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SUBJECT: PLUM Committee Hearing, January 18, 2022, Agenda Item 8 for Taix French Restaurant.

January 18, 2022

To Whom It May Concern:

My name is Daniel Paul, and I am an architectural historian. On behalf of the Silver Lake Heritage Trust, I completed supplemental arguments to the City of Los Angeles Historic-Cultural Monument (HCM) application for Taix French Restaurant. I would like to take this opportunity, on my own behalf only, to express my deep concerns for what CD 13 currently proposes as an amendment to the Taix HCM. I am not a party in the present lawsuit.

This letter is a revised, expanded, and corrected version of one sent on December 7, 2021. I ask that this letter be entered into the administrative record for the subject agenda items.

The below concerns pertain to the Cultural Heritage Commission (CHC) Staff Report, amended findings of January 26, 2021 (amended December 17, 2020), and CD 13's amended language dated May 4, 2021, and December 6, 2021. My concerns, many of which are admittedly technical, are as follows:

What O'Farrell's office is proposing to landmark: a legacy business, a site, three objects, or something else, is confused.

CD 13 has drafted amendment language to a version of the landmark approved by CHC. The CD 13 amendment acknowledges Taix' historic significance under City HCM Criterion 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"). But CD 13's amendment, with its emphasis upon "intangible elements" implies that Criterion 1 eligibility is only for Taix as a legacy business, and nothing else.

In a manner not wholly resolved to the legacy business' eligibility, CD 13 proposes the preservation of a bar top and two signs in and upon the new building and somehow designating these character defining features alone as the HCM on an otherwise brand-new property that doesn't yet exist.

What specifically is the proposed historic property, and how many resources are there? Is there one (legacy business)? Two (Legacy business and site)? Three (bar top and two signs)? Four (two signs, bar top, legacy business)? Or five (two signs, bar top, legacy business, site)? If the Council's intent is that the three objects constitute the historical resource, then why try and list the legacy business at all? Likewise, if the Council's position is that no character defining features are necessary to preserve a legacy business under Criterion 1, since in their view associative significance need not involve character defining features, then why preserve the bar

top and the signs? These three salvaged parts in of themselves do not constitute a proper HCM, and do not convey the historic significance of either the property or the legacy business.

“Sites” include standing buildings.

Councilmember O’Farrell has discussed the possibility of landmarking the Taix parcel as the “site” of a legacy business. This too is not historic preservation in any accepted sense, if the proposed historic site assumes the purposeful demolition of an extant landmark eligible building.

The City of Los Angeles Cultural-Heritage Ordinance (“Ordinance”) does not include a definition for “site,” just as it includes no definition for “building,” “structure,” “object,” or “district”- other commonly listed property types. If CD 13 is indeed proposing the Taix property as a historic site, then according to the Federal definition, sites include standing buildings:

“A site is the location of a significant event, a prehistoric or historic occupation or activity, or a building or structure, whether *standing*, ruined, or vanished, where the location itself possesses historic, cultural, or archeological value regardless of the value of any existing structure.” (U.S. Secretary of the Interior, National Register Bulletin 16A:15)

Since sites include standing buildings, even if CD 13’s amendment only recognized Taix as a site, demolition of the present building would be a substantial adverse change under CEQA.

Commemorative properties are not Historic-Cultural Monuments.

It appears that CD 13 is proposing preservation of the sign and the bar top not as historical resources in their own right, but as commemorative properties associated with the legacy business. The ordinance does not address or otherwise acknowledge the preservation of commemorative properties this way. Federal guidance does, and it discourages their listing on the National Register unless special considerations are met. (U.S. Secretary of the Interior, National Register Bulletin 15: 40) A commemorative property and a Historic-Cultural Monument are two different items, and CD 13 is confusing them.

Ultimately a legacy business is not a physical property in of itself. Therefore the Ordinance has no mechanism to list one as an HCM separate from physical features, including the empty ground or location alone some sites consist of.

