



City of Newport Beach  
100 Civic Center Drive  
Newport Beach, CA  
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Monday, August 21, 2022

## **Re. Appeal of Gannon Residence, 20 Bay Island**

Dear Mayor Muldoon and Council Members Avery, Blom, Brenner, Dixon, Duffield, and O'Neil:

On Tuesday, August 23, 2022, City Council is hearing an appeal of the Planning Commission approval (Resolution PC2022-017) of a Coastal Development Permit (CDP) for 20 Bay Island. We are writing to bring your attention to the City staff's analysis of the project which paved the way for the CDP approval by the Planning Commission and which now threatens an historic resource.

The July 7, 2022 Staff Report (Gannon Residence PA2021-305) states that City staff found the project exempt from the California Environmental Quality Act pursuant to Section 15303 under Class 3 (California Code of Regulations, Title 14, Division 6, Chapter 3) and found that none of the exceptions to the exemption apply because "the project location does not impact an environmental resource... and is not identified as a historical resource." Further, staff concluded that "facts to support the findings in the draft resolution are sufficient to demonstrate that the project would not impact any coastal resources..." Yet there is considerable evidence that the existing residence at 20 Bay Island is an historic resource *and* a coastal resource.

### **Why is it an historic resource?**

The 20 Bay Island residence was built in 1930 for May Chandler Goodan and Roger Goodan and it was designed by master architect, Gilbert Stanley Underwood (1890-1961). Among Underwood's major buildings are Silverwoods, one of the original office towers on Los Angeles' Miracle Mile, the U.S. Courthouse in downtown Los Angeles, the Ahwahnee Lodge at Yosemite National Park and several other National Park lodges. By the time Underwood received the Newport Beach commission he had designed 17 Union Pacific train stations. Beginning in the mid-1930s, Underwood was contracted by the federal government to design 20 post offices including Terminal Annex in Los Angeles. His distinguished 40-year career culminated in his role as Chief Architect of the General Services Administration, the federal agency that manages federal-owned properties. Today, at least 20 buildings designed by Underwood are on the National Register of Historic Places.

Underwood's career shows a mastery of both traditional and modern design. He designed his own home on Lake Hollywood Drive in Los Angeles in a Period Revival style but the influences of Modernism are evident in the smooth plaster surfaces and lack of ornamentation. Underwood took a similar pared-down approach with the Bay Island residence. Its wood frame construction, red brick foundation and chimney, and wood shiplap siding were combined in a simplified adaptation of the Colonial Revival style of a "Cape Cod" vernacular popular in coastal communities on both coasts in the 1930s and 1940s.

A review of the City's permit record and evidence provided by previous owners indicate that the house has not undergone any significant exterior modifications since its original construction date over 90 years ago. Based on an assessment from the public-right-of-way, maintenance of the property has been deferred for several years but it retains its integrity of location, setting, materials, design, workmanship, feeling and association and therefore continues to convey its historic significance.

Bay Island itself was identified in the 1992 Historic Resources Inventory by the City's Ad Hoc Historic Preservation Advisory Committee as a Class 3 "local historic site" that is "a building, structure, object, site or natural feature of local significance only. The property is representative of historic/architectural themes of local importance." The inventory was never approved by City Council but the list is a guide to the historic resources in the city that would only have become more historic not less as time has passed. Did City Staff pause to ask if a residence that dates to the period when the Bay Island community was established could itself be historic?

### **CEQA and the Coastal Act**

It is our considered view that the residence's age, intact Colonial Revival style and association with master architect Gilbert Stanley Underwood would qualify if for the California Register of Historical Resources under Criterion 3 for embodying the "distinctive characteristics of a type, period, region or method of construction or represents the work of a master or possesses high artistic values." ([https://ohp.parks.ca.gov/?page\\_id=21238](https://ohp.parks.ca.gov/?page_id=21238)). If the residence is eligible for the state's register then as far as CEQA is concerned 20 Bay Island would be an historic resource. Contrary to the City staff's finding, a resource does not have to be "identified" on an inventory, survey, or register to be historic. A resource has to be "eligible" for the California Register and pursuant to California Code of Regulations 14 Sec. 15300.2 (f) Historical Resources, a categorical exemption shall not be used for a project which may cause a substantial adverse change in the significance of an historic resource.

Based on the evidence, City staff should have required a historical evaluation of the residence before determining the project exempt. Moreover, if the house is an historic resource, then it is also a coastal resource and therefore the impact of the project on what the California Coastal Act (Public Resources Code, § 30000 *et seq.*) refers to as "community character" and the integrity of architectural resources should have been considered.

## **Historic Preservation in Newport Beach**

Newport Beach City staff have very limited tools with which to identify historic resources. The Newport Beach Register of Historic Property is inactive. The City's policy "K-2" sets out the procedure for nominating a property to the local register yet City planning staff are not well-informed about the process. Only ten properties are listed on the local register – mostly added in the 1980s and 1990s- and it was last updated in 2014, when the Goldenrod Avenue Footbridge was added. The City does not subscribe to the state's Mills Act program thus denying its residents the opportunity for property tax relief. Mills Act gives owners of historic buildings and houses an incentive to maintain them in exchange for a property tax rebate. This would encourage historic preservation throughout the City and high property values are not an excuse not to pursue the program. Santa Monica, Palo Alto and Pasadena administer successful Mills Act programs.

The City's inventory is alarmingly incomplete. The residence at 20 Bay Island would have met the 50-year threshold at the time the survey was conducted, yet it is not listed on the 1992 inventory. With an architect as significant as Underwood, a proper survey would have included him and have documented the integrity of the residence. What other buildings were missed at that time and what buildings that have achieved 50 years since 1992 are being overlooked because the City does not do a routine update? Residents should be concerned that any historic building constructed after 1945 is being ignored by their City yet this was an important era for the development of Newport Beach. For example, several important architects were engaged here in the postwar period such as William Pereira, William Cody, and J. Herbert Brownell. Districts such as Irvine Terrace, Cameo Shores and Newport Center were designed with the principles of Modernist planning and architecture.

The Stuff Shirt on East Coast Highway (now A'maree's) was designed in 1961 by the architecture firm of Ladd & Kelsey which was based in Newport Beach at the time and went on to design the award-winning Pasadena Art Museum (now Norton Simon Museum). Yet when the Newport Village Mixed-Use project was being considered in its early stages, the project plans did not include the Stuff Shirt and the City was unaware at that time that the Stuff Shirt was historic. Today, thanks to the efforts of residents of Newport Beach and others, the building's integrity as an historic resource cannot be ignored. It is now on the California Register of Historical Resources and was officially determined eligible for the National Register of Historic Places in 2021.

Thank you very much for your consideration.

Sincerely,

Krista Nicholds, Executive Director

cc. Leilani I. Brown, City Clerk; Chelsea Cramer, Associate Planner; Jim Campbell, Deputy Director, Community Development.