

JAPANESE HOSPITAL
101. FICKETT STREET
CHC-2016-1074-HCM
ENV-2016-1075-CE

Agenda packet includes:

1. Final Staff Recommendation Report
2. Categorical Exemption
3. Under Consideration Staff Recommendation Report
4. Nomination
5. Owner Letter

Please click on each document to be directly taken to the corresponding page of the PDF.

Los Angeles Department of City Planning

RECOMMENDATION REPORT

CULTURAL HERITAGE COMMISSION

**CASE NO.: CHC-2016-1074-HCM
ENV-2016-1075-CE**

HEARING DATE: July 21, 2016
TIME: 10:00 AM
PLACE: City Hall, Room 1060
200 N. Spring Street
Los Angeles, CA 90012

Location: 101 S. Fickett Street
Council District: 14
Community Plan Area: Boyle Heights
Area Planning Commission: East Los Angeles
Neighborhood Council: Boyle Heights
Legal Description: Kittredge's Subdivision of a
Portion of Lot 5 Block 73 Hancocks Survey, Lots FR
7 and 8

PROJECT: Historic-Cultural Monument Application for the JAPANESE HOSPITAL

REQUEST: Declare the property a Historic-Cultural Monument

OWNER: Luzviminda Mondonedo
3334 Oakmont View Dr.
Glendale, CA 91208 Luzviminda Mondonedo
2550 Honolulu Avenue, Suite 108
Montrose, CA 91020

APPLICANT: Little Tokyo Historical Society, Michael Okamura
319 E. Second St. Suite 203
Los Angeles, CA 90012

PREPARER: Little Tokyo Historical Society, Kristen Hayashi
319 E. Second St. Suite 203
Los Angeles, CA 90012

RECOMMENDATION

That the Cultural Heritage Commission:

1. **Declare the subject property** a Historic-Cultural Monument per Los Angeles Administrative Code Chapter 9, Division 22, Article 1, Section 22.171.7.
 2. **Adopt** the staff report and findings.

VINCENT P. BERTONI, AICP
Director of Planning

[SIGNED ORIGINAL IN FILE]

[SIGNED ORIGINAL IN FILE]

**Ken Bernstein, AICP, Manager
Office of Historic Resources**

Lambert M. Giessinger, Preservation Architect
Office of Historic Resources

[SIGNED ORIGINAL IN FILE]

Melissa Jones, Planning Assistant
Office of Historic Resources

Attachments: [Historic-Cultural Monument Application](#)

FINDINGS

- The Japanese Hospital “reflects the broad cultural, economic, or social history of the nation, state, or community.” The property represents an Asian American community’s initiative to create a health care institution during the early to mid-twentieth century in Los Angeles, a time when Japanese immigrants were barred from receiving care at mainstream health care facilities.

CRITERIA

The criterion is the Cultural Heritage Ordinance which defines a historical or cultural monument as any site (including significant trees or other plant life located thereon) building or structure of particular historic or cultural significance to the City of Los Angeles, such as historic structures or sites in which the broad cultural, economic, or social history of the nation, State or community is reflected or exemplified, or which are identified with historic personages or with important events in the main currents of national, State or local history or which embody the distinguishing characteristics of an architectural type specimen, inherently valuable for a study of a period style or method of construction, or a notable work of a master builder, designer or architect whose individual genius influenced his age.

SUMMARY

The 1929 Japanese Hospital is located on the southwest corner of Fickett and First Street in Boyle Heights and was formed to provide health care to Japanese immigrants and Japanese Americans during a period in Los Angeles history when Japanese and other minority groups were discriminated against and denied treatment at public health care facilities. In 1926, led by Doctor Kikuwo Tashiro, a group of Japanese doctors (Daishiro Luroiwa, Fusataro Nayaka, Toru Ozasa, and Matsuta Takahashi) combined their savings to lease land to build a hospital. The effort received overwhelming support and funding from the Japanese community. However, when the group went to formally incorporate the hospital, California Secretary of State Frank C. Jordan barred the incorporation. In his decision, Jordan cited the 1911 Treaty of Commerce that established the rights of Japanese nationals living in the United States, claiming that Japanese nationals were not allowed to incorporate and to lease land.

The group of physicians hired attorney Jacob Marion Wright, a trusted ally of the Japanese community and an advocate for civil rights, to represent them in their appeal to the California Supreme Court. In the case *Tashiro v. Jordan*, they argued that the 1911 Treaty of Commerce was broadly ambiguous and that a precedent had already been established since many Japanese were already allowed to lease land for their stores. The California State Supreme Court agreed with the arguments and overturned Jordan’s denial of the hospital’s incorporation. Jordan went on to appeal the decision to the United States Supreme Court. In 1928, the U.S. Supreme Court upheld the lower court’s decision and in 1929, after many years of struggle, the hospital was incorporated and began construction.

Japanese architect Yos Hirose designed the hospital in the Streamline Moderne style. It was originally built as a two-story, T-shaped masonry building with a flat roof and tower. It featured state of the art equipment and facilities including an x-ray lab and major operating room. Alterations to the building in 1966 and 1970 include an L-shaped addition that wraps around the north and west facades and a partial third story addition. While the building has been altered it continues to retain some character-defining features of the Streamline Moderne style such as

smooth stucco exterior cladding, a flat roofline with a zig-zag parapet, a slightly projecting Streamline Moderne-inspired central entrance along the east façade, and metalwork on and above the center second-story balcony featuring torch motifs.

Hirose was born in Nagasaki, Japan in 1882. He immigrated to the United States in 1903 at the age of twenty-one. From 1911-1915, he attended the Armor Institute of Illinois and earned a bachelor's degree in architecture. Soon after completing his degree, Hirose migrated to Los Angeles and began working as an architect, draftsman, and engineer. Hirose lived in Boyle Heights and most of his work was completed in Boyle Heights and Little Tokyo. His work includes the Koyasan Buddhist Temple on First Street in Little Tokyo and Tenrikyo Junior Church of America on First Street in Boyle Heights. In the spring of 1942, Yos Hirose was interned with his fellow Japanese-Americans at Poston in Arizona. During the Japanese internment, the hospital could not be seized by third parties or the government because it had been incorporated. Arrangements were made to lease the building to the Seventh-day Adventist Church's White Memorial Hospital until the conclusion of the war. In 1962, the Japanese Hospital closed and a larger facility in Lincoln Heights, City View Hospital, was opened. Since that time the building has continued to be used as a medical facility.

The Japanese Hospital was identified in the Los Angeles Community Redevelopment Agency's 2008 Adelante Eastside Redevelopment Area Intensive Historic Resources Survey as eligible for listing in the National Register of Historic Places and the California Register, as well as eligible for local Historic-Cultural Monument designation under the contexts of Ethnic/Cultural and Gender Identity and Public and Private Health and Medicine.

DISCUSSION

The Japanese Hospital successfully meets the Historic-Cultural Monument criterion that it "reflects the broad cultural, economic, or social history of the nation, state, or community." The building is a tangible representation of the determination of Japanese immigrant doctors to ensure that the community of immigrant and American-born Japanese in East Los Angeles had access to sufficient health care at a time when hospitals were enforcing discriminatory practices that denied care to patients of color and recent immigrants. Beginning in the late nineteenth century, Southern California's mild climate and abundant sunshine were promoted as a prescriptive panacea for health seekers. However, access to adequate health care was not equally available to all Angelenos in the first few decades of the twentieth century. Recent immigrants and residents of ethnic enclaves, including the city's Mexican, Chinese, and Japanese populations, were often associated with disease and filth and denied access to health care at mainstream hospitals and clinics. This situation, coupled with a xenophobic sentiment and resistance to Asian immigration, resulted in an important need for health care facilities to serve a growing Japanese immigrant community in Los Angeles.

The Japanese Hospital is significant not only for the extraordinary story that characterizes its establishment, but also as a reminder of the integral role that immigrants, ethnic minorities, and ordinary individuals—particularly from the Asian American community—have played in shaping Los Angeles's urban landscape. Furthermore, despite the change in ownership, the Japanese Hospital has continuously operated as a health care facility since it opened in 1929 and continues to attend to the health care needs of the Boyle Heights community today.

Although there have been several significant alterations to the building, they occurred after the period of significance, from 1926 to 1966, and do not detract from the character-defining features of the original 1929 Streamline Moderne design. The major alterations include a partial

third story added between 1966 and 1970 that rises just above the main entrance and a wing that runs along the north and west elevations dating to 1970.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (“CEQA”) FINDINGS

State of California CEQA Guidelines, Article 19, Section 15308, Class 8 “*consists of actions taken by regulatory agencies, as authorized by state or local ordinance, to assure the maintenance, restoration, enhancement, or protection of the environment where the regulatory process involves procedures for protection of the environment.*”

State of California CEQA Guidelines Article 19, Section 15331, Class 31 “*consists of projects limited to maintenance, repair, stabilization, rehabilitation, restoration, preservation, conservation or reconstruction of 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.*”

The designation of the Japanese Hospital as a Historic-Cultural Monument in accordance with Chapter 9, Article 1, of The City of Los Angeles Administrative Code (“LAAC”) will ensure that future construction activities involving the subject property are regulated in accordance with Section 22.171.14 of the LAAC. The purpose of the designation is to prevent significant impacts to a Historic-Cultural Monument through the application of the standards set forth in the LAAC. Without the regulation imposed by way of the pending designation, the historic significance and integrity of the subject property could be lost through incompatible alterations and new construction and the demolition of an irreplaceable historic site/open space. The Secretary of the Interior’s Standards for Rehabilitation are expressly incorporated into the LAAC and provide standards concerning the historically appropriate construction activities which will ensure the continued preservation of the subject property.

The use of Categorical Exemption Class 8 in connection with the proposed designation is consistent with the goals of maintaining, restoring, enhancing, and protecting the environment through the imposition of regulations designed to prevent the degradation of Historic-Cultural Monuments.

The use of Categorical Exemption Class 31 in connection with the proposed designation is consistent with the goals relating to the preservation, rehabilitation, restoration and reconstruction of historic buildings and sites in a manner consistent with the Secretary of the Interior’s Standards for the Treatment of Historic Properties.

Categorical Exemption ENV-2016-1075-HCM was prepared on July 7, 2016.

BACKGROUND

On May 19, 2016 the Cultural Heritage Commission voted to take the property under consideration. On June 30, 2016, a subcommittee of the Commission consisting of Commissioners Milofsky and Kennard visited the property, accompanied by staff members from the Office of Historic Resources.

COUNTY CLERK'S USE

CITY OF LOS ANGELES

CITY CLERK'S USE

OFFICE OF THE CITY CLERK
 200 NORTH SPRING STREET, ROOM 360
 LOS ANGELES, CALIFORNIA 90012

CALIFORNIA ENVIRONMENTAL QUALITY ACT**NOTICE OF EXEMPTION**

(California Environmental Quality Act Section 15062)

Filing of this form is optional. If filed, the form shall be filed with the County Clerk, 12400 E. Imperial Highway, Norwalk, CA 90650, pursuant to Public Resources Code Section 21152 (b). Pursuant to Public Resources Code Section 21167 (d), the filing of this notice starts a 35-day statute of limitations on court challenges to the approval of the project. Failure to file this notice with the County Clerk results in the statute of limitations being extended to 180 days.

LEAD CITY AGENCY City of Los Angeles Department of City Planning	COUNCIL DISTRICT 14
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PROJECT TITLE Japanese Hospital	LOG REFERENCE CHC-2016-1074-HCM ENV-2016-1075-CE
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PROJECT LOCATION 101 S. Fickett Street

DESCRIPTION OF NATURE, PURPOSE, AND BENEFICIARIES OF PROJECT: Designation of Japanese Hospital as a Historic-Cultural Monument.
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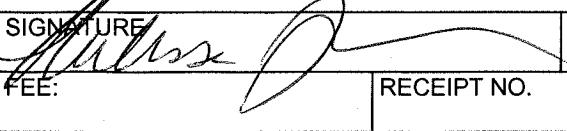
NAME OF PERSON OR AGENCY CARRYING OUT PROJECT, IF OTHER THAN LEAD CITY AGENCY:
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CONTACT PERSON Melissa Jones	AREA CODE 213	TELEPHONE NUMBER 978-1192	EXT.
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EXEMPT STATUS: (Check One)		
STATE CEQA GUIDELINES	CITY CEQA GUIDELINES	
MINISTERIAL	Sec. 15268	Art. II, Sec. 2b
DECLARED EMERGENCY	Sec. 15269	Art. II, Sec. 2a (1)
EMERGENCY PROJECT	Sec. 15269 (b) & (c)	Art. II, Sec. 2a (2) & (3)
<input checked="" type="checkbox"/> CATEGORICAL EXEMPTION	Sec. 15300 <i>et seq.</i>	Art. III, Sec. 1
Class <u>8 & 31</u> Category _____ (City CEQA Guidelines)		
OTHER (See Public Resources Code Sec. 21080 (b) and set forth state and City guideline provision.)		

JUSTIFICATION FOR PROJECT EXEMPTION: Article 19, Section 15308, Class 8 of the State's Guidelines applies to where project's consists of "actions taken by regulatory agencies, as authorized by state or local ordinance, to assure the maintenance, restoration, enhancement, or protection of the environment where the regulatory process involves procedures for protection of the environment." Class 31 applies "to maintenance, repair, stabilization, rehabilitation, restoration, preservation, or reconstruction of historical resources in a manner consistent with the Secretary of Interior's Standards for the Treatment of Historic Buildings." Designation of the **Japanese Hospital** as a Historic-Cultural Monument will assure the protection of the environment by the enactment of project review regulations based on the Secretary of Interior's Standards to maintain and preserve the historic site.

IF FILED BY APPLICANT, ATTACH CERTIFIED DOCUMENT ISSUED BY THE CITY PLANNING DEPARTMENT STATING THAT THE DEPARTMENT HAS FOUND THE PROJECT TO BE EXEMPT.

SIGNATURE 	TITLE Planning Assistant	DATE July 7, 2016
FEE:	RECEIPT NO.	REC'D. BY

DISTRIBUTION: (1) County Clerk, (2) City Clerk, (3) Agency Record

IF FILED BY THE APPLICANT:

NAME (PRINTED)

SIGNATURE

DATE

Los Angeles Department of City Planning

RECOMMENDATION REPORT

CULTURAL HERITAGE COMMISSION

CASE NO.: CHC-2016-1074-HCM
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Los Angeles, CA 90012 **Location:** 101 S. Fickett Street
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3334 Oakmont View Dr.
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2550 Honolulu Avenue, Suite 108
Montrose, CA 91020

APPLICANT: Little Tokyo Historical Society, Michael Okamura
319 E. Second St. Suite 203
Los Angeles, CA 90012

PREPARER: Little Tokyo Historical Society, Kristen Hayashi
319 E. Second St. Suite 203
Los Angeles, CA 90012

RECOMMENDATION

That the Cultural Heritage Commission:

1. **Take the property under consideration** as a Historic-Cultural Monument per Los Angeles Administrative Code Chapter 9, Division 22, Article 1, Section 22.171.10 because the application and accompanying photo documentation suggest the submittal warrants further investigation.
2. **Adopt** the report findings.

VINCENT P. BERTONI, AICP
Director of Planning

[SIGNED ORIGINAL IN FILE]

Ken Bernstein, AICP, Manager
Office of Historic Resources

[SIGNED ORIGINAL IN FILE]

Lambert M. Giessinger, Preservation Architect
Office of Historic Resources

[SIGNED ORIGINAL IN FILE]

Shannon Ryan, City Planning Associate
Office of Historic Resources

Attachments: Historic-Cultural Monument Application

SUMMARY

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The group of physicians hired attorney Jacob Marion Wright, a trusted ally of the Japanese community and an advocate for civil rights, to represent them in their appeal to the California Supreme Court. In the case *Tashiro v. Jordan*, they argued that the 1911 Treaty of Commerce was broadly ambiguous and that a precedent had already been established since many Japanese were already allowed to lease land for their stores. The California State Supreme Court agreed with the arguments and overturned Jordan's denial of the hospital's incorporation. Jordan went on to appeal the decision to the United States Supreme Court. In 1928, the U.S. Supreme Court upheld the lower court's decision and in 1929, after many years of struggle, the hospital was incorporated and began construction.

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The Japanese Hospital was identified in the Los Angeles Community Redevelopment Agency's 2008 Adelante Eastside Redevelopment Area Intensive Historic Resources Survey as eligible for listing in the National Register of Historic Places and the California Register, as well as

eligible for local Historic-Cultural Monument designation under the contexts of Ethnic/Cultural and Gender Identity and Public and Private Health and Medicine.

CRITERIA

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FINDINGS

Based on the facts set forth in the summary and application, the Commission determines that the application is complete and that the property may be significant enough to warrant further investigation as a potential Historic-Cultural Monument.

HISTORIC-CULTURAL MONUMENT NOMINATION FORM



1. PROPERTY IDENTIFICATION

Proposed Monument Name: Japanese Hospital		Original historic name			
Other Associated Names: Japanese Memorial Hospital					
Street Address: 101 S. Fickett Street		Zip: 90033		Council District: 14	
Range of Addresses on Property: 2534 E. First Street		Community Name: Boyle Heights			
Assessor Parcel Number: 5180006007		Tract: Kittredge's Subdivision of a		Block: None	Lot: FR8
Identification cont'd:					
Proposed Monument Property Type:	<input checked="" type="radio"/> Building	Structure	Object	Site/Open Space	Natural Feature
Describe any additional resources located on the property to be included in the nomination, here:					

2. CONSTRUCTION HISTORY & CURRENT STATUS

Year built: 1929	<input checked="" type="radio"/> Factual	Estimated	Threatened?	Private Development
Architect/Designer: Yos Hirose	Contractor: Yos Hirose			
Original Use: Hospital	Present Use: Home for the aged or others			
Is the Proposed Monument on its Original Site?	<input checked="" type="radio"/> Yes	No (explain in section 7)	Unknown (explain in section 7)	

3. STYLE & MATERIALS

Architectural Style: Streamline Moderne		Stories: 3	Plan Shape: T-shaped
FEATURE	PRIMARY	SECONDARY	
CONSTRUCTION	Type: Concrete poured/precast	Type: Select	
CLADDING	Material: Stucco, smooth	Material: Select	
ROOF	Type: Flat	Type:	
	Material: Select	Material:	
WINDOWS	Type: Double-hung	Type:	
	Material: Wood	Material:	
ENTRY	Style: Centered	Style:	
DOOR	Type: Glass	Type:	

HISTORIC-CULTURAL MONUMENT

NOMINATION FORM



4. ALTERATION HISTORY

List date and write a brief description of any major alterations or additions. This section may also be completed on a separate document. Include copies of permits in the nomination packet. Make sure to list any major alterations for which there are no permits, as well.

1966	Parapet construction. External stairway added on south elevation.
1966-70	Partial third story added on east elevation.
1970	2-story addition on north and west elevations to accomodate 34 beds. Parking lot added.
1971	Addition of a storage unit on the southwest corner.

5. EXISTING HISTORIC RESOURCE IDENTIFICATION (if known)

Listed in the National Register of Historic Places	
Listed in the California Register of Historical Resources	
Formally determined eligible for the National and/or California Registers	
Located in an Historic Preservation Overlay Zone (HPOZ)	Contributing feature Non-contributing feature
Determined eligible for national, state, or local landmark status by an historic resources survey(s)	Survey Name(s):
Other historical or cultural resource designations:	

6. APPLICABLE HISTORIC-CULTURAL MONUMENT CRITERIA

The proposed monument exemplifies the following Cultural Heritage Ordinance Criteria (Section 22.171.7):

<input checked="" type="checkbox"/> Reflects the broad cultural, economic, or social history of the nation, state, or community
Is identified with historic personages or with important events in the main currents of national, state, or local history
Embodies the distinguishing characteristics of an architectural-type specimen, inherently valuable for study of a period, style, or method of construction
A notable work of a master builder, designer, or architect whose individual genius influenced his or her age



HISTORIC-CULTURAL MONUMENT NOMINATION FORM

7. WRITTEN STATEMENTS

This section allows you to discuss at length the significance of the proposed monument and why it should be designated an Historic-Cultural Monument. Type your response on separate documents and attach them to this form.

