before the Historic Preservation Commission to consider the nomination of the building as a local cultural resource. At that time, the Historic Preservation Commission voted four-to-one to recommend to the City Council designation of the building as a local cultural resource.

SECTION 3. On November 5, 2019, a timely appeal was filed by the property owner, Kathy Younessi requesting that the City Council reject the Historic Preservation Commission's recommendation and deny the designation of the property as a local cultural resource based on technical errors, unsupported findings, lack of evidence, and questions the HRA peer review process.

SECTION 4. Having considered the written grounds for the appeal and the additional oral and written testimony presented at or before the public hearing, the City Council hereby makes the following findings regarding the grounds raised in the appeal (appellant's contentions are identified in italics):

1a. The findings for the recommendation were not clearly defined. The Staff Report attempts to lay out a rationale for recommending designation but does not point to substantive evidence to support such a conclusion. It does not provide a rationale as to why its analysis sided with one Historic Resource Assessment (the HRA undertaken by a previous buyer authored by Leslie Heumann) over two other HRAs (subsequent HRAs conducted by Anna Marie Brooks and Kaplan Chen Kaplan) that came to a different conclusion. Instead, the City's analysis relied on a peer review by its
Historic Preservation Consultant (Chattel, Inc) that was suspect in its material value for reasons outlined in #3.

The findings for designation were based on information provided through the three HRAs and a site visit to examine the subject site and evaluate it based on the criteria for designation established in the WHMC. The HRA by Leslie Heumann cited evidence in accordance with the National Register Bulletin 15 that detailed each of the character-defining features of a Craftsman bungalow and how the subject property retained many of these elements including horizontal massing, proportionality throughout window and door relations, wood clapboard siding, large porches, gabled roofs, and other elements. It also presented a level of comprehensive research through verified historical records including directories and tax assessor’s records that portrays the history of West Hollywood and the subject property’s place within that larger story. The HRA by Anna Marie Brooks concurs with much of the information and provides the same referenced records as well. The other two assessments focused on a few of the character-defining features that had been altered, such as the rafters. They lacked evidentiary support that discussed the entire property and instead, relied on assertions regarding the current state of the property. The current state of the property, although left in disrepair, continues to retain enough integrity to convey its distinctive Craftsman style.

1b. Additionally, the staff report does not outline why the evidence in the initial HRA is considered significant in the context of West Hollywood. No finding based on substantial evidence is provided in the staff report or contained in the public record. Evidence presented in the staff report is light at best or nonexistent at worst. Thus, there was limited data for which Historic Preservation Commission members could use in their deliberations and therefore they were unable to form a basis for a decision or express why they relied on one set of evidence over another to render a decision.

The property’s qualifications for designation under local criteria A-1 and B are discussed at length on pages 2 and 3 of the adopted Resolution HPC 19-137 and on pages 5 through 7 of the October 28, 2019 HPC staff report. In addition, the basis for staff’s recommendation is provided again on pages 2 through 4 of the staff report dated February 18, 2020. The Heumann report details how the structure meets local criteria A-1 and B. The subsequent reports do not provide counterpoint evidence, but merely claim that the property does not retain sufficient integrity. As described further in the response to Assertion #3 below, staff did not “rely” upon a peer review conclusion, but instead weighed the various reports equally, independently conducted site inspections to observe the conditions of the character-defining features, and relied upon guidance from the National Register Bulletins and subject matter knowledge in Historic Preservation.
After consideration of all the information available, staff reached the independent conclusion that the property retains a sufficient level of integrity and meets two criteria for designation as provided above. The question is not whether the City "sided" with one report over another, but whether the property meets the required criteria for designation. In this case, it is the recommendation of the Historic Preservation Commission, and staff, that it does in fact meet the criteria.

2a. Planning Staff made two conclusions as to reason the Report had stipulated recommending a designation. One such conclusion was the argument that a craftsman duplex was important to the City's history. In the report conclusion, it framed this property/building as a "rare surviving example" in the City. Yet evidentiary material as to the importance to the City of this specific claim was not included in the report.

The R2, R3, R4 Multi-Family Survey Report published in 2008 of historic properties in West Hollywood defined the Craftsman Bungalow style as a significant architectural style in the City of West Hollywood. The context statement also identifies that Craftsman Architecture was used for both single-family and duplex housing types. Most of the materials remain intact and have not been so altered that the property doesn't still convey a sense of time and place of its era of construction. In the 2008 Survey, 227 buildings were identified as Craftsman style architecture. Of those, seventeen Craftsman bungalows are locally designated cultural resources. This was not the single determining factor in evaluating the property's eligibility. When determining if the property is eligible for designation, all of its aspects are considered in respect to the criteria, and it was determined to be eligible.