CD 13 is nebulous in their amendment regarding why Taix is eligible under Criterion 1. If it is only the fact that Taix is a legacy business, then there are no character defining features, no physical materiality, nothing against which the Secretary of the Interior’s Standards can be applied. A legacy business in of itself is an intangible entity, not a physical property. Seemingly to avoid an EIR for the developer, CD 13 appears to be attempting a listing of the legacy business with no responsibilities to the Secretary of the Interior’s Standards for Rehabilitation, or to preserving the character defining features that CHC mentions in their finding of eligibility under Criterion 1. The landmarking of a legacy business is not possible through the present Cultural-Heritage Ordinance.

The CEQA liability of Mr. Taix

If CD 13 only perceives the legacy business in of itself as the historical resource- as their amendment seems to imply- then if Mike Taix never begins or ever ceases “New Taix” operation in the new building, is Mr. Taix therefore legally liable for committing a substantial adverse change to a CEQA resource? Though it acknowledges two signs and a bar top, and may tacitly be attempting to acknowledge a site, language in CD 13’s amendment implies the landmarking of the legacy business as *the* historical resource. If CD 13’s emphasis on intangible elements of significance implies that no material character defining features are necessary for this resource to be eligible under Criterion 1, then the above question regarding Mr. Taix and his liability seems fair, as this interpretation poses the legacy business as the CEQA historical resource.

The Continental theming that over many years the legacy family themselves maintained, is a character defining feature of Taix under Criterion 1 according to the CHC.

As eligible for associations to the City’s commercial identity or as CD 13 asserts, if Taix is Criterion 1 eligible as a legacy business, how is a Taix family members’ own deliberate, costly, and painstaking effort to maintain the Continental Dining spaces of his earlier generation relatives not *the* key character defining feature of the property? CD 13’s negation of this character defining feature is beyond reason relative to their own admittance of Criterion 1 eligibility.

Even if Taix’ Continental Dining interior is not of any design significance under Criterion 3, the “Stylish, dimly lit dining spaces” are mentioned in the CHC findings discussion, and the “continental dining design intent,” continued by later generations of Taix, is mentioned as evidence of the property’s historic integrity relative to Criterion 1. (Amended CHC Findings, January 26, 2021: np.)

Mr. Taix’, by his own unsolicited account at the CHC site visit, stated that his intention with later renovations and changes was to maintain Continental theming. His later changes are nearly all thoughtfully executed to that end. Mr. Taix’ concern and efforts with continuing the Continental theming transcended more than the three symbolic objects: two exterior signs and a bar top- proposed for preservation.

CD 13 has continuously acknowledged the historic significance of Taix but is misreading or denying how historic integrity works.

Thresholds of historic integrity for specific criteria - even for Criterion 3 which addresses architectural design- are not discussed in the City Ordinance. But insofar as the Ordinance references The Secretary of the Interior’s Standards for Rehabilitation, clearly the retention of character defining features and historic integrity is important, regardless of the specific Criterion. Just because Criterion 1 affords a property’s associative significance with events or contributions- “intangible elements” in the words of CD 13- this does not mean that no character defining features are necessary to preserve. Otherwise, there would be no historic preservation of any City historical resources found eligible under Criterion 1 only.

Just as the Ordinance references Federal guidance for identifying correctly proposed changes to a property, one assumes that OHR may reference Federal guidance for historic integrity relative to specific criteria, rather than assuming no thresholds of integrity are necessary because the Ordinance does not mention them. According to the Park Service, the integrity

threshold used for National Register of Historic Places Criterion A (The Federal equivalent to City Criterion 1) is simple: that a historical contemporary would need to recognize the resource from its period of significance. (National Park Service, Bulletin 15: 48)

This threshold affords a fair amount of flexibility. As such, virtually all of Mike Taix' later changes to the interior spaces are acceptable alterations. Though some of the recent changes such as the addition of tin ceilings are conjectural, others- such as Mr. Taix having large-panel smoked mirrors custom made in the 1990s, are remarkable.

With this threshold in mind, if one demolished the Bradbury Building, yet retained its glass skylight ceiling in a new condominium, or if one demolished Philippe, saved two of its signs and its counter- and even continued the legacy business as "New Philippe" in a new condominium, a historical contemporary would not recognize these as their respective landmarks. Just as they did not accept as historic preservation the remnant of the Brown Derby grafted onto a larger strip mall, it is unlikely that the preservation community, or even the Los Angeles populace as a whole, would perceive these approaches as historic preservation.