A. Proposed Monument Description - Describe the proposed monument's physical characteristics and relationship to its surrounding environment. Expand on sections 2 and 3 with a more detailed description of the site. Expand on section 4 and discuss the construction/alteration history in detail if that is necessary to explain the proposed monument's current form. Identify and describe any character-defining elements, structures, interior spaces, or landscape features.

B. Statement of Significance - Address the proposed monument's historic, cultural, and/or architectural significance by discussing how it satisfies the HCM criteria you selected in Section 6. You must support your argument with substantial evidence and analysis. The Statement of Significance is your main argument for designation so it is important to substantiate any claims you make with supporting documentation and research.

8. CONTACT INFORMATION

Applicant

Name: Michael Okamura	Company: Little Tokyo Historical Society	
Street Address: 319 E. Second St., Suite 203	City: Los Angeles	State: CA
Zip: 90012	Phone Number: 626-840-8409	Email: littletokyohs@gmail.com

Property Owner

Is the owner in support of the nomination?

Yes

No

Unknown

Name: Luzviminda Mondonedo	Company: LL Mondonedo Trust and La Monde Enterprises Inc	
Street Address: 2550 Honolulu Ave, Suite 108	City: Montrose	State: CA
Zip: 91020	Phone Number:	Email:

Nomination Preparer/Applicant's Representative

Name: Kristen Hayashi	Company: Little Tokyo Historical Society	
Street Address: 319 E. Second St., Suite 203	City: Los Angeles	State: CA
Zip: 90012	Phone Number: 626-524-7452	Email: kristenhayashi@gmail.com

HISTORIC-CULTURAL MONUMENT

NOMINATION FORM



9. SUBMITTAL

When you have completed preparing your nomination, compile all materials in the order specified below. Although the entire packet must not exceed 100 pages, you may send additional material on a CD or flash drive.

APPLICATION CHECKLIST

- | | |
|--|---|
| 1. <input checked="" type="checkbox"/> Nomination Form | 5. <input checked="" type="checkbox"/> Copies of Primary/Secondary Documentation |
| 2. <input checked="" type="checkbox"/> Written Statements A and B | 6. <input checked="" type="checkbox"/> Copies of Building Permits for Major Alterations
(include first construction permits) |
| 3. <input checked="" type="checkbox"/> Bibliography | 7. <input checked="" type="checkbox"/> Additional, Contemporary Photos |
| 4. <input checked="" type="checkbox"/> Two Primary Photos of Exterior/Main Facade
(8x10, the main photo of the proposed monument. Also email a digital copy of the main photo to:
planning.ohr@lacity.org) | 8. <input checked="" type="checkbox"/> Historical Photos |
| | 9. <input checked="" type="checkbox"/> Zimas Parcel Report for all Nominated Parcels
(including map) |

10. RELEASE

Please read each statement and check the corresponding boxes to indicate that you agree with the statement, then sign below in the provided space. Either the applicant or preparer may sign.

<input checked="" type="checkbox"/>	I acknowledge that all documents submitted will become public records under the California Public Records Act, and understand that the documents will be made available upon request to members of the public for inspection and copying.
<input checked="" type="checkbox"/>	I acknowledge that all photographs and images submitted as part of this application will become the property of the City of Los Angeles, and understand that permission is granted for use of the photographs and images by the City without any expectation of compensation.
<input checked="" type="checkbox"/>	I acknowledge that I have the right to submit or have obtained the appropriate permission to submit all information contained in this application.

KRISTEN HAYASHI

Name:

01/31/2016

Date:

Signature:

Mail your Historic-Cultural Monument Submittal to the Office of Historic Resources.

Office of Historic Resources
 Department of City Planning
 200 N. Spring Street, Room 620
 Los Angeles, CA 90012

Phone: 213-978-1200
 Website: preservation.lacity.org

7. WRITTEN STATEMENTS**JAPANESE HOSPITAL – 101 S. Fickett St., Los Angeles****7A. PROPOSED MONUMENT DESCRIPTION**

The Japanese Hospital is located at 101 S. Fickett Street on a 7,564 square foot parcel at the northwest corner of East First and Fickett Streets in Boyle Heights, a neighborhood east of Downtown Los Angeles. The two-story, T-shaped masonry building with a flat roof and tower was constructed in 1929 in the Streamline Moderne style. Subsequent additions to the building between 1966 and 1970 include an L-shaped addition that wraps around the north and west facades and a partial third story. Today, the building essentially embodies a compound or irregular plan with a central courtyard, as a result of the subsequent additions. The building is characterized by smooth stucco-cladding on the exterior, a flat roofline with a decorative zig-zag parapet, two rows of rectangular-shaped windows, a slightly projecting Streamline Moderne-inspired central entrance along the east façade, and a tower.

The east elevation, which faces Fickett Street, is twelve bays wide. Six bays on each of the two floors (totaling twelve) flank either side of a central bay. The east façade is two stories tall with a zig-zag parapet, clad in stucco, that runs along the roofline, a partial third story, and tower that functioned as a sun room as well as a laboratory. The central bay, which forms the main entryway to the hospital, projects slightly. Six steps lead up to the main doorway, which is comprised of a contemporary set of double-glass doors with a transom above. The doorway is framed by a series of rectangular cutouts to create a stepped outline and a slightly recessed entry that is indicative of the Streamline Moderne style. A painted metal balcony, supported by scrolled brackets is found above the entrance, decorated with a series of scrolls and what appears to be a torch motif. A pair of original double-hung wood windows set within an arched recess open out to the balcony on the second story. A painted metal grate, replicating the design found on the balcony, is centered above the second story windows. The metal balcony and the decorative grate are original to the 1929 building and are visible in a historic photograph from the hospital's opening on December 1, 1929. The remaining twelve bays along the east façade are made up of double-hung windows at each story. Windows with simple rectangular sills comprise each bay along the first and second stories, with the exception of the pairs of double-hung windows that flank either side of the entrance on the first floor. A historic photo dating to the time of the hospital's opening confirms that the rectangular windows of varying sizes on the east elevation are original, although air-conditioning units have since been added. The double-hung windows on the east façade are original. Two of these windows: the second window to the left of the central bay on the second floor and the first window to the right of the central bay on the second floor have been filled in.

Originally, a single rectangular-shaped tower with vertical venting on the north and east elevations emerged unobstructed from the second story roofline just above the central bay on the east facade, covering a small portion of the building's footprint. The original architectural plans identify this building as a sun room. Building permits on file indicate that in 1949, an alteration was made to the sun room so that it could be used as a

laboratory. Today, it is mostly occluded from view because of the subsequent addition of a partial third story. The portion of the parapet above the central bay (on the east façade) was altered between 1965-1966, to accommodate a partial third story addition between the original tower and the edge of the east façade.¹ Presently, the top edge of the main entryway is flat and the same height as the zig-zag parapet. Originally, though, the top edge of the central bay extended above the zig-zag parapet. The rectangular-shaped, partial third story addition is clad in stucco with windows and a door leading to the roof on the south elevation. The building permit history on file with the City of Los Angeles does not document the construction of this partial third story addition, yet details within the permits from 1966 and 1970 suggest that the construction took place within these four years. A building permit filed in 1966 describes construction to the parapet along the east facade. Then, in 1970, a handwritten drawing included with the permit describes the hospital as a 3-story building with basement. Given the description of the three-story building on the site plan drawing and the work on the parapet, which was necessary to accommodate the addition, the partial third story was most likely constructed between 1966-1970. Additionally, an entry on the building permit history in 1967 appears to read: "Remodeling: cover penthouse to 3rd floor." Perhaps, this is a description of the partial third story addition, which does cover the original penthouse or sunroom since it was built directly in front of it.

In 1970, a two-story addition was made to the north and west elevations of the building. The addition was constructed in concrete masonry and given a flat roofline. As a result of this addition, the northeast corner of the building is rounded and the windows along this portion of the building are curved to follow the contour of the building. Two rows of eight bays with windows of varying sizes size, line the north elevation along First Street. Unlike the northeast corner of the building, the northwest corner has straight edges. An open doorway appears on the north elevation, near the northwest corner, with stairs that appear to lead downward to a basement. The decorative zig-zag parapet that runs along the roofline on the east elevation does not continue along the top of the second story addition made to the north and west facades of the building. Additionally, the alteration to the building is demarcated by cinderblock, which was used in place of the smooth stucco that characterizes the exterior of the original building. The height of the roofline increases at the northeast corner and continues across the north elevation. The abrupt ending to this architectural element and the change in the height of the roofline perhaps suggests that alterations were made on the north elevation, yet building permits do not confirm such changes to the edifice.

Buildings on the neighboring parcel to the west cause the west elevation of the subject property, which faces Matthews St., to be occluded from view. Sanborn and aerial maps, along with a hand-sketched architectural drawing attached to the 1970 building permit, indicate that the L-shaped wing (constructed that same year) joins the original west elevation (which protrudes from the rear elevation of the hospital), to create a small courtyard. The view of the west elevation from First Street is mostly occluded, although the concrete masonry wall along with a glimpse of the original tower atop the second floor remains visible.

¹ Building permit history, Los Angeles Department of Building and Safety.

Both the southwest and southeast corners of the building have straight edges. Similar to the northeast corner of the building, the height of the roofline where the south elevation and east elevation meet is uneven. Just like at the northeast corner, the zig-zag parapet that runs along the roofline on the east elevation of the building ends at the southeast corner. Instead, a metal rail barrier picks up where the parapet ends and runs along the roofline across the south elevation of the building. The metal rail barrier is higher at the southwest corner of the roofline since there is an opening to a metal stairway that runs diagonally across the south wall of the building to a landing at the second floor. The doorway on the landing opens to the interior of the building. The stairway jogs at a diagonal from the second floor landing to the ground at the southeast corner of the building. Building permits on file indicate that the stairway was added to the south elevation in 1966.² Three windows flank either side of a door on the first floor and three windows flank either side of a door on the second floor of the south facade. Four of the six windows, two on each floor, are the same size and have been filled in. The two smaller windows, are still functional, although the added stairway partially covers the small window on the second floor. The 1970 building permit includes a site map that depicts a parking lot between the hospital and Gleason St., indicating that it was constructed at this time. From Gleason Street (south of the subject property) looking north, the original sunroom/laboratory tower and partial third story addition are visible. A large window appears at the base of the original tower. At the left edge of the window, a metal ladder leads up to a door into the tower. To the right of the large window is a gutter, which provides a demarcation between the original tower and the partial third story addition. A door, partially covered by an awning, along with three windows and a gutter characterize the south facade of the partial third story addition.

ALTERATIONS

Although there have been several significant alterations to the building, they occurred after the period of significance and do not detract from the character-defining features of the original 1929 design. The major additions include, the partial additional story that rises just above the main entrance (1966-1970) and a wing that runs along the north and west elevations (1970). These alterations, however, were made after the conclusion of the period of significance of the building. Additionally, there have been several minor cosmetic alterations over the years. The original entry doors with wood frame transom, visible in historic photos, were replaced at some point with glass doors.

The second window on the second floor, to the right of the central bay on the east façade, is boarded up with wood. Similarly, the first window on the second floor, to the right of the central bay on the east façade is closed off. A historic photo dating to the time of the hospital's opening confirms that the rectangular windows of varying sizes that line the building's exterior on the east elevation are original, although air-conditioning units have since been added. A short hedge that originally outlined the property has been replaced by a painted cinderblock retaining wall. Trees and bushes were part of the original landscaping in front of the building, although the landscaping has changed over the years.

² Building permit history, Los Angeles Department of Building and Safety.

ART DECO AND STREAMLINE MODERNE ARCHITECTURE

Architectural styles Art Deco and Streamline Moderne became en vogue in the 1920s and 1930s, respectively, epitomizing modernity.

Art Deco, an architectural style characterized by lavish details and extravagant decorations is representative of the opulence of the 1920s. The 1925 Paris Exposition of Industrial and Decorative Arts, entitled, “Arts Décoratifs,” which showcased the design aesthetic, incited its popularity in Europe and America.³ Repetitive geometric patterns like the iconic “zig-zag” design motif as well as design elements inspired from archaeological expeditions that had recently uncovered Precolumbian and Egyptian relics, emerged as defining characteristics of buildings that Frank Lloyd Wright and his contemporaries designed in the Art Deco style throughout Los Angeles in the 1920s.⁴ The extravagant embellishments inherent to Art Deco seemed appropriate to the period of consumerism and economic growth that characterized Los Angeles in the 1920s. The stepped profile and oversize architectural flourishes of the Sears, Roebuck & Company Mail Order Building, constructed in Boyle Heights in 1927, are reflective of the Art Deco style as well as the mass consumerism of the 1920s.

A much simpler style known as Streamline Moderne emerged just a few years later, as a result of the changing economic situation and the influence of a burgeoning car culture. While Streamline Moderne maintained some elements of Art Deco, most notably, smooth contours replaced the iconic zig-zag edges and simpler design motifs replaced the ornate design elements. Both of these styles, however, exemplified modernity. Since the popularity of the two styles overlapped, it was not uncommon for buildings to embody characteristics of both.

Streamline Moderne architecture emerged in the 1930s as a subtype of the Art Deco style. Whereas Art Deco architecture is typically brightly colored and heavily decorated, the Streamline Moderne style is sleek, unornamented and monochromatic. The shift in aesthetics is indicative of the influence of sleek automotive design of the time as well as its development during the Depression era. Common character-defining features of the Stream Modern style include: curved surfaces and rounded corners (which mimicked streamlines on cars), smooth stucco cladding, a flat roof, often with banded coping at the parapet, projecting bands accenting the façade between stories and emphasizing horizontality, minimal use of applied ornament, and circular accent windows.⁵

The defining characteristics of Streamline Moderne architecture have been interpreted in multiple ways. The clean lines and smooth curves that characterized the Streamline

³ Thomas S. Hines, *Architecture of the Sun: Los Angeles Modernism, 1900-1970*, New York, Parks, London and Milan: Rizzoli International Publications, Inc., 2010: 167-169.

⁴ The Ennis, Sowden, and Novarro residences are classic examples of Frank Lloyd Wright designs that embody an Art Deco aesthetic.

⁵ For further information on the Streamline Moderne architectural style, see: Virginia McAlester, *A Field Guide to American Houses: The Definitive Guide to Identifying and Understanding America's Domestic Architecture*, New York: Alfred A. Knopf, 1984.

Moderne aesthetic caused it to look simpler and more efficient than the decorative terra cotta or ornate parapets that characterized the Art Deco style that preceded it. The curved edges of “stream lines” evoked a sense of motion, which was influenced by the popularity of the automobile.

While the nearby Sears, Roebuck, & Company Mail Order building, constructed just two years earlier in Boyle Heights, clearly embodies the Art Deco aesthetic, the architectural style of the Japanese Hospital incorporates aspects of both Art Deco and Streamline Moderne, representing an intentional move towards “progress and a better life,” which the latter style came to represent.⁶ The smooth stucco exterior and stylized motifs surrounding the window above the main entrance are inherently Art Deco. Yet, the smooth stucco exterior, flat roof, zig-zag parapet that runs along the top edge of the second story, and the incised grooves surrounding the main doorway are characteristic of the Streamline Moderne style.

⁶Leon Whiteson, “The Graceful Lines of Streamline Moderne: The excitement over speed, as typified in the era’s fast trains and ocean liners, was picked up by architects for their design of houses and commercial buildings.” *Los Angeles Times*, 11 Feb 1990, http://articles.latimes.com/1990-02-11/realestate/re-632_1_streamline-moderne Accessed 31 Oct 2015. This phrase comes from a quote from Henry Dreyfuss, who designed the 20th Century Limited streamlined locomotive in the Streamline Moderne style. The famous locomotive linked New York and Los Angeles in the late 1930s. Dreyfuss suggests that public perceived Streamline Moderne with the sense of progress and a better life.

7B. STATEMENT OF SIGNIFICANCE

The Japanese Hospital, built in 1929 in the historically diverse East Los Angeles neighborhood of Boyle Heights, is a seemingly ordinary building with an extraordinary story to tell. The hospital illuminates an ethnic community's attempt to create a health care institution as a way to ameliorate the disparity in public health services for ethnic minorities that resulted from widespread prejudice in early twentieth century Los Angeles. By the 1920s, Japanese Angelenos determined that a hospital was needed to serve their burgeoning community of young immigrant families. As a result, in 1926, five immigrant Japanese doctors tried to incorporate the Japanese Hospital on a property at First and Fickett Streets in Boyle Heights. The California Secretary of State denied the application for incorporation on the supposition that the immigrant doctors violated legislation that placed limits on the actions of "aliens ineligible for citizenship." When the physicians contested the decision, the case went to the California State Supreme Court and ultimately to the U.S. Supreme Court in 1928. The Japanese Hospital building is a tangible representation of the determination of Japanese immigrant doctors to ensure that the community of immigrant and American-born Japanese in East Los Angeles had access to adequate health care at a time when mainstream hospitals were enforcing discriminatory practices that denied care to patients of color and recent immigrants.

While the Japanese American community's efforts to raise the funds necessary to construct the hospital were impressive, especially on the eve of the Great Depression, the perseverance of the Japanese doctors to contest the California Secretary of State's decision was just as remarkable. As a result, the Japanese Hospital is eligible for designation as a historic-cultural monument in the City of Los Angeles under Criterion A. The hospital illuminates an ethnic community's attempt to create a health care institution as a way to navigate the *de jure* and *defacto* discrimination that barred Japanese immigrants from receiving care at mainstream health facilities in early to mid-twentieth century Los Angeles. The period of significance, which spans from 1926 through 1966, is bookended by the struggle for incorporation as the Japanese Hospital of Southern California and the year the facility was sold to new owners. The court cases that resulted from the obstacles to incorporation and the subsequent impact on the local community reveal that the story behind the hospital is inextricably tied to important events in the main currents of national, state, and local history.

Beginning in the late nineteenth century, local business and civic leaders touted the mild climate and abundant sunshine inherent to Southern California and promoted the region's sanitoriums as a prescriptive panacea for health seekers. This image contrasted greatly with the descriptions that public health officials compiled of ethnic enclaves—near the Los Angeles Plaza, along the Los Angeles River, and in Boyle Heights—as breeding grounds of disease and filth. While Southern California projected an image of being synonymous with health, access to adequate health care was not equally available to all in the first few decades of the twentieth century.

Recent immigrants and residents of ethnic enclaves in Los Angeles were often denied access to health care at mainstream hospitals and clinics in the early 1900s as a result of discriminatory practices. Although nearby County General Hospital intended to provide care to the poor and working class, admittance was not based solely on socioeconomic status. Hospital administrators and public health officials used race as a factor to determine how to administer public health programs.

In her book, *Fit to Be Citizens: Public Health and Race in Los Angeles, 1879-1939*, historian Natalia Molina seeks to understand how public health became an influence far beyond the realm of health. She suggests that race shaped the city's public health policies and determined the accessibility of health services to various communities. Public health officials associated disease with the recent immigrants or ethnic minorities that resided in enclaves such as Sonoratown, Chinatown, Boyle Heights, and Little Tokyo. As a result of public health officials associating immigrants with disease, they contributed to a discourse that characterized these populations as "the city's problem."⁷ Contrary to the sensationalized reports that suggested diseases originated with immigrant populations, the epidemics spread as a result of microbes, deplorable environmental conditions and inadequate health care rather than something inherent to immigrant groups themselves.

Molina describes a racial hierarchy that public health officials created to determine whether public health services would be extended to the city's Mexican, Chinese, or Japanese populations. Molina states that public health officials thought of Mexicans and their "backward" culture as a threat to ongoing efforts to make Los Angeles a "modern city." As a solution, public health officials implemented Americanization programs for Mexicans. Comparable programs were not extended to Asians since public health officials deemed Chinese and Japanese as being the least assimilable of all the "foreigners." This provided the justification necessary for public health officials to deny Chinese and Japanese from receiving public health services. As a result of strong xenophobic sentiment, some hospitals in the Los Angeles area denied care to early Japanese immigrants, a community that was growing despite exclusionary legislation that intended to curb further immigration.

