



WILLIAM F. DELVAC
T: 310.254.9050
E: Bill@AGD-Landuse.com

May 15, 2023

BY ONLINE SUBMISSION

Chair Marqueece Harris-Dawson
Planning and Land Use Committee Members
Los Angeles City Council
c/o City Clerk, Room 395
City Hall, 200 North Spring Street
Los Angeles, CA 90012

LACouncilComment.com

Re: CF 20-1341; Item No. 8 PLUM Agenda of May16, 2023; Morris Kight House Monument Nomination

Honorable Councilmembers:

This firm represents Westlake Apartment Development LLC and its principal Mickel Khayat ("Owner"). For reasons stated in this letter and the attachments, the Owner objects to the designation of the existing improvements on the above referenced site. Rather, it believes that this is a case where the site should be designated but not the improvements. This would best recognize the role of Morris Kight in Los Angeles history, while still allowing housing, including affordable units, to be developed on site without further delay.

SUPPORTING DOCUMENTATION

To support this request, attached are:

1. Council actions requested by the Owner;
2. Background and context;
3. A letter to the State Historic Preservation objecting to the failure to notify the Owner of the State Historical Resources hearing and consideration of a nomination submitted by the same nominators as the City Monument nomination.

BACKGROUND

The Owner recognizes the role of Morris Kight in the LGBTQ history of Los Angeles. However, as fully described in Attachment 2, the house at 1822 4th Street is not the one most closely associated with the work that led Mr. Kight to prominence. Rather, that house is the one on McCadden, which has also been nominated as a City Monument and will be considered by the City Council at a later date. Mr. Kight lived on McCadden twice as long as 4th Street. Further, the list of his significant accomplishments on McCadden is extensive, while very little of his significant work occurred while he lived on 4th Street.

Further, the 4th Street house has suffered very significant alterations to the living room where Mr. Kight would have held meetings. The kitchen is highly altered. The original garage was demolished and there have been exterior additions.



During the three years since the property was nominated, the Owner and City staff expended significant effort to find a solution that might preserve the house with new construction of affordable housing at the rear. None of these efforts proved successful. If these efforts failed, no further purpose would be served by designation of the existing improvements.

For these reasons, the Owner believes that designation of the site with on-site commemoration would best honor Mr. Kight's role in Los Angeles history.

For a further discussion, see Attachment 2.

NATIONAL REGISTER NOMINATION

During the time the efforts to save the house were ongoing, the same persons who prepared the City nomination submitted a National Register of Historic Places nomination. The nominator assured the Owner that it would delay the National Register nomination to allow efforts to find a solution to proceed. However, without notice to the Owner and without informing the Owner that the process was underway, the nominator proceeded with the National Register nomination.

The nominators submitted the incorrect owners' name to the State Office of Historic Preservation for the National Register nomination. Despite the fact that, during the City nomination process, the nominators learned the name of the Owner, yet failed to include the correct name with its National Register nomination. As a result, the Owner never received a notice of the State Historical Resources Commission's hearing on the National Register nomination and was deprived of an opportunity to object the nomination and to submit evidence that the McCadden house was more closely associated with Mr. Kight's important work and that the 4th Street house lacks sufficient historic integrity. As a result, the Owner was deprived of due process.

When the Owner learned last week that some parties, including perhaps the nominators, were saying that the Owner did not object to the National Register nomination, the Owner submitted a letter to the California State Historic Preservation Officer objecting to the nomination and its deprivation of due process. The letter requests a new hearing.

It is convenient for some to say that the Owner did not object to a nomination when the nominators failed to include correct owner information. Obviously, it is impossible to object in a process of which it was never notified.

As result and for the reasons set forth in Attachment 3, the City should ignore any assertions that designation is warranted based on the listing of the property in the National Register or that the Owner does not object to such listing.

CONCLUSION

For the reasons set forth in this letter and attachments, the Owner respectfully requests that the Council should designate the site only and not the existing improvements. The Owner further respectfully requests that the Council adopt the actions and findings set forth in Attachment 1.



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With site designation and commemoration, Mr. Kight's role in our history can be served while allowing a housing project that includes affordable housing to proceed after a three-year delay. Further delay from designation would serve no purpose.