Similarly, a historical contemporary from Taix' period of significance (1962-1980) would not identify a new condominium having two signs and the bar top as the historic property itself, whether a Taix is operating a restaurant in it or not. Therefore, the preservation of two exterior signs and a bar top is insufficient for the property to retain its historic eligibility under Criterion 1.

CD 13, which may not be legally allowed to rewrite an existing nomination, needs to clarify if they are negating CHCs finding of Taix' "significant commercial identity" under Criterion 1.

Questions aside regarding the possibility of even landmarking a legacy business, is CD 13's definition of "legacy business" different than CHCs definition of "Significant commercial identity" in their 12/17/20 amendment? If it is, then it appears that CD 13 is attempting to nullify the Ordinance process with a rewrite of CHC's findings. If CD 13 and the City perceive "legacy business" and "significant commercial identity" as one-in-the-same, then CHC clearly stated that the "Continental Dining Design Intent" is a character defining feature relative to significant commercial identity/ legacy business under Criterion 1.

Section 122.171.10(f) allows City Council to "approve or disapprove in whole or in part an application or initiation for a proposed designation of a Monument." This reads as a binary, up or down action on what has gone through the Ordinance's landmarking process to that point, including CHC review. It seems a highly suspect interpretation of this language to read it as allowing Council to at-will *rewrite* an application or initiation of a proposed designation, with carte blanche to wholly negate accepted preservation practice, the need to honor the Secretary of the Interior's Standards for Rehabilitation, the qualified and expert knowledge of the City's own Cultural Heritage Commission, and the Ordinance itself.

Housing and Development Possibilities upon the Taix Parcel

The above concerns and comments should not be perceived as NIMBYism. I see and understand the desires of the City to work with developers and build new housing. But in the relatively few instances where proposed housing runs up against eligible or listed historical resources, the solution deserves more than standard formulas and superficial treatments.

If I may, I propose that Holland Partners consider a taller and thinner building upon the sizeable Taix parking lot. With this, that the City be open to flexibilities in variance or other common requirements, to allow Holland build this way, if this is what preserves Taix. Holland is already undertaking other housing projects, including those with low-income units, elsewhere in the City. Might this be a factor in allowing the developer certain flexibilities for instances like this where an eligible or listed historical resource is present upon the parcel?

Regarding the thought of a taller building, there is a precedent immediately across the street from the Taix property. The Sunset Glendale Tower/ California Federal Bank building (Citibank) is eight levels, ten stories tall, and has now stood for 56 years. Furthermore, the "Martin" Holland Group's architecture firm of record for the proposed project: Togawa Smith Martin, is A.C. Martin Inc. A.C. Martin is a multigenerational Los Angeles firm that designed much of the downtown Los Angeles skyline. If given the option, their staff is more than capable of designing a handsome residential tower upon this property.

For the environment's greater good, the relatively few instances where housing abuts against the City's listed or eligible historical resources deserves the extra expense, time, and creative thinking toward a project that saves the landmark. And regarding historic properties in Los Angeles, the possibilities for this circumstance are relatively slim. Los Angeles consists of over 800,000 parcels. Only 6.2% of these, and 7.6% of the City's area has been determined eligible for historic listing (PlaceEconomics, 2020, 8). Properties listed- about 1400, are but a fraction of even this.

In conclusion, I strongly agree, like CD 13 does, that Taix is eligible as a City Historic-Cultural Monument under Criterion 1. But as the CHC themselves have professed, this significance is conveyed through the total property itself. This including its interiors as articulated above, as acknowledged by the CHC after two hearings plus a site visit, and as I stated in my own supplemental HCM analysis.

What CD 13 is otherwise proposing fails the spirit and intent of the City of Los Angeles Cultural-Heritage Ordinance. Clearly there are other feasible options for building upon this parcel that will preserve Taix. A gutted preservation ordinance and the loss of the City's historical resources need not be collateral damage of the City's present push to develop new housing. The push is understandable, but is, perhaps at present, too breathless.

Thank You,

A handwritten signature in black ink, appearing to read 'D. Paul', with a stylized, wavy line extending to the right.

Daniel D. Paul, Architectural Historian