Xenophobia and resistance to Asian immigration had become rampant by the 1870s. Politicians on the west coast convinced the nation's leaders to pass the Chinese Exclusion Act, in 1882, the first legislation to exclude a group from immigration based on race. Following the passage of the Chinese Exclusion Act, male laborers from Japan were recruited to fill the labor need in industries such as agriculture. Japanese laborers earned lower wages, which often caused them to be picked over white laborers. As a result, competition for jobs exacerbated racial prejudice for Japanese laborers. Passage of the Gentlemen's Agreement in 1907, between the United States and Japan, appeared to alleviate the "Japanese problem." The agreement between the two countries may have halted further immigration of male laborers from Japan, yet a loophole in the law allowed scores of "picture brides" to immigrate to the United States to join their husbands. The

⁷ Natalia Molina, *Fit to Be Citizens: Public Health and Race in Los Angeles, 1879-1939*, Berkeley and Los Angeles: University of California Press, 2006: 11.

small Japanese population in Los Angeles, which was centered mainly in Little Tokyo and Boyle Heights, began to increase as a result. Recent immigrants or ethnic communities depended on itinerant midwives for assistance with childbirth or traveling physicians for treatment of serious illness. By the 1910s, the increase in the birth rate within the Japanese community, along with the deleterious effects of the 1918 Influenza pandemic signified the need for more substantive medical care since mainstream health care facilities often discriminated against ethnic minorities.

In 1922, Kikuwo Tashiro, a physician educated in Japan, immigrated to Los Angeles where he began practicing medicine at Turner Street Hospital, which was staffed by Japanese medical professionals who catered to the medical needs of the Japanese population.⁸ Despite passing the California State medical exams a year later, Tashiro—like other medical professionals educated in Japan—was unable to find employment as a doctor at any of the local mainstream hospitals, as a result of discriminatory hiring practices.

Although discrimination was largely due to xenophobia and bias against the quality of medical education from a foreign country, it is possible that a medical board exam scandal, a few years prior, exacerbated suspicion towards immigrant Japanese doctors. In October 1917, the *Los Angeles Times* ran a story indicating that the State Board of Medical Examiners announced a change in policy that would allow “foreigners to take the examinations in their own languages.”⁹ The newspaper article with headline, “State Board Ready to Hatch Doctors” suggested that state officials acknowledged the shortage of doctors, the presence of qualified candidates educated outside of the U.S., and the need to make the licensing process more conducive to the pool of candidates living in the State of California. The board medical examination, which required examinees to answer questions that tested their knowledge of anatomy, physiology, obstetrics, and hygiene, could now be written in the applicant’s primary language. Subsequently, state-approved translators would transcribe the candidates’ answers to English, for officials to score. The article underscored the interest among Japanese, indicating that since sixteen applicants took the exam in Japanese in the first year, this group “seems to have been the most progressive in accepting this offer from the State government.”¹⁰ Shortly thereafter, the actions of six of the examinees in Los Angeles who had taken the examination in Japanese may have caused a change in opinion about Japanese applicants. The report in the 1919 Directory of Physicians summarizes the incident of cheating. Prior to taking the examination, the six applicants made an unethical arrangement with the translator, a Japanese national, who was appointed by the Japanese Consul. The applicants sat in on

⁸ Dr. Troy Kaji, a general physician originally from Torrance, CA, has conducted extensive research on Nikkei healthcare in the state of California. The impetus for his research came from wanting to learn more about his grandfather, Kikuwo Tashiro. Kaji’s research was the subject of a public program entitled, “Japanese Hospitals: Caring for the Pre-War Nikkei Community,” hosted at the Japanese American National Museum (JANM), Tateuchi Democracy Forum on April 11, 2010. The Japanese American National Museum and the Little Tokyo Historical Society collaborated to put on this event. JANM staff recorded the program and parsed it into a fourteen-part series, which is available on the DiscoverNikkei YouTube Channel: “Japanese Hospital.” YouTube video, 14 parts (14 videos) posted by “DiscoverNikkei,” May 11, 2010.

⁹ “State Board Ready to Hatch Doctors: Aliens Allowed to Study in Own Language,” *Los Angeles Times*, 11 Oct 1917: 19.

¹⁰ Ibid.

the examination, taking note of the questions. They submitted responses at the conclusion of the timed exam, yet they subsequently prepared an additional set of answers after consulting study materials and responding to the questions at their own leisure. The translator, who agreed to participate in the scheme, received the second set of answers and then translated and submitted them as if they were the original answers. Following the discovery of the cheating scheme, two of the six examinees committed suicide.¹¹

Regardless of whether the examination scandal affected hiring practices, Tashiro and other Issei doctors found it difficult to find employment at local hospitals. Dr. Tashiro opened an office in Little Tokyo at 210 N. San Pedro Street where patients could seek treatment.¹² Additionally, he often made house visits to attend to his Japanese patients. Occasionally, Dr. Tashiro was successful in getting severely sick patients admitted to “mainstream” hospitals, yet overall, many Japanese did not commonly seek professional medical treatment for their ailments since few facilities were accessible to them. It was clear to Tashiro and other Japanese doctors that a larger health care facility was needed to serve the Japanese population in Los Angeles since public health officials determined where members of this community could access institutionalized health care. According to Molina, public health officials approached the Japanese and Mexican communities, which they considered a “menace,” with the attitude that they needed to “safeguard the public” against them.¹³ This, at least, became the justification for continued discrimination in health services.

Even though the rhetoric of some public health officials exacerbated the public’s fear of the uncontrollable growth of the Japanese community, the official reports that the county’s public health department published, characterized the population in Los Angeles in 1920 much differently. The Los Angeles County Health Department’s 1928 report, entitled: *A Survey of Public Health Activities in Los Angeles County, California*, provided public health statistics for the county as well as a breakdown of the role of the county’s health department in the early 1920s. A series of statistics, included in the report, show the dramatic increase in the population of the county over a ten-year period. Between 1917 and 1927, the population more than doubled from 875,000 to 2,206,864. A breakdown of the age distribution of the population is given, based on figures from 1920. Interestingly enough, the percentage of the population “under the age of 7,” was 10.2%, which was slightly under the national average (In the U.S. 10.9% were under 5).¹⁴ This statistic revealed that nativists’ xenophobic commentary that suggested high birth rates in Los Angeles’s immigrant communities were threatening the purity of the white race was without basis. The significant increase in the overall population reflected the great number of migrants (from other parts of the country) and immigrants that came to Los

¹¹ *Directory of Physicians and Surgeons, Osteopaths, Drugless Practitioners, Chiropodists, Midwives Holding Certificates Issued Under the Medical Practice Acts of the State of California*; Board of Medical Examiners of the State of California, Sacramento: California State Printing Office, 1919: 191-93.

¹² “Tashiro,” in the *Directory of Physicians in Los Angeles County*, 1929.

¹³ Molina, 2.

¹⁴ Ira Hiscock, under the auspices of the Bureau of Efficiency of Los Angeles County, *Los Angeles County Health Department Survey of Public Health Activities in Los Angeles County* for the Committee on Administrative Practice, American Public Health Association, 1928: 12.

Angeles County. Within the analysis of the population statistics, it is noted: “the principal foreign nationalities are Mexican, Russians, Italians, and Japanese.”¹⁵ Yet, the breakdown of the population based on race reveals that in 1920: “Whites made up 95% of the total population in Los Angeles County (while they made up 90% of the population nationwide), Negroes made up 2.0% and Indian, Chinese, Japanese and all others represented 2.5%.”¹⁶ These statistics reveal what nativists spouting xenophobic rhetoric ignored in order to garner support for restrictive immigration legislation and further marginalization of the ethnic communities that existed in Los Angeles.

Regardless of how small the Japanese community was in comparison to the overall population, the health care needs of this sector of the population were just as great as those that affected the rest of the population. In 1913, Dr. T. Furusawa, P.M. Suski, and Sho Inouye filed incorporation papers to establish a medical clinic known simply as the “Japanese Hospital,” but also referred to as Turner Street Hospital, in reference to its location in Los Angeles’s Little Tokyo.¹⁷ Although Mary Akita’s name does not appear on the incorporation papers, she played a significant role in the development of Turner Hospital as the first Japanese American nurse to practice in Los Angeles. Akita recognized the need for a maternity facility to serve the growing community in the greater Little Tokyo area with the arrival of scores of picture brides. Turner Hospital specialized in maternity care, but also attended to patients with other medical needs.¹⁸

In response to the 1918 Influenza epidemic, Jyuhei Tanaka helped Akita expand the facilities, which they re-named the Japanese Hospital of Southern California.¹⁹ The *Los*

¹⁵ Hiscock, 12.

¹⁶ Ibid. The report does not indicate how Mexicans, Russians, and Italians are categorized in the racial breakdown for the population.

¹⁷ “Articles of Incorporation of the Japanese Hospital.” February 7, 1913. Seaver Center for Western History Research at the Natural History Museum of Los Angeles County.

¹⁸ Details related to the origins and early history of Turner Street Hospital are conflicting. Susan Smith, author of *Japanese American Midwives: Culture, Community, and Health Politics, 1880-1950* indicates that Mary Akita turned her home into a maternity ward in the 1910s. Although several sources confirm that Mary Akita, a Nisei midwife and nurse was involved with Turner St. Hospital from its early days, it cannot be confirmed whether the facility was Akita’s former residence. An “Application for the Erection of the Building” was filed with the Los Angeles Department of Building and Safety in 1912 for the construction of a rooming house with 26 rooms at 635 Turner Street. There are no further records on file until 1933. In this year, a “Certificate of Occupancy” was filed for a hospital. Although Akita was a Nisei who was born in Los Angeles, she does not appear in the Los Angeles City Directory until 1918. Given her American citizenship, though, it would have been possible for her to own property. It’s possible that she had ties to the ownership of Turner Street Hospital, yet her name does not appear on the Articles of Incorporation. Smith suggests that in 1918, Akita and Dr. Jyuhei Tanaka expanded the facility in response to the influenza epidemic. At this time, the facility became known as the Southern California Japanese Hospital. Articles of Incorporation confirm that an application was submitted in 1918 to expand the facility, but again neither Akita nor Tanaka is listed in the official documentation. A phone conversation with historian Juily Phun on September 24, 2015 helped to clarify some of these inconsistencies in the historical record. One of the chapters of Phan’s dissertation on the 1918 Influenza Pandemic focuses on Japanese doctors and the Japanese Hospital in Boyle Heights. Regardless of being unable to corroborate some of these facts, Turner Street Hospital remains tied to the Japanese Hospital as its predecessor. Although the two facilities were affiliated with one another, they continued to operate simultaneously between 1929 and 1935. In 1935, Turner Hospital merged with the Japanese Hospital at First and Fickett Streets. Incorporation papers originally filed in 1918 for the Southern California Japanese Hospital were marked “Dissolved” on August 24, 1935, corroborating the merger date of the two hospitals. For more information on the early history of Japanese health care facilities in Southern California, see Juily Phun’s dissertation.

¹⁹ Incorporation record for the Southern California Japanese Hospital, December 13, 1918. New incorporation paperwork was drawn up in 1918 for the Japanese Hospital/Turner Hospital/ Southern California Japanese Hospital. The submission of an application for Articles of Incorporation was intended to expand the facilities to accommodate a

Angeles Times reported that while each of the largest cities in the United States was recording high numbers of death from influenza, case reporting was remarkably low in Los Angeles by comparison. Philadelphia, Baltimore, and New Orleans reported the most number of deaths from influenza while the number of deaths in Los Angeles equaled less than a quarter of the number reported in the hardest hit cities. The peak in reported cases of influenza and influenza-pneumonia in Los Angeles occurred in mid-October, 1919 at nearly 1800.²⁰

In his book, *America's Forgotten Pandemic*, historian Alfred W. Crosby uses San Francisco as one of his case studies to explain how the 1918 influenza pandemic took the lives of at least a half-million Americans.²¹ He indicates that recent rapid growth in the population of the city created immense density, which created the perfect condition for the rapid spread of the flu. Crosby notes that a significant portion of the population was comprised of immigrants, who lived in crowded conditions, noting: "The inhabitants of Chinatown, as was typical of them, managed to pass through the pandemic without drawing much attention to themselves, or much help, either, although the conditions in their immensely crowded quarter must have been very bad. When [a public health official] chased down the few cases reported there, he found so many unreported cases that he suggested that San Franciscans keep their Asian servants in their own home and away from Chinatown."²²

Despite the relatively low number of influenza cases reported in Los Angeles, the effects of the highly-contagious illness were likely most notably felt in immigrant communities, just as Crosby notes about San Francisco's Chinatown. Immigrant and ethnic enclaves often had a higher population density and more limited access to health care—two conditions that caused the illness to spread more rapidly and made the effects of influenza more deleterious. Despite the relative low numbers of reported influenza cases in Los Angeles, the pandemic had an adverse effect on the Japanese population in Southern California. Japanese doctors busily attended to sick patients and were successful in getting the most severely sick patients admitted to mainstream hospitals. In the years following the influenza pandemic, Japanese physicians re-assessed their capacity and began thinking about how they could establish a facility that would better address the medical needs of the community.

In 1926, Tashiro and four other Japanese doctors (Daishiro Kuroiwa, Fusataro Nayaka, Toru Ozasa, and Matsuta Takahashi) combined their savings to establish a medical

greater number of patients. Additionally, two amendments were made to the original terms of incorporation. The first intended "to amend Article 4 to read as follows: 'That the term for which said corporation is to exist is in perpetuity.'" Additionally, Article 8 was to be amended to read as follows: "That the directors of this corporation shall have the power to levy assessments upon the shares of this organization." Despite the change from fifty years to perpetuity, the Southern California Japanese Hospital was dissolved in 1935, when it merged with the new Japanese Hospital in Boyle Heights. Handwritten notations on the Articles of Incorporation record confirm that the Southern California Japanese Hospital was dissolved on August 24, 1935.

²⁰ "Here are Exact Facts About the Influenza: Every city in America Reports Epidemic on Wane; Los Angeles' Record Best in United States; Staggering Facts of the Disease's World Toll," *Los Angeles Times*, 02 Feb 1919: 3.

²¹ Alfred W. Crosby, *America's Forgotten Pandemic: The Influenza of 1918*, Cambridge University Press, 2003: Preface to the second edition

²² Ibid, 96.

hospital on land leased at First and Fickett Streets.²³ Members of the Japanese community rallied behind the doctors' efforts and began to contribute money to build a hospital facility. As construction was about to begin, Tashiro submitted articles of incorporation paperwork for the Japanese Hospital of Los Angeles. California Secretary of State Frank C. Jordan refused the physician's request "to incorporate the Japanese Hospital of Los Angeles with power to lease land needed for the institution" on the grounds that the application conflicted with a 1911 treaty between the United States and Japan as well as the alien land laws of California.²⁴

Tashiro and the other doctors enlisted the legal services of local attorney Jacob Marion Wright to challenge the decision. While in law school at the University of Southern California, J. Marion Wright became friends with Motohiko Miyasaki and Sei Fujii, two Issei (first generation Japanese) law students. Miyasaki and Fujii were unique since few Issei obtained an advanced degree upon arrival in the United States. Although Miyasaki and Fujii graduated together with J. Marion Wright from USC Law School in 1913, the Japanese nationals were prohibited from taking the California State Bar Exam. Miyasaki returned to Japan, while Fujii established the *Kashu Mainichi* newspaper in Los Angeles and continued to work with friend J. Marion Wright to fight for civil rights for Japanese living in California.²⁵

As a result of the friendship that Wright formed with his Japanese classmates during law school, he became an advocate and trusted ally for members of the Japanese community. Wright represented Japanese farmers, fishermen, doctors, and merchants in a variety of legal cases. Additionally, he represented various Japanese business groups in the state of California, including the Japanese Farm Bureau, the Flower Growers Association, and the Farmers Protective League.²⁶ Given Wright's extensive experience in defending the rights of Japanese in the United States, he was familiar with the discriminatory legislation directed at this ethnic group throughout the early twentieth century. The expertise that Wright gained by defending Japanese individuals and organizations helped him to prepare for one of the most monumental cases of his career. Together, Wright and Fujii prepared the legal challenge to the California Secretary of State's opposition to Dr. Tashiro's application for incorporation of the Japanese Hospital.

In an overview of her father's career, Janice Marion Wright La Moree suggests that the California Secretary of State called into question the application for incorporation for the hospital since the 1911 Treaty between the United States and Japan, which established the rights of Japanese nationals living in the United States, was unclear on whether these individuals could incorporate and lease land.²⁷ The California Secretary of State's decision was perplexing, though, since Japanese nationals had been successful in

²³ Naomi Hirahara and Gwenn M. Jensen, *Silent Scars of Healing Hands*, Fullerton, CA: Center for Oral and Public History at California State University, 2004: 12.

²⁴ "Japanese Case Meets Setback," *Los Angeles Times*, 14 April 1928: A5.

²⁵ Janice Marion Wright La Moree, "J. Marion Wright: Los Angeles' Patient Crusader 1890-1970," *Southern California Quarterly*, 72.1 (Spring 1990): 45-46. For further information on the life and career of Sei Fujii, see also: *Little Tokyo Reporter*, film, directed by Jeffrey Chin, 2012.

²⁶ *Ibid.* 50.

²⁷ Wright La Moree, 51.

securing articles of incorporation for their business ventures. Additionally, Japanese nationals also commonly received approval to lease land for the purpose of business, most often for agricultural pursuits. Local and state officials approved the Articles of Incorporation for Japanese medical facilities—specifically Turner Hospital and the Southern California Japanese Hospital, without any complications.²⁸

The ruling in the 1927 California State Supreme Case, known as *Tashiro v. Jordan*, was based on interpretation of the 1911 Treaty of Commerce and Navigation between the two countries. Article I of the 1911 treaty established that:

Citizens or subjects of each of the high contracting parties shall have liberty to enter, travel, and reside in the territories of the other to carry on trade, wholesale and retail, to own or lease and occupy houses, manufactories, warehouses and shops, to employ agents of their choice, to lease land for residential and commercial purposes and generally to do anything incident to or necessary for trade upon the same terms as native citizens or subjects, submitting themselves to the laws and regulations there established.²⁹

Jordan's claim that the treaty failed to address whether Japanese nationals could simultaneously incorporate and lease land was valid after close examination of the language in Article I of the treaty. In contrast, Wright and Fujii adeptly used the ambiguity of the language in the treaty to their advantage. Wright argued that since the language is extremely broad, the argument could be made that it is all-encompassing.

On May 21, 1927, the California State Supreme Court ultimately ruled in favor of the doctors, the defendants in the *Tashiro vs. Jordan* case. This explanation alone is curious, however, since there were undoubtedly hundreds of Japanese nationals who had been granted incorporation as well as approval to lease land. It seems likely that recent amendments to the Alien Land Law, which made the existing legislation more restrictive, additionally influenced Secretary of State Jordan's decision.³⁰ The *Los Angeles Times*

²⁸ The Articles of Incorporation for the Southern California Japanese Hospital indicate that just a few years after the Supreme Court decided in favor of the doctors in the *Jordan v. K. Tashiro* case, California Secretary of State Jordan approved the amendment to the Articles of Incorporation for the Southern California Japanese Hospital in 1934, extending the years of operation to perpetuity.

²⁹ "Treaty of Commerce and Navigation Between the United States and Japan," *The American Journal of International Law*, Vol. 5, No. 2, Supplement: Official Documents (April 1911): 100.