Very truly yours,

A handwritten signature in blue ink, appearing to read 'William F. Delvac'.

William F. Delvac

cc: Albizael Del Valle, CD 8
Helen Campbell, CD 2
Lambert M. Giessinger, OHR
Melissa Jones, OHR
Mickel Khayat, Owner

ATTACHMENT 1
Council Actions Requested by Owner

In light of the record as a whole the Owner respectfully requests that the Council adopt the following actions and findings:

1. Designate the site only and not the physical improvements at 1822 W. 4th Street.
2. Subject to the Owner obtaining a demolition permit, authorize demolition of the physical improvements without any stay or further review under the Cultural Heritage Ordinance, including the determination by the Department of Building and Safety that the existing building is not a historical or cultural asset.
3. The Owner should celebrate the role of Morris Kight in the history of Los Angeles through commemoration with the input of the Office of Historic Resources on the commemorative measures.
4. Adopt the following findings:
 - a. 1822 W. 4th Street is not the property most closely associated with the role of Morris Kight in Los Angeles history.
 - b. Even if the structure were historically significant, it fails to retain sufficient integrity to be considered eligible.
 - c. The physical improvements, therefore, are not historically significant or eligible for designation as a Historic Cultural Monument and are, therefore, not historical or cultural assets under the Municipal Code.
 - d. Site-only designation is authorized under the Cultural Heritage Ordinance.
 - e. Among the City's list of Monuments, at least 13 are site-only designations.
 - f. Designation of the site only along with potential commemorative measures is the most appropriate way to honor Morris Kight, and to inform the public of his role in Los Angeles history.

ATTACHMENT 2

Background and Context

Overview

The Owner recognizes that Morris Kight was a leading figure of the history of gay and civil rights activism in Los Angeles. Kight was a cofounder of Christopher Street West and Parade, Gay and Lesbian Community Services of Los Angeles, and the West Coast/Los Angeles Chapter of the Gay Liberation Front in 1969. The Gay Liberation Front was formed on the East Coast in response to the Stonewall Riots in that same year.

Morris Kight lived in many residences in Los Angeles and West Hollywood during his period of activism, beginning in Bunker Hill in the late 1950s. The second place he lived was at 1822 W. 4th Street (“4th St House”), which is the property under consideration for Historic Cultural Monument Designation by City Council at this time. He lived there from 1966 to 1973.

He then moved to 1428 McCadden (“McCadden House”), where he lived from 1973 until at least 1987. Kight passed away in 2003 and was residing in an apartment in West Hollywood at that time.

A Historic Cultural Monument nomination for the McCadden House property will come before the Council at a later date. In considering whether either or both houses should be designated as Historic Cultural Monuments, two factors are important:

- First, which house is more closely associated with Mr. Kight’s major accomplishments; and
- Second, whether either or both houses retain sufficient historic and architectural integrity to reflect the property’s associations with Kight and his endeavors.

Kight resided at the McCadden House twice as long as he did at the 4th St House, and he came to prominence and accomplished most of the things for which he is known during his years at the McCadden House.

4th Street House

During his years at the 4th St House, he

- Cofounded the Gay Liberation Front; and
- Ran a health clinic out of the home.

McCadden House

During Mr. Kight’s years at the McCadden House, he:

- Served on the LA Human Rights Commission;
- Headed the Barney’s Beanery Protest;
- Cofounded the Stonewall Democratic Club;
- Planted trees to commemorate the deaths of friends and colleagues related to AIDS;

- Was filmed for the documentary *Live on Tape: The Life and Times of Morris Kite, Liberator*;
- Was visited by numerous celebrities and dignitaries; and
- Displayed his extensive art collection, which he named the “3,000-piece McCadden Collection” and which he donated to the ONE Institute upon his passing.

Kight’s association with the McCadden House was memorialized in the documentary, *Live on Tape: The Life and Times of Morris Kight, Liberator*:

- Kight was interviewed in the backyard.
- He described how he planted trees in the backyard of the McCadden property to commemorate the AIDS-related deaths of friends and colleagues.
- These trees still remain.
- The documentary does not mention the 4th Street House.

None of the contemporary newspaper articles and archival research indicates that Kight had any great affinity for the 4th St House.