2b. The City has never defined the duplex type as important to the City's architectural or development history. The City's Multi-Family Zone survey did not find the duplex property type significant enough to identify those buildings as a significant property type in its listing of properties surveyed. Under NRB 15, the fact that it is simply a duplex is not enough for a structure to be eligible. Further, a building typology (duplex vs. single family, for example) cannot be a characteristic as defined in the City's Criteria #2. The subject property, as outlined in NRB15, stipulated that a subject property must have an important association with an event or trends and not for generic reasons.

The R2, R3, R4 Multi-Family Survey Report published in 2008 of historic properties in West Hollywood identified duplexes as a significant property type in the City. The report states that the City's multi-family housing is highly significant both in the development of the community and the region (R2, R3, R4 Multi-Family Survey Report, pg. 40).
The appellant asserts that staff has misinterpreted Criterion #2. The West Hollywood Municipal Code does not include a Criterion #2. If the appellant was referring to Criterion B, then it is important to note that the building’s duplex typology was not the main defining characteristic to qualify it here, but rather it’s Craftsman architecture. The property has not been nominated based on any criteria that requires important associations with an event or trend.

2c. The other conclusion made a claim that the building is highly representative of the Craftsman design and that it maintained a high degree of integrity, both are in dispute. The building is only a modest example of the style and has lost architectural integrity due to significant alterations including the clipping of character-defining rafter trails and modification of major porch elements.

The HRAs by Brooks and KCK emphasize the current condition of the property and how its deteriorated state disqualifies it from designation. Both HRAs also mention that the property is not the work of a master and does not represent an architectural achievement or innovation. Based on the guidelines of the National Register Bulletin 15, workmanship can be expressed, as it is in the subject property, in vernacular methods of construction and plain finishes. It can be based on common traditions and still be a highly representative example of an architectural type. One example of his workmanship in the subject property is the joinery found in the king post. This can be seen from the porch. It is an example of the skill and handiwork infused in the construction of the property that was not identified or discussed in either of the later two HRAs.

The subject property has undergone alterations over time including a roof replacement to asphalt, the addition of security grilles to the windows and a thru-wall air conditioning unit, and the partial removal of window framing and molding on the south unit. However, the building continues to possess a high degree of integrity. Although analysis suggests the building’s rafter tails were shortened and the concrete flooring on the porches and bases of the porch columns have been covered with stucco that may compromise the structure’s material integrity, it is difficult to know for sure because no documentation of the original conditions of the rafter tails or the porches has been presented. More evidence is needed to verify the claims that these features have been altered since many Craftsman style duplexes exhibit similar conditions as the subject property, such as rafter tails that are cut in plane with the edge of the extended eave, scored concrete porch flooring and stuccoed pillars.

3. The process of developing a peer review was substantially flawed. In an effort to gain certainty among conflicting reports, the City asked its Historic Preservation Consultant (Chattel, Inc.) to peer review all three HRAs. In
accepting such a request, the Consultant failed to disclose its ongoing working relationship with the author of the Initial HRA (Leslie Heumann). Ultimately, the peer review sided with Heumann HRA. Evidence of a long-standing working relationship between Heumann and Chattel, Inc can be traced as far back as 2013 with various Staff Reports/contracts from other local agencies listing Heumann as an agent for Chattel. It would have been improper for the City to knowingly hire a consultant to be an arbiter of conflicting evidence under the guise as a neutral third party when in fact a financial relationship existed between the Consultant and one of the HRA authors. In this case, there is no evidence that City had prior knowledge of that relationship.

The city has an on-call historic preservation consultant, Chattel Inc, who peer reviews all third-party historic analysis that is submitted to the city as part of a development application. As is the city's standard practice, city staff requested that Chattel peer review the three HRAs. Upon review in April 2017, Chattel determined that the other two HRAs did not provide sufficient evidence and the Heumann report provided the most robust body of evidence. At that time, Heumann was doing some limited contract work for Chattel and was not involved at all in the peer review. Upon release of the peer review results, the applicant raised a concern about the professional relationship between Heumann and Chattel. When staff learned about the professional connection between Chattel and Heumann, Staff acknowledged the potential or perception for a conflict of interest. Leslie Heumann's assessment of the property was not produced on behalf of Chattel, Inc. However, she has been employed by Chattel, Inc. periodically over the last seven years and has since been hired as an employee. When the appellant (property owner) raised objections about the results of the peer review, staff agreed to not rely on the peer review in its analysis and take it out of consideration in its recommendation (even though the analysis was independent, valid, and supported by evidence). Staff understood the potential for an appearance of a conflict of interest and offered to work with another expert from the City's pre-approved consultant list to prepare an additional HRA at the cost of the owner. The owner declined this option and chose to proceed in seeking a determination from the Historic Preservation Commission.