³⁰ The Alien Land Law, which was written into law in California in 1913 prohibited individuals who were ineligible for citizenship from owning property. Although Japanese were not specifically referenced in the language of the law, they were the targeted population since they (as well as other Asian groups) were ineligible for citizenship. To circumvent this restriction, many Issei (first generation Japanese) purchased property in their American-born children's names. The law became more stringent in California with the addition of an amendment in 1920. The amendment prohibited stock companies owned by aliens ineligible for citizenship from acquiring agricultural lands. Additionally, language was put in place to make it more difficult for Issei to lease agricultural land. State officials acknowledged that a loophole in the legislation allowed many Nisei (American-born) children to purchase property on behalf of their immigrant parents. An additional amendment in 1923 was designed to limit the rights of American-born children from holding land in trust for an alien parent, attempting to put an end to Issei purchasing land in the names of their children. See: "Alien Land Laws," an article in the Densho Encyclopedia, http://encyclopedia.densho.org/Alien_land_laws/ for further information. The following articles, which announced the California State Supreme Court's decision indicate that the case examined whether the proposed hospital violated the "anti-alien law." See: "Japanese Hospital Approved:

reported that both pieces of legislation played a role in the decision that Secretary of State Jordan made in 1927.³¹

Secretary of State Jordan appealed the California State Supreme Court's ruling in hopes that the U.S. Supreme Court would reverse the decision.³² In October of 1928, the U.S. Supreme Court, under presiding Chief Justice William Howard Taft, heard the case. Incidentally, Chief Justice Taft was quite familiar with the 1911 Treaty of Navigation and Commerce since he was President of the United States when it was enacted. On October 9, the *Los Angeles Times* reported that Chief Justice Taft interrupted Attorney General of California Ulysses S. Webb mid-argument, just ten minutes into his allotted one-hour, indicating that the court declined to hear further argument. The article concluded that as standard court practice this meant the appeal from Secretary Jordan would be dismissed.³³ A month later, on November 20, the United States Supreme Court announced its decision, which upheld the California State Supreme Court's ruling, validating J. Marion Wright's defense that the 1911 Treaty of Commerce and Navigation between the U.S. and Japan was broad enough to define hospitals as a form of trade or commerce.³⁴

The State of California recognized the incorporation of the Japanese Hospital a few months later on February 2, 1929. Since the idea for the hospital had been circulating since 1926 when the doctors first filed for incorporation, Japanese community raised \$129,000 to build the hospital. A groundbreaking ceremony on June 19, 1929 marked the start of construction on the Japanese Hospital following the landmark legal victory.

The doctors, who founded the hospital, selected architect Yos Hirose for the project, who like them, played a pivotal role in institution building within the Japanese community in Los Angeles.

In 1903, Yos Hirose left Nagasaki, Japan, his birthplace and home of twenty-one years to immigrate to the United States. From 1911-1915, Hirose attended the Armor Institute of Technology in Illinois. Soon after earning a bachelor's degree in architecture, he migrated to Los Angeles where he began working as an architect, draftsman, and engineer. Hirose's name appears in the 1920 Los Angeles City Directory under the category of architects. The city directory indicates that his office was located at 2311 W. Pico Boulevard in Los Angeles between Vermont Avenue and Hoover Street. Although Hirose's office was located in the Pico-Union area of the city, the majority of his architectural work was rooted in Boyle Heights and Little Tokyo, in close proximity to where he lived and socialized. Hirose designed Koyasan Buddhist Temple on First Street

Supreme Court Holds it to be Legal in Opinion on Local Dispute," *Los Angeles Times*, 22 May 1927; "Jap Hospital Wins in Court," *Los Angeles Examiner*, 22 May 1927.

³¹ "Supreme Court Holds it to be Legal in Opinion on Local Dispute," *Los Angeles Times*, 22 May 1927.

³² Brian Niiya, ed. *Encyclopedia of Japanese American History: An A-to-Z Reference from 1868 to the Present* (New York, NY: Facts on File, Inc., 2001); "Jordan v. Tashiro," 232-233.

³³ "High Court Dismisses Lease Case: Decision Granting Right for Japanese Hospital Here Must Stand," *Los Angeles Times*, 10 Oct 1928: 22.

³⁴ *Jordan v. K. Tashiro*, 49 S.Ct.47. Supreme Court of the United States, 1928. WestlawNext 278 U.S. 123; "Japanese Hospital Wins: United States Supreme Court Orders Charter Issued to Los Angeles Group," *Los Angeles Times*, 20 Nov 1928: 1.

in Little Tokyo.³⁵ In 1937, he designed Tenrikyo Junior Church of America at 2727 East First Street, located less than two blocks from the Japanese Hospital and his residence at 2607 Gleason Avenue in Boyle Heights.

Hirose, like Tashiro and the other Japanese immigrant doctors who founded the hospital, appears to have refused to let exclusive legislation impede decisions he made in his professional or personal life. The 1930 Census reveals that Hirose's wife, Rose, was an immigrant from Czechoslovakia. Her race is listed in the census as white, yet "alien" is entered for her citizenship status. In the 1940 Census, Rose's country of origin changed from Czechoslovakia to Hungary, listing Magyar as her native language. Her citizenship status remained unchanged, which raises a question of whether Rose entered the country as alien or was forced to renounce her U.S. citizenship since she married a Japanese man. Miscegenation laws in California, at this time, prohibited marriage between Japanese and whites.

In the spring of 1942, Yos Hirose and the other Japanese in Boyle Heights received short notice of their removal from the West Coast. The Hiroses were separated during the war as Yos was sent to Poston for the duration. At Poston, Yos Hirose designed and constructed the school buildings at the age of sixty years old.

While Tashiro and the other doctors demonstrated their perseverance through the series of court appeals, Hirose expressed a similar perseverance through his modern, forward-thinking design. While architect Yos Hirose may have been inspired to design the hospital in the Streamline Moderne style to give it a modern look, one can only wonder if he was using the new architectural style to make a bold statement. Given the struggle to establish the hospital, the hospital's exterior created a first impression that it was modern and state-of-the-art. In this regard, the Japanese Hospital contrasted starkly from the gothic-style architecture of nearby County General Hospital. The sense of mobility that defined the Streamline Moderne style also seemed quite appropriate to the Japanese Hospital, since the exclusive legislation that attempted to prevent its establishment. Additionally, the two-story design contrasted starkly with the appearance of County General.

The modest exterior, highly sensitive to the economic climate of the time, also suggested that most of the money designated for the construction of the hospital was spent on the interior spaces. The original architectural plans reveal that Japanese Hospital contained state of the art facilities and equipment. The original architectural plans reveal the layout of the hospital and the state-of-the-art features and purposes of each space. The basement included a dining room, kitchen, laundry room, and storeroom. The first floor contained exam rooms, a drug dispensary, nurses' dressing room, X-ray lab, chart room, lab, linen room, parlor, library, and waiting room. A major operating room, minor operating room, delivery room, X-ray room, nursing room, children's room, doctors' dressing room, and wash-up room were located on the second floor. Additionally, a sun room was located on the roof where patients battling tuberculosis or other respiratory ailments could obtain

³⁵ Although the Koyasan Buddhist temple occupied several locations in Little Tokyo during the prewar period, it is likely that Yos Hirose designed the buildings in its current location at 342 East First Street in Little Tokyo.

sun and fresh air to aid their recovery.

On December 1, 1929, the 69-room facility opened to the community, signaling hope at a moment when the economic situation appeared dire due to the onset of the Great Depression. A photograph documenting the opening of the hospital captures the large crowd that gathered to mark the momentous occasion. The large turnout is a testament to the resolve of the Japanese community to support and show appreciation towards the Issei doctors, who were caught up in the lengthy and arduous legal process to engender change. Additionally, the large group proved the importance of the health care facility to the community. The hospital continued to take and treat patients despite the dismal economic conditions.

The arduous legal proceedings surrounding incorporation proved to be worthwhile during World War II. While many Japanese Americans had little choice but to liquidate their property before they were sent to concentration camps for the duration of the war, the Japanese Hospital could not be seized by third parties or government agencies since it had been incorporated. The trustees of the Japanese Hospital made arrangements with nearby Seventh-Day Adventist Church's White Memorial Hospital to lease the property and oversee operations to keep it functioning. White Memorial Hospital used the Japanese Hospital as a maternity ward for the duration of the war.

Following the war, White Memorial Hospital returned the facility to the trustees of the Japanese Hospital. The Japanese Hospital continued to be an important resource for the Japanese American community as former detainees returned to Southern California, beginning in 1945. Despite the end to the war and the closure of the concentration camps, Japanese Americans returned to a hostile social climate in Los Angeles, relatively unchanged from the way it was at the onset of the war. Dr. Sakaye Shigekawa, a Nisei who earned her medical degree from the University of Southern California in the 1930s, worked as a resident physician at the Los Angeles County Hospital in 1941. Soon after Pearl Harbor was attacked, she and all other Japanese American staff at the hospital were dismissed as a result of their ancestry. Shigekawa acknowledged the continued racism and discrimination that she experienced after the war and the important role that the Japanese Hospital played in reestablishing the careers of Japanese American medical professionals. "The hospitals didn't accept us when we came back here. When I came here [to Los Angeles], I couldn't get any privileges. So we were very fortunate to have a Japanese Hospital. At least we were able to deliver babies and do surgery there...We had a hard time in Los Angeles in the early days," Shigekawa recalled.³⁶ Dr. Tashiro continued to lead the hospital's operations after the war, until 1953, when he died suddenly of a heart attack. That same year, the hospital was renamed the Japanese Memorial Hospital, in honor of Dr. Tashiro. Additionally, Dr. Tashiro's legacy lived on as Dr. Norman Kobayashi and several other young Nisei doctors, who he mentored, began to practice medicine at the Japanese Hospital.

Although the hospital continued to serve the health care needs of the Japanese community that resettled in Boyle Heights and the surrounding area in the postwar era,

³⁶ REGenerations Oral History Project: Rebuilding Japanese American Families. Sakaye Shigekawa Interview.

the Japanese Hospital continued to build its reputation with other ethnic groups in the area for providing egalitarian and exceptional care. After losing a child during a previous pregnancy, Lillian Estrada, a young mother of two living in East Los Angeles did not want a repeat of her last pregnancy. Understandably, she wanted the best health care to ensure a healthy delivery of the child she was expecting. A friend advised her to seek out medical care at the Japanese Hospital, since it carried a reputation of providing quality care to those in the local East Los Angeles community. On September 28, 1953, Estrada requested admittance to the Japanese Hospital in preparation for delivery of her second son, William.³⁷ Although the client base was largely Japanese, there were some patients, like Estrada who were from neighboring communities. Official records of the Japanese Hospital detailing information about the clientele over the years are no longer extant, yet oral histories with some of the doctors and nurses reveal that no one was turned away from treatment at the Japanese Hospital.

Memorial accounts such as these along with numerous birth announcements, obituaries, and articles detailing accidents published in the *Los Angeles Times* combined with family photographs, personal letters, and family trees generate a written record of the numerous patients that received care at the Japanese Hospital in Boyle Heights from the day it opened through the 1960s. Brief articles in the *Los Angeles Times* documented the humble, yet widespread impact that the hospital had on the community. Boyle Heights native Massie Saisho resettled in her old neighborhood after she returned from camp. Although Saisho (unlike women of her immigrant mother's generation) had options when considering where to deliver her first born in the postwar years, she did not think twice about delivering her daughter Vicki at the Japanese Hospital, noting: "It was the only place I knew growing up and [was the] only place I thought of [when it was time to deliver my baby]."³⁸ For Nisei from Boyle Heights like Saisho, the Japanese Hospital was a trusted institution. Wherever there is a gathering of Japanese Americans, mention of the Japanese Hospital elicits common responses, such as: "I was born there" or "I remember going there to have my tonsils removed by Dr. Tashiro," etc. These memories demonstrate that the Japanese Hospital was an important resource to the local community. Its value also reveals how mainstream hospitals continued to be a site of discrimination and prejudice well into the postwar period.

Within the decade immediately following the end of WWII, the increasing number of Issei who required assisted living or convalescent care caused the demand for services to exceed the capacity of the facilities at the Japanese Hospital. In 1961, trustees of the Japanese Hospital made a decision to develop a larger, more modern site that could accommodate a greater number of beds. This facility, in neighboring Lincoln Heights, became known as City View Hospital. Around the same time, a group of eight leaders of the Japanese American community, including: George Aratani, Edwin Hiroto, Kiyoshi Maruyama, James Mitsumori, Gongoro Nakamura, Frank Omatsu Joseph Shinoda, and Fred Wada, established Keiro Senior Health Care to meet the needs of the aging Issei

³⁷ Interview with Lillian Estrada, 2013.

³⁸ Interview with Massie Saisho, 19 October 2014.

population.³⁹ Keiro was intended to be a “culturally-sensitive environment with familiar language, food, and values--a place for seniors in their twilight years to call home.”⁴⁰ Keiro initially began with hospital care, but over the next twenty years, the founders achieved their ultimate goal, for Keiro to move toward senior care, establishing three nursing homes, an intermediate care facility, and a retirement home. These facilities were off-shoots of City View Hospital, constituting a health care system referred to as an “umbrella of care.”⁴¹ In 1962, the opening of City View Hospital and the subsequent development of two Keiro Nursing Home locations (adjacent to City View in Lincoln Heights and in Boyle Heights) concluded the period of significance for the Japanese Hospital on First and Fickett Streets.

Despite the change in ownership, the Japanese Hospital on Fickett Street has continuously operated as a health care facility since it opened in 1929. Today, Infinity Care of East Los Angeles occupies the facility and continues to attend to the health care needs of the community by providing convalescent care.

The Japanese Hospital building is unique not only because of the extraordinary story that characterizes its establishment, but also most basically because it remains extant with limited modification over the past eight decades. Far too often, the buildings and structures that are representative of Asian American communities (as well as those of other ethnic minorities) have been razed, causing them to disappear from the built environment and evaporate from living memory. The Japanese Hospital remains as a reminder of the racialized and political nature of American cultural memory as well as to the overall dearth of historic landmarks representing Asian Pacific Islander Americans. Most importantly, however, the Japanese Hospital reminds us of Los Angeles’s long multicultural past and the integral role that immigrants, ethnic minorities, and ordinary individuals have played in shaping the urban landscape in Los Angeles.

³⁹ In 1968, construction began on Keiro Nursing Home, a 130-bed convalescent hospital and nursing home at 2221 Lincoln Park Avenue in Lincoln Heights. When it opened a year later, it was considered to be “Los Angeles’ first privately owned, nonprofit Asian convalescent hospital and nursing home.” City View Hospital was the sponsoring organization of Keiro. Edwin Hiroto was the chief administrator of City View Hospital at the time. In 1974, leaders of City View Hospital and the Keiro Nursing Home in Lincoln Heights purchased the facility at 325 S. Boyle Ave., which operated as the Los Angeles Jewish Home for the Aged for 62 years (formerly part of the Boyle Workman estate). Plans included converting the former synagogue into a chapel that serves both Buddhist and Christian faiths. The retirement home was intended to serve both a Caucasian and Issei cliental. City View Hospital closed in 1985, prompting the question of whether there is still a need for ethnic-specific hospitals.

⁴⁰ Keiro Senior Health Care, *Fifty Years. Fifty Stories Celebrating All Things Keiro*.

⁴¹ Ibid, 9.

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201 Cal. 236, 256 P. 545, 53 A.L.R. 1279

K. TASHIRO, M. D., et al., Petitioners,
v.

FRANK C. JORDAN, Secretary
of State, et al., Respondents.

Supreme Court of California.

S. F. No. 12346.

May 20, 1927.

[1]

ALIEN LAND LAW—CONSTRUCTION—OBJECT.

It was undoubtedly the object and purpose of the Alien Land Law of this state to accord to aliens ineligible to citizenship, either individually or as members of a corporation, in which a majority of the members thereof are ineligible to citizenship, the right to acquire and possess real property in this state "in the manner and to the extent and for the purposes prescribed by any treaty," and to deny to such aliens any and all other rights or privileges in or to the real property of this state.

[2]

TREATIES—TREATIES BETWEEN THE UNITED STATES AND JAPAN—CONSTRUCTION—RIGHTS UNDER.

By the terms of article I of the Treaty of Commerce and Navigation between the United States and the empire of Japan, proclaimed April 5, 1911 (37 U. S. Stats. at Large, p. 1504), subjects of Japan are accorded the rights, among others, to carry on trade, lease land for commercial purposes, and "generally to do anything incident to or necessary for trade upon the same terms as native citizens" of this country or state.

[3]

ID.—RIGHT TO CARRY ON TRADE—EXTENT OF.

The right "to carry on trade" in the specific lines of business mentioned in the treaty between the United States and Japan, such as conducting manufactories, warehouses and shops, and leasing land for commercial purposes, is from the very terms of said treaty as extensive and complete as that employed by native citizens or subjects.

[4]

ID.—RIGHT OF JAPANESE TO FORM CORPORATIONS.

The right of Japanese subjects residing in this state to form a corporation for the purpose of leasing real property upon which to operate and maintain a hospital is within the reasonable intendment of the Treaty of 1911, and such right is therefore not within the prohibition contained in the Alien Land Law of this state, but is expressly recognized by the terms thereof.

[5]

ID.—ARTICLE VII OF TREATY OF 1911—CONSTRUCTION.

From a consideration of article VII of the Treaty of 1911 between the United States and Japan, it is evident that the parties to the treaty were not prepared to definitely bind themselves as to the rights of a corporation organized in one country and domiciled therein to transact and carry on business in the other; hence they left the question unaffected by the treaty and subject to be regulated by the respective countries.

[6]

ID.—CONSTRUCTION OF TREATY—CLAIMED RIGHT AS NATIVE CITIZEN.

There is nothing in the language of the treaty between the United States and Japan to indicate that the words "native citizen" as used in article I thereof, whereby it is sought to confer upon subjects of one country residing within the territory of the other the right generally to do anything incident to or necessary for trade upon the same terms as "native citizens," is employed in any restrictive sense; on the contrary, it is plainly obvious from the terms of the treaty that the intent of the parties thereto was to extend to foreign subjects all such rights that the native citizen enjoyed irrespective of their source.

APPLICATION for a Writ of Mandate to compel the Secretary of State to file certain articles of incorporation. Writ granted.

The facts are stated in the opinion of the court.

***238** J. Marion Wright for Petitioners.

U. S. Webb, Attorney-General, and Robert W. Harrison, Chief Deputy Attorney-General, for Respondents.

CURTIS, J.

This is an application for a writ of mandate to compel the respondents, as Secretary of State and Deputy Secretary of State, respectively, to file certain articles of incorporation prepared and executed by petitioners and presented by them to respondents as such officers, for the purpose of filing in the office of Secretary of State. The application also asks that the respondents be compelled to issue a certificate of incorporation and to certify and deliver to petitioners three copies of said articles of incorporation. It appears from said application that petitioners are residents of the state of California and county of Los Angeles, and are all Japanese subjects ineligible to become citizens of the United States or state of California; that they have voluntarily associated themselves together for the purpose of forming a corporation under the laws of the state of California to be known as the Japanese Hospital of Los Angeles; and that among the purposes for which this corporation is sought to be organized are those of maintaining a general hospital, to purchase the necessary equipment for the same and to lease land upon which the buildings necessary for the maintenance of said hospital may be erected. Respondents refuse to file these articles of incorporation or to take any official action thereon for the reason, as contended by them, that the treaty between this government and the Japanese government confers no right upon Japanese subjects residing in this country to form a corporation under the laws of this or of any other state of this country. Without this right is given to petitioners by the terms of said treaty, the respondents contend, petitioners are prohibited by the laws of this state, and particularly by the provisions of the Alien Land Law, from forming any corporation, one of the purposes of which is to possess, use, or occupy real property situated in this state.

*239 Section 1 of the Alien Land Law, as adopted by the electors of this state in 1920 and thereafter amended by the act of the legislature approved June 20, 1923 (Stats. 1923, p. 1020), deals with the rights of aliens eligible to citizenship and in no way relates to any matter involved in the present proceeding. Sections 2 and 3 of this act are as follows:

Sec. 2. All aliens other than those mentioned in section one of this act may acquire, possess, enjoy, use, cultivate, occupy and transfer real property, or any interest therein, in this state, and have in whole or in part the beneficial use thereof, in the manner and to the extent, and for the purposes prescribed by any treaty now existing between the government of the United

States and the nation or country of which such alien is a citizen or subject, and not otherwise.

"Sec. 3. Any company, association or corporation organized under the laws of this or any other state or nation, of which a majority of the members are aliens other than those specified in section one of this act, or in which a majority of the issued capital stock is owned by such aliens, may acquire, possess, enjoy, use, cultivate, occupy and transfer real property, or any interest therein, in this state, and have in whole or in part the beneficial use thereof, in the manner and to the extent and for the purposes prescribed by any treaty now existing between the government of the United States and the nation or country of which such members or stockholders are citizens or subjects, and not otherwise. Hereafter all aliens other than those specified in section one hereof may become members of or acquire shares of stock in any company, association or corporation that is or may be authorized to acquire, possess, enjoy, use, cultivate, occupy and transfer real property, or any interest therein, in this state, in the manner and to the extent and for the purposes prescribed by any treaty now existing between the government of the United States and the nation or country of which such alien is a citizen or subject, and not otherwise."