For these reasons and all the other reasons in the McCadden House Monument Nomination, the McCadden House is more closely associated with the events and the period of time during which Mr. Kight gained importance.

Integrity

As for integrity, the 4th St House has sustained numerous alterations that dramatically impacted the ability of the 4th St House to convey historic associations with Kight’s work during the short time he lived there. Alterations include:

- Living room—this is where meetings would have taken place, but alterations include:
 - Laminate flooring;
 - Wall changes resulting in a changed interior circulation pattern; and
 - Retention of very little historic fabric.
- Kitchen alterations include:
 - Laminate flooring;
 - New countertops; and
 - Counter and cooking spaces have been reconfigured.
- Other alterations include:
 - Rear additions;
 - Original garage was demolished. The 4th Street House has been altered and does not retain a physical expression of Kight’s years of occupancy.

Efforts to Find a Solution

- Shortly after the nomination was submitted in May 2020, the Owner:
 - Solicited interest with fifteen LGBTQ community organizations to undertake a project that would save the house and serve the LGBTQ community.

- Offered to sell the property at his cost.
- Expressed a willingness to provide an option to purchase the property to provide time to put together a transaction.
- Asked AIDS Healthcare Foundation to purchase the property on the above terms or at least participate in a solution.
- None of these efforts resulted in any interest.
- The Cultural Heritage Commission's report to the Council was transmitted to the Council on October 12, 2020—over 2.5 years ago but was held under the Mayor's Executive Directive tolling the deadline for Council action.
- While the matter was tolled, City staff worked extensively with the Owner, the nominator, and interested parties to determine if preservation would be feasible by retention of the house while building new affordable housing behind it.
- The Owner secured the pro bono assistance of an architectural firm with expertise in preservation and site planning to accommodate new construction.
- City staff convened a number of meetings with the participation of the Owner's team and the nominator and, at times, with the Office of Historic Resources.
- Furthermore, the Owner again committed to selling the property at cost without profit to an entity able to preserve it and add new construction.
- While preliminary plans were developed that demonstrated what might be built, an extensive effort was made to identify an entity that would undertake a project to preserve the house.
- Staff spoke with real estate developers and other City departments.
- The City of Los Angeles' Cultural Heritage Ordinance:
 - Does not prohibit demolition or alteration of designated Monuments.
 - Instead, it provides a stay on demolition to determine if preservation can be accomplished.
 - As set forth in Administrative Code Section 22.171.15, the Commission can stay demolition or alteration up to 180 days, during which time the Commission can take steps to determine if preservation is feasible.
 - If the Commission determines that preservation of the Monument cannot be fully accomplished within the 180-day stay, it may recommend to the Council that the Council impose an additional stay of up to 180 days for a total maximum stay of one year.
- In this case, over two years went into the effort to preserve the house. This was an intensive effort far beyond a typical case, and far beyond the tools and resources the Cultural Heritage Commission or the City could or would bring to bear. The exploration of alternatives was much more detailed than analysis of alternatives under the California Environmental Quality Act.

- At the time of the Cultural Heritage Commission consideration of the nomination, the Owner's representative suggested that, in light of all the factors, including the lack of integrity of the 4th St House, that the McCadden House is more closely associated with Kight, and that the Cultural Heritage Ordinance expressly authorizes site-only designations, the Commission should consider designation of the site only rather than the physical improvements. Furthermore, the Commission was informed of the Owner's plan to include onsite commemoration of the importance of Mr. Kight's efforts. When the nominator objected to this approach, the Commission did not further consider it.

National Register Nomination

- The nominator also submitted a nomination for the National Register of Historic Places.
- However, it misidentified the correct Owner.
- The Owner was informed by the nominator by email that it would not pursue the National Register nomination while efforts were ongoing to find a solution that could allow housing to be built and incorporate the house into a project.
- Notwithstanding this understanding, the nominator pursued the National Register nomination but never corrected the name of the Owner.
- As a result, the Owner never received notice of the state hearing.
- The Owner would have objected to the listing and would have presented the extensive evidence of the building's lack of integrity, which the owner believes would have changed the State Commission's determination.
- As a result of all of this, the Owner was deprived of due process in connection with the National Register.
- The Owner submitted a letter of objection to the California State Historic Preservation Officer (see Attachment 3).