Planning staff reviewed each of the three Historic Resource Assessments as individual and equally-weighted evaluations and staff provided the ultimate recommendation to the HPC. That recommendation was independently reviewed by the City's commission of experts on historic matters and that commission also reached the same conclusion. While the appellant may be dissatisfied with the staff and HPC's recommendation, there is no evidence that Chattel's connection to Ms. Heumann has in any way tainted this process. Even if it had, the independent and de novo review of all of the evidence by the HPC, and
again by the City Council, eliminates even the appearance of the alleged bias towards the Heumann report. Staff has explained in the staff report dated February 18, 2020 the technical reason why it has favored the results of the Heumann report. When an agency is faced with conflicting evidence, it is permitted to favor the opinions and estimates of some of the experts over the others.

Through this process, staff found that the HRAs by Anna Marie Brooks and Kaplan Chen Kaplan failed to establish their claims through sufficient evidential support because they focused on the condition of the property and the few elements of it that had deteriorated over time or were altered. These reports did not discuss all of the character-defining features nor did they provide arguments as to why the property did not meet the criteria for eligibility. The HRAs by Anna Marie Brooks and Kaplan Chen Kaplan focus on the rafters, window frames, and porch. They do not provide a comprehensive evaluation of the site as a whole and all of the character-defining features extant in the property. Staff found that the HRA by Leslie Heumann was the most comprehensive based on the guidance from the National Park Service National Register Bulletins.

Applicants are often asked to provide additional information if an HRA fails to meet the level of detail and research needed to make a decision. Usually, the same author conducts further research to strengthen their argument and presents a revised HRA. However, in this case, the applicant provided an additional HRA by a different author, and this additional HRA still failed to refute the evidence presented in the Heumann HRA. That there are two reports does not negate the fact that they both fail to provide a comprehensive evaluation of the whole site and all of the character-defining features.

Given the evidence presented in the staff report and at the public hearing, the Historic Preservation Commission adopted Resolution HPC 19-137 recommending to City Council the designation of the front duplex located at 1251 Detroit Street as a local cultural resource.

SECTION 5. Beginning on February 6, 2020, advertisements were posted in the Beverly Press and in the West Hollywood Independent. Copies of the staff report have been on file at the West Hollywood City Hall and West Hollywood Library since February 12, 2020.

SECTION 6. This request is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to section 15331 (Historic Resource Restoration/Rehabilitation) of the CEQA Guidelines which exempts projects that preserve historical resources in a manner consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings.
Designation of this building will ensure that any future alterations are reviewed for conformance with the Secretary of the Interior’s Standards.

SECTION 7. Based upon the written and oral evidence submitted, the City Council finds that the following designation criteria apply to the subject property pursuant to Section 19.58.050 of the West Hollywood Municipal Code:

A. Exemplifies Special Elements of the City. It exemplifies or reflects special elements of the city’s aesthetic, architectural, cultural, economic, engineering, political, natural, or social history and possesses integrity of design, location, materials, setting, workmanship feeling, and association in the following manner:

A1. It embodies distinctive characteristics of a period, method, style, or type of construction, or is a valuable example of the use of indigenous materials or craftsmanship.

The duplex is a highly representative example of vernacular Craftsman architecture that maintains many of the character-defining features of the distinct style, which was primarily used in the design of single-family and duplex buildings in West Hollywood at the time. The period of significance is from the 1910s through 1926, which includes the construction of 1251 Detroit Street in 1914. The “R2, R3, R4 Multi-Family Survey Report” describes duplexes as a popular form of building between the 1920s through 1940s consisting of a single, one-story building divided into two units. They typically maintain the density, form, and style of modest single-family housing with side-by-side composition on the main facades and entrances often paired under a single central porch or separated under individual porches. The Craftsman style design was used in both single-family and multi-family residences including duplexes and bungalow courts (R2, R3, R4 Multi-Family Survey Report 2008, pg. 41, 53). The City’s 2008 Multi-Family Survey states that “West Hollywood’s multi-family housing is highly significant both in the development of the community and, more broadly within the region. This significance is represented by a broad range of historic property types including: duplexes...” (R2, R3, R4 Multi-Family Survey Report 2008, pg. 40).