(1) It will be observed from a reading of the foregoing sections of the Alien Land Law that by the provisions of section 2 thereof the rights of aliens ineligible to citizenship to possess, use, or occupy real property in this state *240 are limited to such rights as are prescribed by the treaty between the country of which said aliens are subjects and this country. By section 3 of said act the rights of any corporation organized in this or any other state, of which a majority of the members thereof are aliens ineligible to citizenship, to possess, use, or occupy real property situated in this state are likewise limited and governed by the terms of the treaty existing between this government and the government of which such aliens are citizens or subjects. In other words, it was undoubtedly the object and purpose of the Alien Land Law of this state to accord to aliens ineligible to citizenship, either individually or as members of a corporation, in which a majority of the members thereof are ineligible to citizenship, the right to acquire and possess real property in this state "in the manner and to the extent and for the purposes prescribed by any treaty," and to deny to such aliens any and all other rights or privileges in or to the real property of this state. It is apparent, therefore, that the measure of petitioners' rights as asserted in this proceeding is to be determined by the terms and provisions of the treaty or treaties now in force between this

government and the empire of Japan. Article I of the Treaty of Commerce and Navigation between this government and the empire of Japan, proclaimed April 5, 1911 (37 U. S. Stats. at Large, p. 1504), in so far as it is material to any question arising herein, provides that:

"The citizens or subjects of each of the High Contracting Parties shall have liberty to enter, travel and reside in the territories of the other to carry on trade, wholesale and retail, to own or lease and occupy houses, manufactories, warehouses and shops, to employ agents of their choice, to lease land for residential and commercial purposes, and generally to do anything incident to or necessary for trade upon the same terms as native citizens or subjects, submitting themselves to the laws and regulations there established."

(2) It will be observed that by the terms of this article of said treaty, subjects of Japan are accorded the right, among others, to carry on trade, to lease land for commercial purposes, and "generally to do anything incident to or necessary for trade upon the same terms as native citizens" *241 of this country or state. In the case of *State of California v. Tagami*, 195 Cal. 522 [234 Pac. 102], it was held that a lease of land to a subject of Japan, for the purpose of using and occupying the same as a health resort or sanatorium is for a "commercial purpose" within the terms of said treaty. It is not seriously contended by respondents that the use of land for the purpose of erecting and maintaining thereon a hospital is not a use for commercial purposes as the term is used in said treaty, nor is it contended that a subject of Japan or any number of them, either in their capacity as individuals or as members of a partnership, cannot under the terms of said treaty lease real property in this state for the purpose of maintaining thereon a hospital. The sole claim of respondents is that the treaty does not expressly or by reasonable inference confer upon Japanese subjects residing in this state the right to form a corporation, if one of the purposes thereof is to lease for commercial purposes real property situated in this state.

In the case of *California v. Tagami, supra*, this court quoted with approval from the following language from the case of *De Geofroy v. Riggs*, 133 U. S. 258 [33 L. Ed. 642, 10 Sup. Ct. Rep. 295, see, also, Rose's U. S. Notes]: "It is a general principle of construction, with respect to treaties, that they shall be liberally construed, so as to carry out the apparent intention of the parties to secure equality and reciprocity between them. As they are contracts between independent nations, in their construction, words are to be taken in their ordinary meaning, as understood in the public law of nations,

and not in any artificial or special sense impressed upon them by local law, unless such restricted sense is clearly intended. And it has been held by this court that where a treaty admits of two constructions, one restrictive of rights that may be claimed under it, and the other favorable to them, the latter is to be preferred." The principle thus enunciated appears to be accepted by the courts generally, and in 38 Ency. of Law and Procedure (Cyc.), 970, it is stated as follows: "Treaties should ordinarily be construed liberally, and so where the treaty admits of two constructions, one restrictive as to the rights that may be claimed under it and the other liberal, the latter is to be preferred." In *242 support of this text the following authorities are cited: *In re Wyman*, 191 Mass. 276 [114 Am. St. Rep. 601, 77 N. E. 379], *In re Stixrud's Estate*, 58 Wash. 339 [Ann. Cas. 1912A, 850, 33 L. R. A. (N. S.) 632, 109 Pac. 343], *Disconto Gesellschaft v. Umbreit*, 208 U. S. 570 [52 L. Ed. 625, 28 Sup. Ct. Rep. 337, see, also, Rose's U. S. Notes], *Scharpf v. Schmidt*, 172 Ill. 255 [50 N. E. 182], *Adams v. Akerlund*, 168 Ill. 632 [48 N. E. 454], and *De Geofroy v. Riggs*, 133 U. S. 258 [33 L. Ed. 642, 10 Sup. Ct. Rep. 295].

As we have already seen, section 1 of the Treaty of 1911 provides that subjects of Japan residing in this state shall have the right to carry on trade, wholesale and retail, to lease land for commercial purposes and generally do anything incident to or necessary for trade upon the same terms as native citizens or subjects. It is apparent from the reading of this section of the treaty that it was the intention of the high contracting parties thereto to give to the subjects of either country residing in the territory of the other the right to carry on trade therein upon the same terms as native subjects or citizens of the latter country. Yet this right to carry on trade is limited to such subjects and purposes as are enumerated in the treaty itself. Subjects of Japan residing in this country and subjects of our own country residing in Japan have only such rights in the country of their domicile as are expressly or by reasonable implication given to them by the treaty. The right to possess real property for agricultural purposes is not mentioned or referred to in the treaty. In fact, the treaty is silent upon this subject. Accordingly, it has been held that no right to possess real property for agricultural purposes is given to subjects of Japan residing in this country and, therefore, a statute prohibiting Japanese subjects residing in this state from possessing real property for agricultural purposes is valid and constitutional (*Porterfield v. Webb*, 195 Cal. 71 [231 Pac. 554]; *Porterfield v. Webb*, 263 U. S. 225 [68 L. Ed. 278, 44 Sup. Ct. Rep. 21]; *Webb v. O'Brien*, 263 U. S. 313 [68 L. Ed. 318, 44 Sup. Ct. Rep. 112]). It was further held

that the right "to carry on trade" given by the treaty does not give to Japanese subjects residing in this state the privilege of acquiring stock in a corporation owning farm or agricultural land situated in this state (*Frick v. Webb*, 263 U. S. 326 [68 L. Ed. 323, 44 Sup. Ct. Rep. 115]). In this case the *243 court said: "The provisions of the act (Alien Land Law of California) were framed and intended for general application and to limit the privileges of all ineligible aliens in respect of agricultural lands to those prescribed by treaty between the United States and the nation or country of which such alien is a citizen or subject. The State has power, and the act evidences its purposes, to deny to ineligible aliens permission to own, lease, use or have the benefit of lands within its borders for agricultural purposes. ... It may forbid indirect as well as direct ownership and control of agricultural land by ineligible aliens. The right 'to carry on trade' given by the treaty does not give the privilege to acquire the stock above described. To read the treaty to permit ineligible aliens to acquire such stock would be inconsistent with the intention and purpose of the parties."

(3) But the right "to carry on trade" in the specific lines of business mentioned in the treaty, such as conducting manufactories, warehouses, and shops and leasing land for commercial purposes, is from the very terms of said treaty as extensive and complete as that employed by native citizens or subjects. It would be difficult to frame language much more comprehensive than that found in the following provision of article I of the treaty—"and generally to do anything incident to or necessary for trade upon the same terms as native citizens or subjects." This language follows the provision enumerating the different classes of trade or business in which resident aliens are authorized to engage and must be read in connection with such provision, and as so read it gives to such aliens an equal standing with native citizens or subjects in the conduct of those enumerated classes of business which may be carried on by such aliens.

(4) If, then, Japanese subjects residing in this state are authorized to engage in certain lines of business, including that of leasing real property for commercial purposes, and under the terms of the treaty they are further authorized to do anything incident or necessary in the conduct of such business upon the same terms as native citizens or subjects, are they thereby empowered to form a corporation as one of the necessary incidents of transacting such business? The statutes of this state provide the terms under which native citizens of this country may enter into corporate *244 relations, and it is not questioned by respondents that petitioners have complied

with the requirements of all such statutes, provided they are eligible to form a corporation under the terms of the treaty. It is hardly necessary to call attention to the extent to which corporations are formed and used by the citizens of this state, as well as by those of all other civilized countries, in the transaction of the various lines of trade carried on therein. There is scarcely a class of business of any consequence carried on in this state in which corporate interests do not play, if not a leading, at least an important part in its transaction. The extensive and widespread use of this means of carrying on trade or transacting business is convincing proof of the advantages to be derived therefrom. Why, then, should this method of carrying on trade as to the classes of business enumerated in the treaty be denied subjects of Japan residing in this state in the face of the plain provisions of the treaty conferring upon them as to such classes of business the right to do anything incident to such business upon the same terms as native citizens? A corporation, or the members thereof, in conducting any certain business do not thereby exercise any more extensive or different right or control over the property of said business than they would exercise over said property if they carried on the business as individuals. Should the petitioners as individuals decide to lease land and erect thereon and equip a hospital and maintain and operate the same, they could do so in the same manner and to the same extent as a corporation organized by them might do the same identical acts. As a corporation they would not be authorized to exercise any right over property which they do not now possess as individuals nor to transact any business nor engage in any line of trade which they could not transact or engage in as individuals. The corporation is simply the instrumentality through which the members thereof engage to carry on the business in which they have a common interest. It is simply incidental to the business just as an agreement of copartnership would be if a partnership were formed to perform the same acts. In view of these considerations, and mindful of the rule already referred to, requiring courts to give to treaties a liberal construction, we are of the opinion that the right of Japanese subjects residing in this state to form *245 a corporation for the purpose of leasing real property upon which to operate and maintain a hospital is within the reasonable intendment of the Treaty of 1911. Such right is therefore not within the prohibitions contained in the Alien Land Law of this state, but is expressly recognized by the terms thereof.

(5) Respondents have directed our attention to the provisions of article VII of the Treaty of 1911, which was designed to confer certain rights upon corporations (therein referred to

as limited-liability companies or associations) "organized in accordance with the laws of either High Contracting Party and domiciled in the territories of such Party." Following the granting of such rights said section of the treaty provides that: "The foregoing stipulation has no bearing upon the question whether a company or association organized in one of the two countries will or will not be permitted to transact its business or industry in the other, this permission remaining always subject to the laws and regulations enacted or established in the respective countries or in any part thereof." It is insisted by respondents that this provision argues most strongly against petitioners' contention in that it evinces no desire on the part of either party to the treaty of securing freedom of action in the territories of the other for corporations of its own creation. Therefore, say respondents, "How much less must it have been concerned in the creation by that other of corporations which were to act in this country of their creation?" We are not able to perceive the force of respondents' argument. The parties to the treaty evidently were not prepared to definitely bind themselves as to the rights of a corporation organized in one country and domiciled therein to transact and carry on business in the other. Hence, they left the question unaffected by the treaty and subject to be regulated by the respective countries. They were, however, prepared to definitely fix and determine the rights of citizens and subjects of one country domiciled in the other, and to this end they set forth these rights distinctly and comprehensively in article I of the Treaty, the terms of which we have already considered and attempted to construe. Article XI of the Treaty also refers to corporations, but clearly this reference has no bearing upon the question to be considered in this proceeding.

*246 (6) Finally, respondents contend that the words "native citizens" as used in the treaty in article I thereof, whereby it is sought to confer upon subjects of one country residing within the territory of the other the right "generally to do anything incident to or necessary for trade upon the same terms as native citizens," are employed in a restrictive sense, and that this provision of the treaty deals only with native citizens and subjects of the United States and their privileges and immunities as such and not with the privileges and immunities of the citizens and subjects of the several states. That there is a citizenship of the United States and a citizenship of a state, and the privileges and immunities of one are not the same as the other is well established by the decisions of the courts of this country. The leading cases upon the subjects are those decided by the supreme court of the United States and reported in 16 Wall. 36, and known as the Slaughter-House cases. However, to adopt the construction of the words

"native citizens," as contended for by respondents, would be contrary not only to the spirit but to the express language of the rule applicable to the interpretation of treaties which we have already considered. We refer to the rule quoted with approval by this court in *State of California v. Tagami, supra*, and particularly to the following portion thereof: "words (of a treaty) are to be taken in their ordinary meaning, as understood in the public law of nations, and not in any artificial or special sense impressed upon them by local law, unless such restricted sense is clearly intended." There is nothing in the language of the treaty to indicate that the words "native citizens" used therein were employed in any restricted sense. On the other hand, we think it is plainly obvious from the terms of the treaty that the intent of the parties thereto in conferring upon the subjects of one country residing in the other the right to exercise certain privileges "upon the same terms as native citizens" was to extend to such foreign subjects all the rights that the native citizen enjoyed irrespective of the source of such rights.

It may be that the right to form a corporation such as that which petitioners desire to organize is governed by the local laws of each particular state, and that such right may not be conferred upon alien residents in this state, or, for that matter, upon any class of persons whatsoever, by treaty *247 or by any other act of the federal government. If this is so, then the state might disregard the treaty or any statute enacted by Congress which would infringe upon its exclusive jurisdiction in this particular and enact such laws in that regard as may meet the approval of the legislature or of the people of the state, irrespective of any treaty or federal statute. But in the enactment of the Alien Land Law the state of California has not attempted to run counter to the Treaty of 1911, or to any other treaty between this country and a foreign country. On the other hand, the provisions thereof relative to the right of aliens ineligible to citizenship to acquire and possess real property in this state expressly recognize such acquisition and possession "in the manner and to the extent and for the purpose prescribed by any treaty now existing between the government of the United States and the nation or country of which such alien is a citizen or subject." The provision found in section 3 of said act relative to corporations, a majority of whom are aliens not eligible to citizenship, acquiring or possessing real property in this state, contains a like reference to and recognition of the terms of any treaty between this government and any foreign nation. The fact, therefore, that the right to provide for and control the organization of corporations in this state may be within the exclusive jurisdiction of the state and not the national

government is not decisive of any question arising in this proceeding for the reason that the action taken by the state in reference to such matters by the enactment of the Alien Land Law expressly limits the terms and provisions of said law to such rights as are not prescribed by any treaty.

Let the writ issue as prayed for.

Langdon, J., Richards, J., Seawell, J., Preston, J., and Waste, C. J., concurred.

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49 S.Ct. 47
Supreme Court of the United States.

JORDAN, Secretary of State of California, et al.
v.
K. TASHIRO et al.

No. 13. | Argued Oct. 9,
1928. | Decided Nov. 19, 1928.

On Writ of Certiorari to the Supreme Court of the State of California.

Proceeding by **K. Tashiro**, M. D., and others, for mandamus to be directed to Frank C. **Jordan**, Secretary of State of California, and another. The Supreme Court of California, to which the application was made, granted the writ (201 Cal. 236, 256 P. 545, 53 A. L. R. 1279), and defendants bring certiorari. Judgment granting writ affirmed.

Attorneys and Law Firms

****47 *124** Mr. U. S. Webb, of San Francisco, Cal., for petitioners.

Mr. J. Marion Wright, of Los Angeles, Cal., for respondents.

Opinion

Mr. Justice STONE delivered the opinion of the Court.

The respondents, subjects of Japan residing in California, presented for filing in the office of the secretary of state of California, one of the petitioners, proposed articles of incorporation of the 'Japanese Hospital of Los Angeles.' The articles provided for the creation of a business corporation with a share capital of \$100,000. They purported to authorize the corporation to construct and operate in Los Angeles a general hospital with a home for nurses and resident physicians, and to lease land for that purpose.

Although the articles complied with all provisions of the California statutes governing the organization of a corporation for such purposes, the petitioners refused to file them on the ground that, as the respondents were citizens of Japan, the Alien Land Law of the state (St. 1921, p. lxxxiii) did not permit an incorporation by them for the purposes named. The respondents then brought, in the Supreme Court of California, ***125** a proceeding in mandamus to compel

the petitioners to file the proposed articles and to issue a certificate of incorporation to the hospital. The mandamus petition set up that the treaty of commerce and navigation between the government of the United States and the empire of Japan, proclaimed April 5, 1911, 37 Stat. 1504, and now in force, conferred on citizens and subjects of the empire of Japan the right to incorporate in the United States for the purposes named in the proposed articles.

The state court granted the writ as prayed, basing its determination on the construction of the treaty. **Tashiro v. Jordan**, 201 Cal. 236, 256 P. 545, 53 A. L. R. 1279. This court granted the petition of the secretary of state of California for certiorari May 14, 1928. 277 U. S. 580, 48 S. Ct. 527, 72 L. Ed. 997.

Section 2 of the Alien Land Law of California, as amended by the Act of the Legislature approved June 20, 1923, Stats. 1923, p. 1020, provides that aliens of a class in which respondents are included may acquire, possess and enjoy real estate within the state 'in the manner and to the extent, and for the purposes prescribed by any treaty now existing between the government of the United States ****48** and the nation or country of which such alien is a citizen or subject, and not otherwise.' Section 3, in like terms, permits (a) acquisition of land by a corporation, the majority of whose stockholders are aliens; and (b) the purchase by aliens of stock in corporations owning or leasing land, only for purposes prescribed by such a treaty.

The statutes of California do not otherwise forbid the organizing of a corporation by citizens of Japan residing in the state, and by these enactments there was effected perfect harmony in the operation of the statute and of the treaty. What the treaty prescribes the statute authorizes. There is thus no possibility of conflict between the exercise of the treaty-making power of the federal government and the reserved powers of the state such as that ***126** suggested in *Geofroy v. Riggs*, 133 U. S. 258, 267, 10 S. Ct. 295, 33 L. Ed. 642, on which petitioners placed reliance on the argument.

[1] The Supreme Court of California, in passing upon the application for mandamus, granted the relief prayed, not as a matter of statutory construction, but because it thought the conduct of a hospital by Japanese citizens through the instrumentality of a corporation, organized under the laws of the state, was a privilege secured to the respondents by the treaty which the state statute did not purport to withhold. The privilege challenged by petitioners is one specially set up or

claimed under a treaty of the United States and sustained by the state court and the case is thus one within the jurisdiction of this court conferred by section 237(b) of the Judicial Code, 28 USCA s 344(b). Compare *Red Cross Line v. Atlantic Fruit Co.*, 264 U.S. 109, 120, 44 S.Ct. 274, 68 L.Ed. 582.

The question presented is one of the construction of the treaty, the relevant portions of which are printed in the margin.¹ It in terms authorizes the citizens of Japan to carry on trade within the United States and 'to lease land for residential and commercial purposes, and generally *127 to do anything incident to or necessary for trade upon the same terms as native citizens or subjects, submitting themselves to the laws and regulations there established.'

The petitioners insist that the construction and operation of a hospital is not one of the purposes prescribed by the treaty, which, it is argued, are limited so far as 'trade' and 'commerce' are concerned to the purchase and sale or exchange of goods and commodities, and that, in any case, the treaty does not confer upon Japanese subjects, resident in California, the privilege of forming a corporation under the laws of California or of leasing lands through a corporate agency for such a purpose.

[2] [3] The principles which should control the diplomatic relations of nations, and the good faith of treaties as well, require that their obligations should be liberally construed so as to effect the apparent intention of the parties to secure equality and reciprocity between them. See *Geofroy v. Riggs*, *supra*; *Tucker v. Alexandroff*, 183 U.S. 424, 437, 22 S.Ct. 195, 46 L.Ed. 264; *Wright v. Henkel*, 190 U.S. 40, 57, 23 S.Ct. 781, 47 L.Ed. 948; *In re Ross*, 140 U.S. 453, 475, 11 S.Ct. 897, 35 L.Ed. 581. Upon like ground, where a treaty fairly admits of two constructions, one restricting the rights that may be claimed under it and the other enlarging them, the more liberal construction is to be preferred. *Asakura v. Seattle*, 265 U.S. 332, 44 S.Ct. 515, 68 L.Ed. 1041; *Tucker v. Alexandroff*, *supra*; *Geofroy v. Riggs*, *supra*.

[4] While in a narrow and restricted sense the terms 'commerce,' or 'commercial,' and 'trade' may be limited to the purchase and sale or exchange of goods and commodities, they may connote, as well, other occupations and other recognized forms of business enterprise which do not necessarily involve trading in merchandise. *Asakura v. Seattle*, *supra*. And although commerce includes traffic in this narrower sense, for more than a century it has been judicially recognized that in a broad sense it *128 embraces every

phase of commercial and business activity and intercourse. See *Gibbons v. Ogden*, 9 Wheat. I, 189, 6 L.Ed. 23.