Building Code Provision

- As a result of the nomination, the Department of Building and Safety will have to make a determination of whether a project that would replace the existing building with a new housing project may result in the loss of or serious damage to a significant historical or cultural asset.
- If the Council designates the site and not the improvements, it should make a finding that the existing improvements are not the significant historical or cultural asset, it is the site and the legacy of Morris Kight.



ATTACHMENT 3

WILLIAM F. DELVAC
T: 310.254.9050
E: Bill@AGD-Landuse.com

May 12, 2023

BY EMAIL

Ms. Julianne Polanco, SHPO
Office of Historic Preservation
Department of Parks & Recreation
1725 23rd Street, Suite 100
Sacramento, CA 95816

Julianne.polanco@parks.ca.gov

Dear Ms. Polanco:

We represent Westlake Apartment Development, LLC (“Owner” or “Westlake Apartment Development”), which owns the property located at 1822 W. 4th Street in Los Angeles (“Property”). As you may know, the Property was nominated for the National Register of Historic Places (“National Register”) by Kate Eggert and Krisy Gosney on behalf of the AIDS Healthcare Foundation (“AHF”) for its association with Morris Kight and his role in LGBTQ community. It is our understanding that on January 21, 2022, the State Historical Resources Commission recommended listing the Property in the National Register which the Keeper did on August 29, 2022.

It was only after the listing of the property by the Keeper that the Owner became aware of the Commission hearing and the subsequent listing by the Keeper. Further, the Owner was not provided notice of the Commission hearing or its right to object to the nomination.

Had the Owner known of the hearing, it would have objected and presented extensive documentation regarding the structure’s lack of integrity and that the Property is not the one most closely associated with the work of Morris Kight. As a result, the Owner was deprived of its due process rights.

There is an apparently simple, yet very unfortunate, explanation as to how this happened. The nominator provided to your office the incorrect name of the owner as Sweetzer Lofts, LLC (“Sweetzer Lofts”). This is the entity to which you sent your letter of December 4, 2020. However, at the time of your letter, Sweetzer Lofts had not owned the Property for almost one and one-half years. The grant deed conveying the Property from Sweetzer Lofts to Westlake Apartment Development was recorded on August 16, 2019.

The National Register nomination was prepared by Kate Eggert and Krisy Gosney and dated November 12, 2020. The failure to provide the correct name of the owner is shocking for several reasons. First, the true name of the owner is of public record. Further, these nominators prepared a nomination of the Property as a City of Los Angeles Cultural Heritage Nomination

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again with Sweetzer Lofts, LLC as owner. However, as part of the City record on that nomination, the City provided an attachment as of May 22, 2020, correctly identifying Westlake Apartment Development as the owner. Further, during the public hearing process in which the nominators spoke, it was made clear that their City nomination did not identify the actual owner. All of this occurred prior to November 12, 2020, when the National Register nomination was submitted.

The owner is also shocked that the nominators and their client AHF proceeded with the nomination despite AHF sending an email on January 21, 2021, leading the Owner to believe that it would not proceed with the nomination while discussions were underway to find a way for AHF and the Owner to preserve the building.

In the last days, the Owner learned that some individuals are asserting that the Owner is not opposed to the National Register listing. This is absolutely not true.

Whether or not this was all intentional does not matter. What matters is the nominator misidentified the actual Owner and, as a result, your December 4, 2020, letter was sent to the prior owner. As a result, the true owner was never notified of the hearing and was deprived of its right to an opportunity to be heard and due process.

We are well aware that, even if the Owner objected, the Keeper could formally determine the Property eligible. But this misses the point that the Owner was deprived of the opportunity to present extensive evidence as to why the Property is not, in fact eligible, for the National Register.

Based on the foregoing, the Owner respectfully requests that a new properly-noticed hearing be held to provide the Owner with its constitutionally mandated opportunity to be heard.

We look forward to your reply and to learn the date of the new hearing. In the meantime, should you or counsel for the State Office of Historic Preservation like additional documentation or to discuss this, please let us know.

Very truly yours,

William F. Delvac

cc: Emma Siverson, Attorney General's Office, emma.siverson@parks.ca.gov
Mickel Khayat, Westlake Apartment Development LLC, mkhayat@fasakha.com