The distinctive characteristics of the building’s 1914-era Craftsman style bungalow design have been retained and include: compact massing and plan, gable roof with overhanging eaves, exposed rafters and purlins, wood clapboard siding, and windows with stylized muntin patterns. (R2, R3, R4 Multi-Family Survey Report 2008, pg. 53).

The building retains sufficient levels of integrity and continues to convey its historic significance. It remains on its original site and retains integrity of location. The building has a majority of the original
exterior character-defining features of its original Craftsman design employed by original owner-builder Charles Dodge. Although there have been some alterations including a roof replacement, boarded windows and doors, and other general disrepair, the building retains sufficient integrity to convey its Craftsman design. The building's setting has been altered with gradual development in the surrounding neighborhood, particularly the commercial development of the grocery store shopping center on the east side of the street. The west side of the street where this building is located continues to maintain the residential nature of the street and is comprised of the one- and two-story residential buildings that slowly developed on the block to form the extant neighborhood. The building retains a majority of its original exterior materials and workmanship with the exception of some materials that have been replaced, thus reflecting the craftsmanship of early 20th century Craftsman design and construction. The building reflects the feeling of a 1914 Southern California Craftsman bungalow residence through its exhibition of original aesthetics and sense of time. The building retains integrity of association including the look, feel, and appearance associated with the early development of West Hollywood and therefore continues to convey its Craftsman design.

B. Example of Distinguishing Characteristics. It is one of the few remaining examples in the city, region, state or nation, possessing distinguishing characteristics of an architectural or historical type or specimen.

The City of West Hollywood had two early periods of development; the 1890s with the establishment of the railyards in Sherman, and then the first two decades of the 20th century with the growth of the entertainment industry and the expansion of the streetcar line. The subject property was constructed during this second period, and many of the structures from this time have either been demolished or inappropriately remodeled resulting in a loss of integrity. It is one of the few remaining examples in the City that embodies the character-defining features of the Craftsman style that was once dominant in West Hollywood residential development during the first two decades of the 20th century. It is also a rare example of a Craftsman duplex in West Hollywood, a property type not abundantly built, and the survival of one with its character-defining features intact is noteworthy.

The National Parks Service publishes a series of Bulletins for the purpose of guiding designation and treatment of historic resources. These are available at nps.gov/subjects/nationalregister/publications.htm. Specifically, Bulletin 15 establishes criteria for applying the National Register Criteria for
designation at the federal level. While this is generally a much higher threshold for application, the guidance is useful, and this National Register Bulletin is often referenced when applying criteria even at state and local levels of consideration.

The property meets the definition of “integrity” as defined by the Bulletin 15 in that it “retains the ability to convey its significance.” The design is the “combination of elements that create the form, plan, space, structure, and style of a property. It results from conscious decisions made during the original conception and planning of a property including such elements as organization of space, proportion, scale, technology, ornamentation, and materials.” (NRB-15 1995, pg. 44). The design of the Craftsman duplex, especially in contrast to the rear structure, highlights the attention to site planning, design, and proportion that are emblematic of Craftsman architecture. The “materials are the physical elements that were combined during a particular period of time and in a particular pattern or configuration to form a historic property” and workmanship is the “physical evidence of the crafts of a particular culture or people during any given period in history.” (NRB-15 1995, pg. 45). The subject property is an example of an owner-builder development in a style popular at the time of its construction comprised of materials available and accessible to the working middle class residents that built their home. These aspects of integrity are retained to a level sufficient to maintain the property’s historic “feeling- a property's expression of the aesthetic or historic sense of a particular period of time” (NRB-15 1995, pg. 45).

SECTION 8. Based upon the foregoing facts and pursuant to Section 19.58.050 of the West Hollywood Municipal Code, the City Council affirms the Historic Preservation Commission’s recommendation that the front duplex at 1251 Detroit Street qualifies for designation as a cultural resource under criteria A1 and B of WHMC Section 19.58.050.

SECTION 9. Based upon the foregoing criteria, the City Council finds that the exterior of the building includes the following character defining features:

- Compact massing and plans;
- Gable roof with overhanging eaves;
- Exposed rafters and purlins;
- Wood clapboard siding;
- Windows with stylized lozenge muntin patterns
- Strong horizontal massing integrated into the surrounding neighborhood;
- Capacious front porches with nested gables
- Broadly proportioned window and door openings
The rear detached residential structure has no distinct architectural style and is not significant to the historical significance of the property.

SECTION 10. The City Council hereby denies the appeal and designates the property at 1251 Detroit Street as a designated local cultural resource.

PASSED, APPROVED AND ADOPTED BY A MOTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD ON THIS 18th DAY OF FEBRUARY 2020.

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MAYOR

ATTEST:

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City Clerk