Considerations which led this court to conclude that the terms 'trade' and 'commerce' as used in this treaty do not include agriculture, and the circumstances attending the making of the treaty which were deemed to exclude from the operation of its broad language any grant of the privilege of acquiring and using lands within the United States for agricultural purposes, were discussed in the opinions in *Terrace v. Thompson*, 263 U.S. 197, 223, 44 S.Ct. 15, 68 L.Ed. 255, *Webb v. O'Brien*, 263 U.S. 313, 323, 44 S.Ct. 112, 68 L.Ed. 318, *Frick v. Webb*, 263 U.S. 326, 333, 44 S.Ct. 115, 68 L.Ed. 323, and need not now be detailed. But in *Asakura v. Seattle*, *supra*, it was held that the language of this treaty securing to Japanese citizens the privilege **49 of carrying on trade within the United States was broad enough to comprehend all classes of business which might reasonably be embraced in the word 'trade,' and included the privilege of carrying on the business of a pawnbroker. In *Clarke v. Deckebach*, 274 U.S. 392, 396, 47 S.Ct. 630, 71 L.Ed. 1115, in considering the treaty with Great Britain of July 3, 1815, 8 Stat. 228, and August 6, 1827, 8 Stat. 361, granting reciprocal liberty of commerce between the United States and Great Britain, and in holding that the guarantee that *** the merchants and traders of each nation, respectively, shall enjoy the most complete protection and security for their commerce, did not extend to a British subject engaged in keeping a poolroom within the United States, we took occasion to point out that the language of the present treaty with Japan was of broader scope than that then before the court.

Giving to the terms of the treaty, as we are required by accepted principles, a liberal rather than a narrow interpretation, we think, as the state court held, that the terms 'trade' and 'commerce,' when used in conjunction with each other and with the grant of authority to lease land for 'commercial purposes' are to be given a *129 broader significance than that pressed upon us, and are sufficient to include the operation of a hospital as a business undertaking; that this is a commercial purpose for which the treaty authorizes Japanese subjects to lease lands.

It is said that the elimination from the original draft of this clause of the treaty of words authorizing the leasing of land for 'industrial, manufacturing and other lawful' purposes (see *Terrace v. Thompson*, *supra*, page 223 of 263 U.S.) leads to the conclusion that land might not be leased for hospital purposes by Japanese subjects, even

though under the other provisions of the treaty they might be permitted to operate such an institution. But as the leasing of land for a hospital is obviously not for an industrial or manufacturing purpose, this argument presupposes that the phrase 'commercial purposes' is limited to merchandising businesses, which for reasons already stated we deem inadmissible. Moreover, a construction which concedes the authority of Japanese subjects to operate a hospital but would deny to them an appropriate means of controlling so much of the earth's surface as is indispensable to its operation, does not comport with a reasonable, to say nothing of a liberal, construction. The Supreme Court of California has reached a like conclusion in *State of California v. Tagami*, 195 Cal. 522, 234 P. 102, holding that this treaty secured to a Japanese subject the privilege of leasing land within the state for the purpose of using and occupying it for the maintenance of a health resort and sanitarium.

The contention that the treaty does not permit the exercise of the privileges secured by it through a corporate agency requires no extended consideration. The employment of such an agency is incidental to the exercise of the granted privilege. But it is not an incident which enlarges the privilege by annexing to the permitted business another class of business otherwise excluded from the *130 grant, as would have been the case in *Terrace v. Thompson*, *supra*, had the business of farming been deemed an incident to the business of trading in farm products.

Footnotes

- 1 Treaty of commerce and navigation between the United States and Japan. *** Article I. The citizens or subjects of each of the high contracting parties shall have liberty to enter, travel and reside in the territories of the other to carry on trade, wholesale and retail, to own or lease and occupy houses, manufactories, warehouses and shops, to employ agents of their choice, to lease land for residential and commercial purposes, and generally to do anything incident to or necessary for trade upon the same terms as native citizens or subjects, submitting themselves to the laws and regulations there established. ***
The citizens or subjects of each of the high contracting parties shall receive, in the territories of the other, the most constant protection and security for their persons and property, and shall enjoy in this respect the same rights and privileges as are or may be granted to native citizens or subjects, on their submitting themselves to the conditions imposed upon the native citizens or subjects. ***

The principle of liberal construction of treaties would be nullified if a grant of enumerated privileges were held not to include the use of the usual methods and instrumentalities of their exercise. Especially would this be the case where the granted privileges relate to trade and commerce and the use of land for commercial purposes. It would be difficult to select any single agency of more universal use or more generally recognized as a usual and appropriate means of carrying on commerce and trade than the business corporation. And it would, we think, be a narrow interpretation indeed, which, in the absence of restrictive language, would lead to the conclusion that the treaty had secured to citizens of Japan the privilege of engaging in a particular business, but had denied to them the privilege of conducting that business in corporate form. But here any possibility of doubt would seem to be removed by the clause which confers on citizens and subjects of the high contracting parties the right *** to do anything generally incident to or necessary for trade upon the same terms as native citizens or subjects, submitting themselves to the laws and regulations there established.'

Affirmed.

Parallel Citations

Treaty of Commerce and Navigation between the United States and Japan

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TREATY OF COMMERCE AND NAVIGATION BETWEEN THE UNITED STATES
AND JAPAN.

Signd at Washington, February 21, 1911.

The President of the United States of America and His Majesty the Emperor of Japan, being desirous to strengthen the relations of amity and good understanding which happily exist between the two nations, and believing that the fixation in a manner clear and positive of the rules which are hereafter to govern the commercial intercourse between their respective countries will contribute to the realization of this most desirable result, have resolved to conclude a treaty of commerce and navigation for that purpose, and to that end have named their plenipotentiaries, that is to say:

The President of the United States of America, Philander C. Knox,
Secretary of State of the United States; and

His Majesty the Emperor of Japan, Baron Yasuya Uchida, Jusammi,
Grand Cordon of the Imperial Order of the Rising Sun, His
Majesty's Ambassador Extraordinary and Plenipotentiary to the
United States of America;

Who, after having communicated to each other their respective full powers, found to be in good and due form, have agreed upon the following articles:

ARTICLE I.

The citizens or subjects of each of the high contracting parties shall have liberty to enter, travel and reside in the territories of the other to carry on trade, wholesale and retail, to own or lease and occupy houses, manufactories, warehouses and shops, to employ agents of their choice, to lease land for residential and commercial purposes, and generally to do anything incident to or necessary for trade upon the same terms as native citizens or subjects, submitting themselves to the laws and regulations there established.

They shall not be compelled, under any pretext whatever, to pay any charges or taxes other or higher than those that are or may be paid by native citizens or subjects.

The citizens or subjects of each of the high contracting parties shall receive, in the territories of the other, the most constant protection and security for their persons and property, and shall enjoy in this respect the same rights and privileges as are or may be granted to native citizens or subjects, on their submitting themselves to the conditions imposed upon the native citizens or subjects.

They shall, however, be exempt in the territories of the other from compulsory military service either on land or sea, in the regular forces, or in the national guard, or in the militia; from all contributions imposed in lieu of personal service, and from all forced loans or military exactions or contributions.

ARTICLE II.

The dwellings, warehouses, manufactories and shops of the citizens or subjects of each of the high contracting parties in the territories of the other, and all premises appertaining thereto used for purposes of residence or commerce, shall be respected. It shall not be allowable to proceed to make a domiciliary visit to, or a search of, any such buildings and premises, or to examine or inspect books, papers or accounts, except under the conditions and with the forms prescribed by the laws, ordinances and regulations for nationals.

ARTICLE III.

Each of the high contracting parties may appoint consuls general, consuls, vice consuls, deputy consuls and consular agents in all ports, cities and places of the other, except in those where it may not be convenient to recognize such officers. This exception, however, shall not be made in regard to one of the contracting parties without being made likewise in regard to all other Powers.

Such consuls general, consuls, vice consuls, deputy consuls and consular agents, having received exequaturs or other sufficient authorizations from the government of the country to which they are appointed, shall, on condition of reciprocity, have the right to exercise the functions and to enjoy the exemptions and immunities which are or may hereafter be granted to the consular officers of the same rank of the most favored nation. The government issuing exequaturs or other authorizations may in its discretion cancel the same on communicating the reasons for which it thought proper to do so.

ARTICLE IV.

There shall be between the territories of the two high contracting parties reciprocal freedom of commerce and navigation. The citizens or subjects of each of the contracting parties, equally with the citizens or subjects of the most favored nation, shall have liberty freely to come with their ships and cargoes to all places, ports and rivers in the territories of the other which are or may be opened to foreign commerce, subject always to the laws of the country to which they thus come.

ARTICLE V.

The import duties on articles, the produce or manufacture of the territories of one of the high contracting parties, upon importation into the territories of the other, shall henceforth be regulated either by treaty between the two countries or by the internal legislation of each.

Neither contracting party shall impose any other or higher duties or charges on the exportation of any article to the territories of the other than are or may be payable on the exportation of the like article to any other foreign country.

Nor shall any prohibition be imposed by either country on the importation or exportation of any article from or to the territories of the other which shall not equally extend to the like article imported from or exported to any other country. The last provision is not, however, applicable to prohibitions or restrictions maintained or imposed as sanitary measures or for purposes of protecting animals and useful plants.

ARTICLE VI.

The citizens or subjects of each of the high contracting parties shall enjoy in the territories of the other exemption from all transit duties and a perfect equality of treatment with native citizens or subjects in all that relates to warehousing, bounties, facilities and drawbacks.

ARTICLE VII.

Limited-liability and other companies and associations, commercial, industrial, and financial, already or hereafter to be organized in accordance with the laws of either high contracting party and domiciled in the territories of such party, are authorized, in the territories of the other, to exercise their rights and appear in the courts either as plaintiffs or defendants, subject to the laws of such other party.

The foregoing stipulation has no bearing upon the question whether a company or association organized in one of the two countries will or will not be permitted to transact its business or industry in the other, this permission remaining always subject to the laws and regulations enacted or established in the respective countries or in any part thereof.

ARTICLE VIII.

All articles which are or may be legally imported into the ports of either high contracting party from foreign countries in national vessels may likewise be imported into those ports in vessels of the other contract-

ing party, without being liable to any other or higher duties or charges of whatever denomination than if such articles were imported in national vessels. Such reciprocal equality of treatment shall take effect without distinction, whether such articles come directly from the place of origin or from any other foreign place.

In the same manner, there shall be perfect equality of treatment in regard to exportation, so that the same export duties shall be paid, and the same bounties and drawbacks allowed, in the territories of each of the contracting parties on the exportation of any article which is or may be legally exported therefrom, whether such exportation shall take place in vessels of the United States or in Japanese vessels, and whatever may be the place of destination, whether a port of the other party or of any third Power.

ARTICLE IX.

In all that regards the stationing, loading and unloading of vessels in the ports of the territories of the high contracting parties, no privileges shall be granted by either party to national vessels which are not equally, in like cases, granted to the vessels of the other country; the intention of the contracting parties being that in these respects the respective vessels shall be treated on the footing of perfect equality.

ARTICLE X.

Merchant vessels navigating under the flag of the United States or that of Japan and carrying the papers required by their national laws to prove their nationality shall in Japan and in the United States be deemed to be vessels of the United States or of Japan, respectively.

ARTICLE XI.

No duties of tonnage, harbor, pilotage, lighthouse, quarantine, or other similar or corresponding duties of whatever denomination, levied in the name or for the profit of government, public functionaries, private individuals, corporations or establishments of any kind shall be imposed in the ports of the territories of either country upon the vessels of the other, which shall not equally, under the same conditions, be imposed on national vessels in general, or on vessels of the most favored nation. Such equality of treatment shall apply reciprocally to the respective vessels from whatever place they may arrive and whatever may be their place of destination.

ARTICLE XII.

Vessels charged with performance of regular scheduled postal service of one of the high contracting parties, whether belonging to the state or subsidized by it for the purpose, shall enjoy, in the ports of the territories of the other, the same facilities, privileges and immunities as are granted to like vessels of the most favored nation.

ARTICLE XIII.

The coasting trade of the high contracting parties is excepted from the provisions of the present treaty and shall be regulated according to the laws of the United States and Japan, respectively. It is, however, understood that the citizens or subjects of either contracting party shall enjoy in this respect most-favored-nation treatment in the territories of the other.

A vessel of one of the contracting parties, laden in a foreign country with cargo destined for two or more ports of entry in the territories of the other, may discharge a portion of her cargo at one of the said ports, and, continuing her voyage to the other port or ports of destination, there discharge the remainder of her cargo, subject always to the laws, tariffs and customs regulations of the country of destination; and, in like manner and under the same reservation, the vessels of one of the contracting parties shall be permitted to load at several ports of the other for the same outward voyages.

ARTICLE XIV.

Except as otherwise expressly provided in this treaty, the high contracting parties agree that, in all that concerns commerce and navigation, any privilege, favor or immunity which either contracting party has actually granted, or may hereafter grant, to the citizens or subjects of any other state shall be extended to the citizens or subjects of the other contracting party gratuitously, if the concession in favor of that other state shall have been gratuitous, and on the same or equivalent conditions, if the concession shall have been conditional.

ARTICLE XV.

The citizens or subjects of each of the high contracting parties shall enjoy in the territories of the other the same protection as native citizens or subjects in regard to patents, trade-marks and designs, upon fulfillment of the formalities prescribed by law.

ARTICLE XVI.

The present treaty shall, from the date on which it enters into operation, supersede the Treaty of Commerce and Navigation dated the 22nd day of November, 1894; and from the same date the last-named treaty shall cease to be binding.

ARTICLE XVII.

The present treaty shall enter into operation on the 17th of July, 1911, and shall remain in force twelve years or until the expiration of six months from the date on which either of the contracting parties shall have given notice to the other of its intention to terminate the treaty.

In case neither of the contracting parties shall have given notice to the other six months before the expiration of the said period of twelve years of its intention to terminate the treaty, it shall continue operative until the expiration of six months from the date on which either party shall have given such notice.

ARTICLE XVIII.

The present treaty shall be ratified and the ratifications thereof shall be exchanged at Tokyo as soon as possible and not later than three months from the present date.

In witness whereof, the respective plenipotentiaries have signed this treaty in duplicate and have hereunto affixed their seals.

Done at Washington the 21st day of February, in the nineteen hundred and eleventh year of the Christian era, corresponding to the 21st day of the 2nd month of the 44th year of Meiji.

PHILANDER C. KNOX [SEAL]
Y. UCHIDA [SEAL]

Protocol.

The Government of the United States of America and the Government of Japan have, through their respective plenipotentiaries, agreed upon the following stipulation in regard to Article V of the Treaty of Commerce and Navigation between the United States and Japan signed this day to replace on the 17th of July, 1911, the treaty of the 22nd of November, 1894:

Pending the conclusion of a treaty relating to tariff, the provisions relating to tariff in the treaty of the 22nd of November, 1894, shall be maintained.

In witness whereof, the respective plenipotentiaries have signed this treaty in duplicate and have hereunto affixed their seals.

Done at Washington the 21st day of February, in the nineteen hundred and eleventh year of the Christian era, corresponding to the 21st day of the 2nd month of the 44th year of Meiji.

PHILANDER C. KNOX [SEAL]
Y. UCHIDA [SEAL]

IMPERIAL JAPANESE EMBASSY,
WASHINGTON.

Declaration.

In proceeding this day to the signature of the Treaty of Commerce and Navigation between Japan and the United States the undersigned, Japanese Ambassador in Washington, duly authorized by his Government has the honor to declare that the Imperial Japanese Government are fully prepared to maintain with equal effectiveness the limitation and control which they have for the past three years exercised in regulation of the emigration of laborers to the United States.

Y. UCHIDA.

February 21, 1911.

TREATY OF COMMERCE AND NAVIGATION BETWEEN THE UNITED STATES
AND JAPAN.

*Concluded at Washington, November 22, 1894; ratifications exchanged
March 21, 1895.*

The President of the United States of America and His Majesty the Emperor of Japan, being equally desirous of maintaining the relations of good understanding which happily exist between them, by extending and increasing the intercourse between their respective states, and being convinced that this object can not better be accomplished than by revising the treaties hitherto existing between the two countries, have resolved to complete such a revision, based upon principles of equity and mutual benefit, and, for that purpose, have named as their plenipotentiaries, that is to say:

The President of the United States of America, Walter Q. Gresham, Secretary of State of the United States, and His Majesty the Emperor of Japan, Jushi Shiniehiro Kurino, of the Order of the Sacred Treasure, and of the Fourth Class; who, after having communicated to each other

JAPANESE HOSPITAL APPROVED: Supreme Court Holds it to be Legal in Opinion on Local
Los Angeles Times (1923-Current File), May 22, 1927.
ProQuest Historical Newspapers - Los Angeles Times (1881-1989)
pg. B2

JAPANESE HOSPITAL APPROVED

*Supreme Court Holds it to
be Legal in Opinion on
Local Dispute*

Establishment of a Japanese hospital for the benefit of the local Japanese colony was held to be legal in a Supreme Court opinion made public here yesterday. The decision reversed the action of Secretary of State Jordan in refusing to grant articles of incorporation to Dr. K. Tashiro, promoter of the institution.

Articles of incorporation for the hospital were refused, according to the opinion, on the grounds that the institution would be a violation of the State antialien law.

Inasmuch as the antialien law applies principally to agricultural lands and Japanese may conduct commercial enterprises under the new law, the Supreme Court declared, the erection and operation of such a hospital is legal. The opinion directs the Secretary of State to issue the articles of incorporation.

Body of Youth Drowned Sunday Drifts Ashore

VENICE, May 21.—A body floated ashore under the Venice pier at 9 o'clock this morning, and was identified at the Sharp and Nolan undertaking parlors as that of Charles Ayres, 14 years of age, of 432 Jackson avenue, Culver City. He was drowned last Sunday when his skiff upset in the surf.

The boy's uncle, Charles Ayres, 31 years of age, lost his life when he went to the aid of the struggling lad.

The older man's body was recovered immediately, but the sea did not give up the other until today.

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JAP HOSPITAL WINS IN COURT

The Supreme Court of California in an opinion made public yesterday reversed the decision of Secretary of State Frank C. Jordan in refusing to grant articles of incorporation to a Japanese hospital at Los Angeles.

Some time ago Dr. K. Tashiro applied for incorporation papers for what was to have been called the Japanese Hospital of Los Angeles, a medical institution devoted to the interests of the local Japanese colony. The state government refused to grant the papers on the ground that such an institution would violate the anti-alien law.

The Supreme Court holds that since Japanese may conduct commercial institutions, the conduct of a hospital is legal, since the anti-alien act applies chiefly to agricultural holdings. The secretary of state is directed by the court to issue the incorporation papers.

Alaska Yukon Club

JAPANESE CASE MEETS SETBACK: Argument Over Hospital in Los Angeles ...
Los Angeles Times (1923-Current File) - Apr 14, 1924
ProQuest Historical Newspapers: Los Angeles Times (1881-1989)
pg. A5

JAPANESE CASE MEETS SETBACK

*Argument Over Hospital in
Los Angeles Halted*

*Supreme Court Says It Has
No Jurisdiction*

*State Allowed to Ask for
Review Under Writ*

WASHINGTON, April 13. (Exclusive)—Appearing before the United States Supreme Court today to present oral arguments in the suit seeking to prevent incorporation of a Japanese hospital at Los Angeles, Atty.-Gen. Webb of California was cut short, after ten minutes of an hour's scheduled time, with the remark by Chief Justice Taft that the court plainly is without jurisdiction over the case as presented in petition in error from the Supreme Court of California.

However, the Chief Justice told Mr. Webb he might have two weeks in which to prepare an application for a review of the case under writ of certiorari.

ATTORNEYS WAIT FOR WEEK

In view of the turn taken in the case, J. Marion Wright of Los Angeles, counsel for the Japanese defendants in error, will not present his argument Monday as slated. He and Atty.-Gen. Webb have both been here more than a week waiting for the case to be called for arguments and each had been allotted an hour.

The case grew out of the refusal of Frank C. Jordan, California Secretary of State, to grant an application of T. Tashiro, Isami Sekiyama and Paul K. Ito, Los Angeles physicians, to incorporate the "Japanese Hospital of Los Angeles" with power to lease land needed for the institution.

TREATY VIOLATION CHARGED
Jordan denied the application on the ground it is in conflict with the Japanese treaty of 1911 and the alien land laws of California.

Wright, as attorney for the Japanese applicants, went into the State Supreme Court and obtained an alternate writ of mandamus compelling Jordan to issue the articles of incorporation, and Atty.-Gen. Webb then obtained from the same court a writ of error carrying the issue to the United States Supreme Court. The anticipated opinion of the high court was expected to provide a wide interpretation of the entire Japanese treaty and its relation to the California laws covering the rights of Japanese to acquire and use property, especially the clauses relating to "commercial purposes," which have been much in controversy.

WOUNDED VENDOR DIES
SACRAMENTO April 13. (AP)—L. A. Stresle, 50 years of age, crippled popcorn vendor of this city, died early this afternoon as the result of wounds inflicted by Joseph Seroca yesterday. Seroca committed suicide immediately after the shooting.

HIGH COURT DISMISSES LEASE CASE; Decision Granting Right for Japanese Hospital Here Must Stand

HIGH COURT DISMISSES LEASE CASE

*Decision Granting Right
for Japanese Hospital
Here Must Stand*

WASHINGTON, Oct. 9. (UP)—The Supreme Court of the United States will not reverse the decision of the lower courts granting Dr. T. Tashiro and other Japanese physicians the right to lease land at Los Angeles for hospital purposes.

This developed today when Atty.-Gen. Webb was stopped by the court in argument of appeal brought by his State and told that the court would decline to hear further argument. In court practice this means the appeal will be dismissed.

BELGIAN PRINCESS TROTH ARRANGED

BRUSSELS, Oct. 9. (Exclusive)—From excellent authority it is learned that the engagement of the Belgian princess, Marie Jose, to the Italian heir to the throne, Crown Prince Umberto, often announced and often denied, has been definitely arranged. The official announcement of the event will be expected within two or three months.

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JAPANESE HOSPITAL WINS: United States Supreme Court Orders Charter Issued to Los Angeles Times (1923-Current File), Nov 20, 1928,
ProQuest Historical Newspapers: Los Angeles Times (1881-1989)
pg. 1

JAPANESE HOSPITAL WINS

United States Supreme Court Orders Charter Issued to Los Angeles Group

WASHINGTON, Nov. 19. (Exclusive)—The United States Supreme Court today decided against the Secretary of State of California in his fight to prevent incorporation of a Japanese hospital at Los Angeles.

The ruling upheld the action of the California Supreme Court.

Dr. E. Tashiro and other Japanese doctors at Los Angeles leased a site and applied to the Secretary of State office at Sacramento for articles of incorporation for the proposed hospital as a nonprofit-making enterprise. Their application was rejected on the ground they were aliens ineligible for citizenship and therefore under California laws could not incorporate and acquire an interest in land in the State.

The Japanese took the matter to the courts, contending that the commerce and navigation treaty of 1811 with Japan gave Japanese the right to incorporate under California laws and to provide in the incorporation articles for authority to lease land upon which to maintain a hospital.

This contention was upheld by the California Supreme Court and the Secretary of State appealed to the United States Supreme Court for review under a writ of certiorari. This writ was granted May 14, last.

The high court's action today is a mandate to the Secretary of State of California to issue the articles of incorporation sought by the Japanese. The court's order is effective in thirty days.

Application for the Erection of Buildings
CLASS "A" - "B" - "C"

To the Board of Building and Safety Commissioners of the City of Los Angeles:
Application is hereby made to the Board of Building and Safety Commissioners of the City of Los Angeles, through the office of the Superintendent of Building, for a building permit in accordance with the description and for the purpose hereinafter set forth. This application is made subject to the following conditions, which are hereby agreed to by the undersigned applicant and which shall be binding conditions entering into the exercise of the permit:

First: That this permit does not grant any right or privilege to erect any building or other structure therein described, or any portion thereof, upon any street, alley, or other public place or portion thereof.

Second: That this permit does not grant any right or privilege to use any building or other structure therein described, or any portion thereof, for any purpose that is, or may be deemed to be prohibited by ordinance of the City of Los Angeles.

Third: That the granting of the permit does not affect or prejudice any claim of title to, or right of possession in, the property described in such permit.

TAKE TO ROOM No. 6 REAR OF NORTH AN JEX 1st FLOOR.	Lot No.	Block	73	(Description of Property)	
				Fifth Avenue at 12th Street corner of 5th Street between 5th and 6th Streets	
CITY CLERK PLEASE VERIFY				A.M.	D.K. CITY CLERK
TAKE TO FIRST FLOOR 212 SO. BROADWAY	District No.	3 1/2	M. B. Page	F. B. Page	B.Y.
ENGINEER PLEASE VERIFY	No.	10150	Block	Street	D.D.
			(Location of Job)		O. K. City Engineer
Between First and 2nd Streets at 5th Street					
USE INK OR INDELIABLE PENCIL					

- | | | | | | |
|---|---|-------------------------|--------------------|--------------------|---------------|
| 1. Purpose of Building | <i>Residence</i> | No. of Rooms | 6-7 | No. of Families | 1 |
| 2. Owner's name | <i>Stanley & Sophie B. Fletcher</i> | Phone | | | |
| 3. Owner's address | | | | | |
| 4. Architect's name | <i>J. S. H. K.</i> | Phone | | | |
| 5. Contractor's name | <i>J. S. H. K.</i> | Phone | | | |
| 6. Contractor's address | <i>210 E. Pleasant St.</i> | | | | |
| 7. TOTAL VALUATION OF BUILDING | <i>Including all Material, Labor, Finishing, Equipment and Appliances in completed building</i> | | | <i>\$35,000.00</i> | <i>\$4000</i> |
| 8. Any other building or permit for a building on lot at present? | <i>No</i> | | | | |
| 9. Size of proposed building | <i>25' x 126'</i> | Size of lot | <i>100' x 173'</i> | feet | |
| 10. Number of stories in height | <i>Three</i> | Height to highest point | <i>52 ft.</i> | | |
| 11. Material of foundation | <i>C. C. C. concrete</i> | Character of soil | <i>Good</i> | | |
| 12. Material of exterior walls | <i>Brick and cement</i> | | | | |
| 13. Material of interior construction | <i>C. C. C. concrete, brick, tile, plaster, etc.</i> | | | | |
| 14. Material of floors | <i>C. C. C. C. concrete, brick, tile, plaster, etc.</i> | | | | |
| 15. Material of roof | <i>C. C. C. C. concrete, brick, tile, plaster, etc.</i> | | | | |
| 16. Will all lathing and plastering comply with Ordinance? | <i>Yes</i> | | | | |
| 17. What zone is property in? | <i>C-2</i> | | | | |

I have carefully examined and read the above application and know the same is true and correct, and hereby certify and agree, if a permit is issued, that all of the provisions of the Building Ordinances will be complied with, whether herein specified or not; also certify that plans and specifications herewith filed conform to all of the provisions of the Building Ordinance and State Law.

~~NOT OVER~~

(Sign Here)...

11. Your child's age: **Age 10** Sex: **Male** Grade: **5th**

FOR DEPARTMENT USE ONLY

APPLICATION	O.K.
CONSTRUCTION	O.K.
ZONING	O.K.
SET-BACK LINE	O.K.
ORD. 33761 (N. S.)	O.K.
FIRE DISTRICT	O.K.

REMARKS

1150

M. B. Page

THEORY OF GROWTH

同義語叢書 ORIGIN OF WORDS

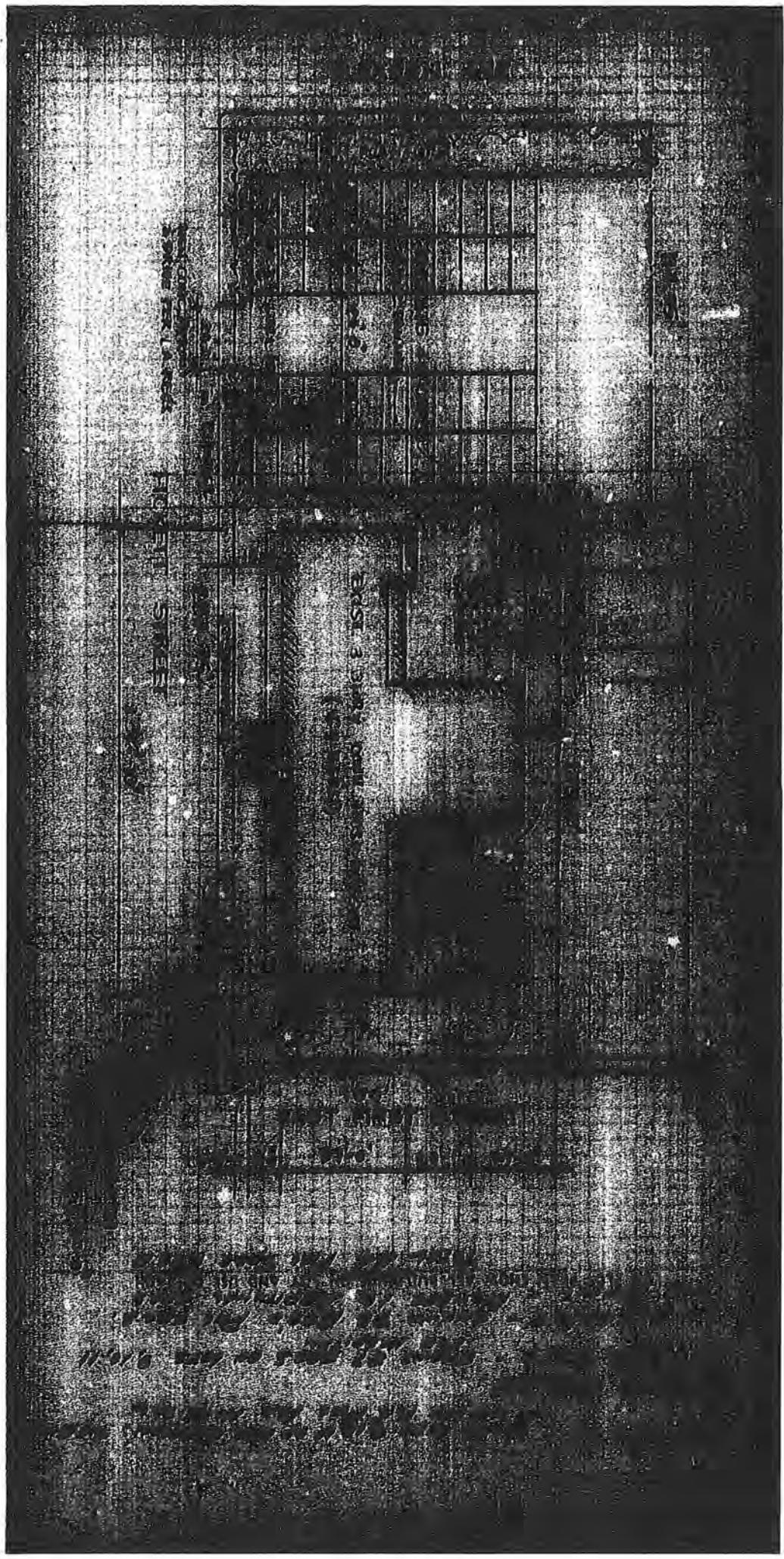
OK
OK

REMARKS

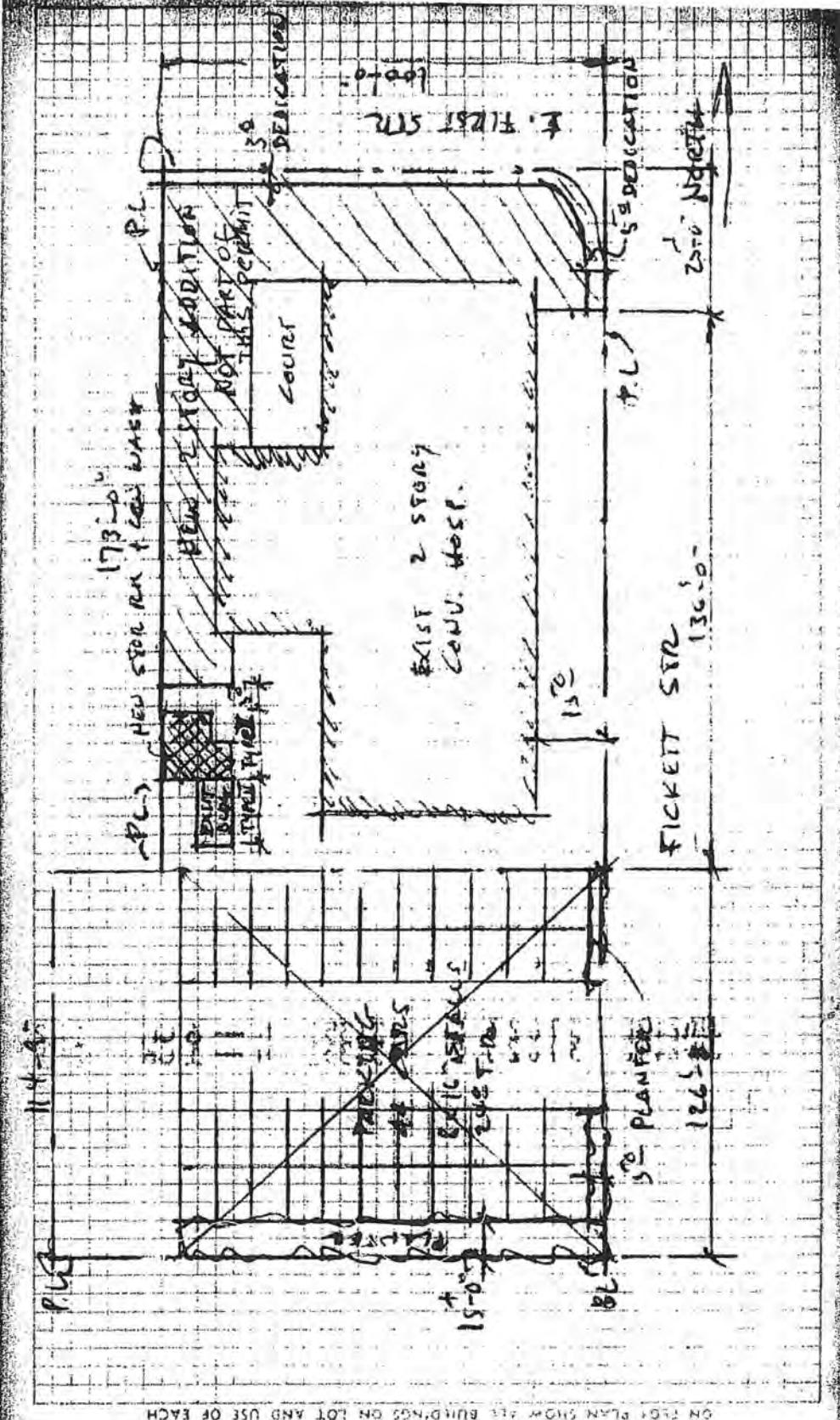
7150

DATE	7-18-59	PERIOD	1959
PROPERTY OWNER OF BUILDING	Mr. & Mrs. A. C. Renn		
JOB ADDRESS	101 Pickett St., L. A.		
BETWEEN CROSS STREETS	First St.	AND	Gleason Ave.
OWNER'S NAME	Mr. & Mrs. Rohatiner		
OWNER'S ADDRESS	101 Pickett St., L. A.		
ARCHITECT OR DESIGNER	C. Va. Clarendon C-2970		
ENGINEER	Wright Levin Kell: 121 W. 80th St.		
CONTRACTOR	NOT Selected		
SECTION	BRANCH	ADDRESS	
SIZE OF EXISTING BLDG.	STORIES	NO. OF EXISTING BUILDINGS ON LOT AND USE	
DEPTH	2	One story, office	
WIDTH	100'	100' x 100'	
EXTERIOR WALLS	100'	100' x 100'	
INTERIOR WALLS	100'	100' x 100'	
JOBSITE ADDRESS	101 Pickett St., L. A.		
GENERAL CONTRACTOR	Wright Levin Kell: 121 W. 80th St.		
ARCHITECT	C. Va. Clarendon C-2970		
ENGINEER	Wright Levin Kell: 121 W. 80th St.		
CONTRACTOR	NOT Selected		

Architect of Engineering



CITY OF LOS ANGELES		AND FOR CIVIL RIGHTS OF OCCUPANCY		DEPT. OF BUILDING AND SAFETY	
INSTRUCTIONS: Applicant to Complete Numbered Items Only.					
1. LEGAL DESC'R:	LOT:	BLK.	TRACT	KITTRIDGE'S SUB OF 1st 5 blk 73 HANCOCK SURVEY	CENSUS TRACT 2043
2. PRESENT USE OF BUILDING (23) STORAGE ROOM		NEW USE OF BUILDING (23) SAME & CAN WASH		DIST. MAP 126-225	
3. JOB ADDRESS 101 S. Fickett St.		FOR HOSPITAL ON SITE		ZONE C2-1-0	
4. BETWEEN CROSS STREETS E. 1st St.		AND Gleason Ave.		FIRE DIST. II	
5. OWNER'S NAME Mr. & Mrs. Rohatiner		PHONE CR4-2893		LOT (TYPE) COR	
6. OWNER'S ADDRESS same		CITY LA		LOT SIZE 1/4 ACRE	
7. ARCHITECT OR DESIGNER Per Vagn Glarborg		STATE LICENSE No. C2970		PHONE CR 4-2893	
8. ENGINEER Vincent Kevin Kelly		STATE LICENSE No. 12494		PHONE 828-3431	
9. CONTRACTOR Owner		STATE LICENSE No.		PHONE	
10. LENDER		BRANCH		AFFIDAVITS PKG3770	
11. SIZE OF EXISTING BLDG. LENGTH 15' WIDTH 10' 1 STORIES HEIGHT 12'		NO. OF EXISTING BUILDINGS ON LOT AND USE HOSPITAL & STORAGE		ZA15109 AFF 35238	
12. MATERIAL OF CONSTRUCTION OF EXISTING BLDG. EXT. WALLS STUCCO		ROOF	FLOOR	PKG 3350	
13. JOB ADDRESS 3 101 S. Fickett St.				DISTRICT OFFICE LA	
14. VALUATION TO INCLUDE ALL FIXED EQUIPMENT REQUIRED TO OPERATE AND USE PROPOSED BUILDING		\$ 4000.00		GRADING yes	
15. NEW WORK: (Describe) Add new storage room at SW corner of				CRIT. SOIL /	
property TO EXIST'G 10X15' STG. BLDG				HIGHWAY DED. yes	
NEW USE OF BUILDING Same		SIZE OF ADDITION 19X20		FLOOD /	
TYPE V	GROUP G-1	SPRINKLERS REQ'D SPECIFIED	INSPECTION ACTIVITY COMB GEN MAJ. S. CONS		CONS.
BLDG. AREA 550 SF TOT.	MAX. OCC. 10	TOTAL	PLANS CHECKED		ADMITTY Kerry
DOVELL. UNITS	GUEST ROOMS	PARKING SPACES N/C	PLANS APPROVED		FILE WITH LA 7/11/71
IG. NO. V3925	CONT. INSPI.		APPROVAL APPROVED		INSPECTOR: I
IG. 1722	S.P.C.	G.A.P.	B.P.	2650 I.F.	O.S. C/O TYPST K6
PERMIT CHECK EXPIRES SIX MONTHS AFTER FEE IS PAID. PERMIT EXPIRES ONE YEAR AFTER FEE IS PAID OR SIX MONTHS AFTER FEE IS PAID IF CONSTRUCTION IS NOT COMMENCED.					
37821 E :31331 H = 18K 2736					
CASHIER USE ONLY					
STATEMENT OF RESPONSIBILITY					
I certify that in doing the work authorized hereby I will not employ any person in violation of the Labor Code of the State of California relating to workmen's compensation insurance.					
'This permit is an application for inspection, the issuance of which is not an approval or an authorization of the work specified herein. This permit does not authorize or permit, nor shall it be construed as authorizing or permitting the violation or failure to comply with any applicable law. Neither the City of Los Angeles, nor any board, department, officer or employee thereof make any warranty or shall be responsible for the performance or results of any work described herein, or the condition of the property or soil upon which such work is performed. (See Sec. 91.0202 L.A.M.C.)					
Signed: <i>Roger A. Rohatiner</i>		Name		Date	
Bureau of Engineering		ADDRESS APPROVED SEWERS AVAILABLE NOT AVAILABLE		<i>Acc LA 27149/1</i>	
Conservation		DRIVEWAY APPROVED HIGHWAY DEDICATION REQUIRED COMPLETED			
Plumbing		FLOOD CLEARANCE APPROVED APPROVED FOR ISSUE FILED			
Draining		PRIVATE SEWAGE DISPOSAL SWIMMING POOL LANDSCAPING			



PRINTED ON 05/01/2014 BY THE STATE OF ALABAMA

LA 27149/71 for
your due return
and please don't
forget to renew

**THE JAPANESE HOSPITAL
101 S. FICKETT ST.
HISTORIC CULTURAL MONUMENT APPLICATION**

IMAGE ATTACHMENT



Fig 1: Vicinity Map, showing the city block bordered by 1st St., Fickett St., Gleason Ave., and Mathews St. The red arrow notes the location of the Japanese Hospital. (Google Earth, 2015)



Fig 2: Vicinity Map, with location of the Japanese Hospital indicated by the red arrow. The East Los Angeles Interchange, which runs along the left and bottom edges of the map, provides context along with Evergreen Cemetery in the upper right corner. (Google Earth, 2015)

**THE JAPANESE HOSPITAL—101 N. FICKETT ST.
LOS ANGELES, CALIFORNIA
HCM IMAGE ATTACHMENT**

JANUARY 2016

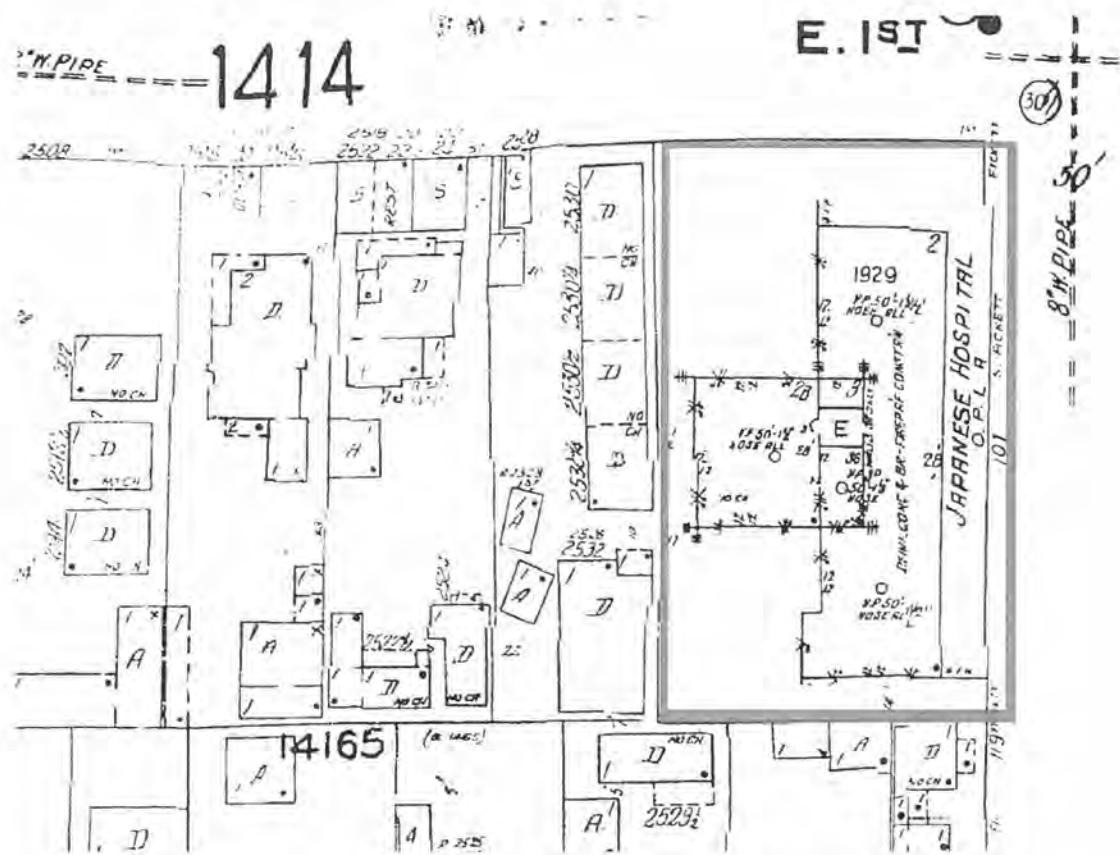


Fig 3: Sanborn Insurance Map, Vol. 14, 1921-Nov. 1949, page 1433 (Los Angeles Public Library)



Fig. 4: Schematic Diagram of Japanese Hospital, indicating dates of construction or alteration to the various components of the building. (Little Tokyo Historical Society, 2015)



Fig 5: Photo Key to note the locations where contemporary photographs of the Japanese Hospital were taken from. (Little Tokyo Historical Society, 2015).

THE JAPANESE HOSPITAL—101 N. FICKETT ST.

LOS ANGELES, CALIFORNIA

HCM IMAGE ATTACHMENT

JANUARY 2016



Fig 6: Photo #001: Japanese Hospital, 101 N. Fickett St. East elevation (main entrance) on Fickett Street, view northwest (Little Tokyo Historical Society, 2013)



Fig 7: Photo #002: Japanese Hospital, 101 N. Fickett St. East elevation (main entrance) on Fickett Street, view west. (Little Tokyo Historical Society, 2015)



Fig 8: Photo # 003: Japanese Hospital, 101 N. Fickett St. East elevation (main entrance, detail) on Fickett Street, view west. (Little Tokyo Historical Society, 2015)



Fig 9: Photo # 004: Japanese Hospital, 101 N. Fickett St. East elevation (main entrance) on Fickett Street, view southwest. (Little Tokyo Historical Society, 2015)



Fig 10: Photo #005: Japanese Hospital, 101 N. Fickett Street. East elevation (left) and north elevation (right), view southwest. (Little Tokyo Historical Society, 2015)



Fig 11: Photo #006: Japanese Hospital, 101 N. Fickett Street. North elevation, view south. (Little Tokyo Historical Society, 2015)

Fig 10:



Fig 12: Photo #007: Japanese Hospital, 101 N. Fickett St. West elevation, view southeast from 1st Street. (Little Tokyo Historical Society, 2015)



Fig 13: Photo #008: Japanese Hospital, 101 N. Fickett St. West elevation (left) and south elevation (right), view slightly northeast from empty lot adjacent to hospital parking lot. (Little Tokyo Historical Society, 2015)



Fig 14: Photo #009: Japanese Hospital, 101 N. Fickett St. West elevation (left) and south elevation (right), view north from Gleason Ave. (Little Tokyo Historical Society, 2015)



Fig 15: Photo #010: Japanese Hospital, 101 N. Fickett St. South elevation from parking lot, view north (Little Tokyo Historical Society, 2015)



Fig 16: Ground-breaking ceremony for the Japanese Hospital, June 19, 1929. (Found in Brian Niiya, *Encyclopedia of Japanese American History from A-Z*. Los Angeles: Japanese American National Museum, 1993.)



Fig 17: Group photo taken by Imada Studio L.A. at the Opening of the Japanese Hospital on December 1, 1929.



Fig 18: A group of nurses gathers at the entrance of the Japanese Hospital, c. 1929. (Photograph from the Japanese American National Museum's Collection.)



Fig 19: The caption in Japanese notes that this photograph, taken by Imada Studio L.A., commemorates the meeting of new and old directors of the Los Angeles Japanese Hospital on January 1, 1962. This year marks a transition, since leaders of the Japanese Hospital sold the building and expanded operations by purchasing nearby City View Hospital to better serve the aging Issei (first generation) population. Alterations to the building (including the main entryway seen in the photo) commenced after the building was sold in 1962. (Photograph from the Little Tokyo Historical Society)



City of Los Angeles Department of City Planning

3/30/2016

PARCEL PROFILE REPORT

PROPERTY ADDRESSES

101 S FICKETT ST

ZIP CODES

90033

RECENT ACTIVITY

CHC-2016-1074-HCM

ENV-2016-1075-CE

CASE NUMBERS

CPC-6000

CPC-1995-336-CRA

ORD-105678

ZA-21361

ENV-2013-3392-CE

ED-73-2043-811-ZV

PKG-3770

Address/Legal Information

PIN Number 127-5A225 324

Lot/Parcel Area (Calculated) 7,563.9 (sq ft)

Thomas Brothers Grid PAGE 635 - GRID B5

Assessor Parcel No. (APN) 5180006007

Tract KITTREDGE'S SUBDIVISION OF A PORTION OF LOT 5 BLOCK 73
HANCOCKS SURVEY

Map Reference M R 6-93

Block None

Lot FR 8

Arb (Lot Cut Reference) None

Map Sheet 127-5A223

127-5A225

Jurisdictional Information

Community Plan Area Boyle Heights

Area Planning Commission East Los Angeles

Neighborhood Council Boyle Heights

Council District CD 14 - Jose Huizar

Census Tract # 2043.00

LADBS District Office Los Angeles Metro

Planning and Zoning Information

Special Notes None

Zoning C2-1

Zoning Information (ZI) ZI-2129 EAST LOS ANGELES STATE ENTERPRISE ZONE

ZI-2270 Adelante Eastside Redevelopment Project

ZI-1117 MTA Project

ZI-2452 Transit Priority Area in the City of Los Angeles

General Plan Land Use Highway Oriented and Limited Commercial

General Plan Footnote(s) Yes

Hillside Area (Zoning Code) No

Baseline Hillside Ordinance No

Baseline Mansionization Ordinance No

Specific Plan Area None

Special Land Use / Zoning None

Design Review Board No

Historic Preservation Review No

Historic Preservation Overlay Zone None

Other Historic Designations None

Other Historic Survey Information None

Mills Act Contract None

POD - Pedestrian Oriented Districts None

CDO - Community Design Overlay None

NSO - Neighborhood Stabilization Overlay No

Sign District No

Streetscape No

Adaptive Reuse Incentive Area None

Ellis Act Property No

Rent Stabilization Ordinance (RSO) Yes

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(*) - APN Area is provided "as is" from the Los Angeles County's Public Works, Flood Control, Benefit Assessment.

CRA - Community Redevelopment Agency	Adelante Eastside Redevelopment Project
Central City Parking	No
Downtown Parking	No
Building Line	None
500 Ft School Zone	No
500 Ft Park Zone	No
Assessor Information	
Assessor Parcel No. (APN)	5180006007
Ownership (Assessor)	
Owner1	MONDONEDO,LUZVIMINDA L TR L L MONDONEDO TRUST AND
Owner2	LA MONDE ENTERPRISES INC
Address	3334 OAKMONT VIEW DR GLENDALE CA 91208
Ownership (Bureau of Engineering, Land Records)	
Owner	MONDONEDO,LUZVIMINDA L TR L L MONDONEDO TRUST AND LA MONDE ENTERPRISES INC
Address	3334 OAKMONT VIEW DR GLENDALE CA 91208
APN Area (Co. Public Works)*	0.368 (ac)
Use Code	7500 - Home for the Aged or Other
Assessed Land Val.	\$578,899
Assessed Improvement Val.	\$2,511,387
Last Owner Change	04/27/05
Last Sale Amount	\$0
Tax Rate Area	2703
Deed Ref No. (City Clerk)	982308 927844,6 8-151 66941-2 5-508 1554809 127977
Building 1	
Year Built	1930
Building Class	CX
Number of Units	99
Number of Bedrooms	0
Number of Bathrooms	0
Building Square Footage	25,663.0 (sq ft)
Building 2	No data for building 2
Building 3	No data for building 3
Building 4	No data for building 4
Building 5	No data for building 5
Additional Information	
Airport Hazard	None
Coastal Zone	None
Farmland	Area Not Mapped
Very High Fire Hazard Severity Zone	No
Fire District No. 1	No
Flood Zone	None
Watercourse	No
Hazardous Waste / Border Zone Properties	No
Methane Hazard Site	Methane Zone
High Wind Velocity Areas	No

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(*) - APN Area is provided "as is" from the Los Angeles County's Public Works, Flood Control, Benefit Assessment.

Special Grading Area (BOE Basic Grid Map A- Yes
13372)

Oil Wells None

Seismic Hazards

Active Fault Near-Source Zone

Nearest Fault (Distance in km)	2.07059784
Nearest Fault (Name)	Upper Elysian Park
Region	Los Angeles Blind Thrusts
Fault Type	B
Slip Rate (mm/year)	1.30000000
Slip Geometry	Reverse
Slip Type	Poorly Constrained
Down Dip Width (km)	13.00000000
Rupture Top	3.00000000
Rupture Bottom	13.00000000
Dip Angle (degrees)	50.00000000
Maximum Magnitude	6.40000000
Alquist-Priolo Fault Zone	No
Landslide	No
Liquefaction	No
Preliminary Fault Rupture Study Area	No
Tsunami Inundation Zone	No

Economic Development Areas

Business Improvement District	None
Promise Zone	No
Renewal Community	No
Revitalization Zone	Central City
State Enterprise Zone	EAST LOS ANGELES STATE ENTERPRISE ZONE
Targeted Neighborhood Initiative	None

Public Safety

Police Information

Bureau	Central
Division / Station	Hollenbeck
Reporting District	467

Fire Information

Bureau	Central
Battalion	1
District / Fire Station	2
Red Flag Restricted Parking	No

CASE SUMMARIES

Note: Information for case summaries is retrieved from the Planning Department's Plan Case Tracking System (PCTS) database.

Case Number: CPC-1995-336-CRA

Required Action(s): CRA-COMMUNITY REDEVELOPMENT AGENCY

Project Descriptions(s): PRELIMINARY PLAN FOR THE PROPOSED EASTSIDE INDUSTRIAL AND COMMERCIAL REDEVELOPMENT PROJECT (OCT 1995); AMENDMENT TO ADOPTED REDEVELOPMENT PLAN (JULY 2009)

Case Number: ENV-2013-3392-CE

Required Action(s): CE-CATEGORICAL EXEMPTION

Project Descriptions(s): THE PROPOSED ORDINANCE MODIFIES SECTION 22.119 OF THE LOS ANGELES ADMINISTRATIVE CODE TO ALLOW ORIGINAL ART MURALS ON LOTS DEVELOPED WITH ONLY ONE SINGLE-FAMILY RESIDENTIAL STRUCTURE AND THAT ARE LOCATED WITHIN COUNCIL DISTRICTS 1, 9, AND 14.

Case Number: ED-73-2043-811-ZV

Required Action(s): ZV-ZONE VARIANCE

Project Descriptions(s): Data Not Available

DATA NOT AVAILABLE

CPC-6000

ORD-105678

ZA-21361

PKG-3770



City of Los Angeles Department of City Planning

3/30/2016 PARCEL PROFILE REPORT

PROPERTY ADDRESSES

2534 E 1ST ST

Address/Legal Information

PIN Number 127-5A225 314

Lot/Parcel Area (Calculated) 8,535.8 (sq ft)

ZIP CODES

90033

Thomas Brothers Grid PAGE 635 - GRID B5

Assessor Parcel No. (APN) 5180006007

Tract KITTREDGE'S SUBDIVISION OF A PORTION OF LOT 5 BLOCK 73

HANCOCKS SURVEY

RECENT ACTIVITY

CHC-2016-1074-HCM

Map Reference M R 6-93

ENV-2016-1075-CE

Block None

Lot FR 7

CASE NUMBERS

CPC-6000

Arb (Lot Cut Reference) None

CPC-1995-336-CRA

Map Sheet 127-5A223

ORD-105678

127-5A225

ZAI-3079

Community Plan Area Boyle Heights

ZA-21361

Area Planning Commission East Los Angeles

ZA-15109

Neighborhood Council Boyle Heights

ENV-2013-3392-CE

Council District CD 14 - Jose Huizar

ED-73-2043-811-ZV

Census Tract # 2043.00

PKG-3770

LADBS District Office Los Angeles Metro

Jurisdictional Information

Special Notes None

Zoning C2-1

Zoning Information (ZI) ZI-2270 Adelante Eastside Redevelopment Project

ZI-2129 EAST LOS ANGELES STATE ENTERPRISE ZONE

ZI-1117 MTA Project

ZI-2452 Transit Priority Area in the City of Los Angeles

Highway Oriented and Limited Commercial

General Plan Land Use

Yes

General Plan Footnote(s)

No

Hillside Area (Zoning Code)

No

Baseline Hillside Ordinance

No

Baseline Mansionization Ordinance

No

Specific Plan Area

None

Special Land Use / Zoning

None

Design Review Board

No

Historic Preservation Review

No

Historic Preservation Overlay Zone

None

Other Historic Designations

None

Other Historic Survey Information

None

Mills Act Contract

None

POD - Pedestrian Oriented Districts

None

CDO - Community Design Overlay

None

NSO - Neighborhood Stabilization Overlay

No

Sign District

No

Streetscape

No

Adaptive Reuse Incentive Area

None

Ellis Act Property

No

Rent Stabilization Ordinance (RSO)

No

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CRA - Community Redevelopment Agency	Adelante Eastside Redevelopment Project
Central City Parking	No
Downtown Parking	No
Building Line	None
500 Ft School Zone	No
500 Ft Park Zone	No
Assessor Information	
Assessor Parcel No. (APN)	5180006007
Ownership (Assessor)	
Owner1	MONDONEDO,LUZVIMINDA L TR L L MONDONEDO TRUST AND
Owner2	LA MONDE ENTERPRISES INC
Address	3334 OAKMONT VIEW DR GLENDALE CA 91208
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Owner	MONDONEDO,LUZVIMINDA L TR L L MONDONEDO TRUST AND LA MONDE ENTERPRISES INC
Address	3334 OAKMONT VIEW DR GLENDALE CA 91208
APN Area (Co. Public Works)*	0.368 (ac)
Use Code	7500 - Home for the Aged or Other
Assessed Land Val.	\$578,899
Assessed Improvement Val.	\$2,511,387
Last Owner Change	04/27/05
Last Sale Amount	\$0
Tax Rate Area	2703
Deed Ref No. (City Clerk)	982308 927844,6 8-151 66941-2 5-508 1554809 127977
Building 1	
Year Built	1930
Building Class	CX
Number of Units	99
Number of Bedrooms	0
Number of Bathrooms	0
Building Square Footage	25,663.0 (sq ft)
Building 2	No data for building 2
Building 3	No data for building 3
Building 4	No data for building 4
Building 5	No data for building 5
Additional Information	
Airport Hazard	None
Coastal Zone	None
Farmland	Area Not Mapped
Very High Fire Hazard Severity Zone	No
Fire District No. 1	No
Flood Zone	None
Watercourse	No
Hazardous Waste / Border Zone Properties	No
Methane Hazard Site	Methane Zone
High Wind Velocity Areas	No

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(*) - APN Area is provided "as is" from the Los Angeles County's Public Works, Flood Control, Benefit Assessment.

Special Grading Area (BOE Basic Grid Map A- Yes
13372)

Oil Wells None

Seismic Hazards

Active Fault Near-Source Zone

Nearest Fault (Distance in km)	2.06444088
Nearest Fault (Name)	Upper Elysian Park
Region	Los Angeles Blind Thrusts
Fault Type	B
Slip Rate (mm/year)	1.30000000
Slip Geometry	Reverse
Slip Type	Poorly Constrained
Down Dip Width (km)	13.00000000
Rupture Top	3.00000000
Rupture Bottom	13.00000000
Dip Angle (degrees)	50.00000000
Maximum Magnitude	6.40000000
Alquist-Priolo Fault Zone	No
Landslide	No
Liquefaction	No
Preliminary Fault Rupture Study Area	No
Tsunami Inundation Zone	No

Economic Development Areas

Business Improvement District	None
Promise Zone	No
Renewal Community	No
Revitalization Zone	Central City
State Enterprise Zone	EAST LOS ANGELES STATE ENTERPRISE ZONE
Targeted Neighborhood Initiative	None

Public Safety

Police Information

Bureau	Central
Division / Station	Hollenbeck
Reporting District	467

Fire Information

Bureau	Central
Battallion	1
District / Fire Station	2
Red Flag Restricted Parking	No

CASE SUMMARIES

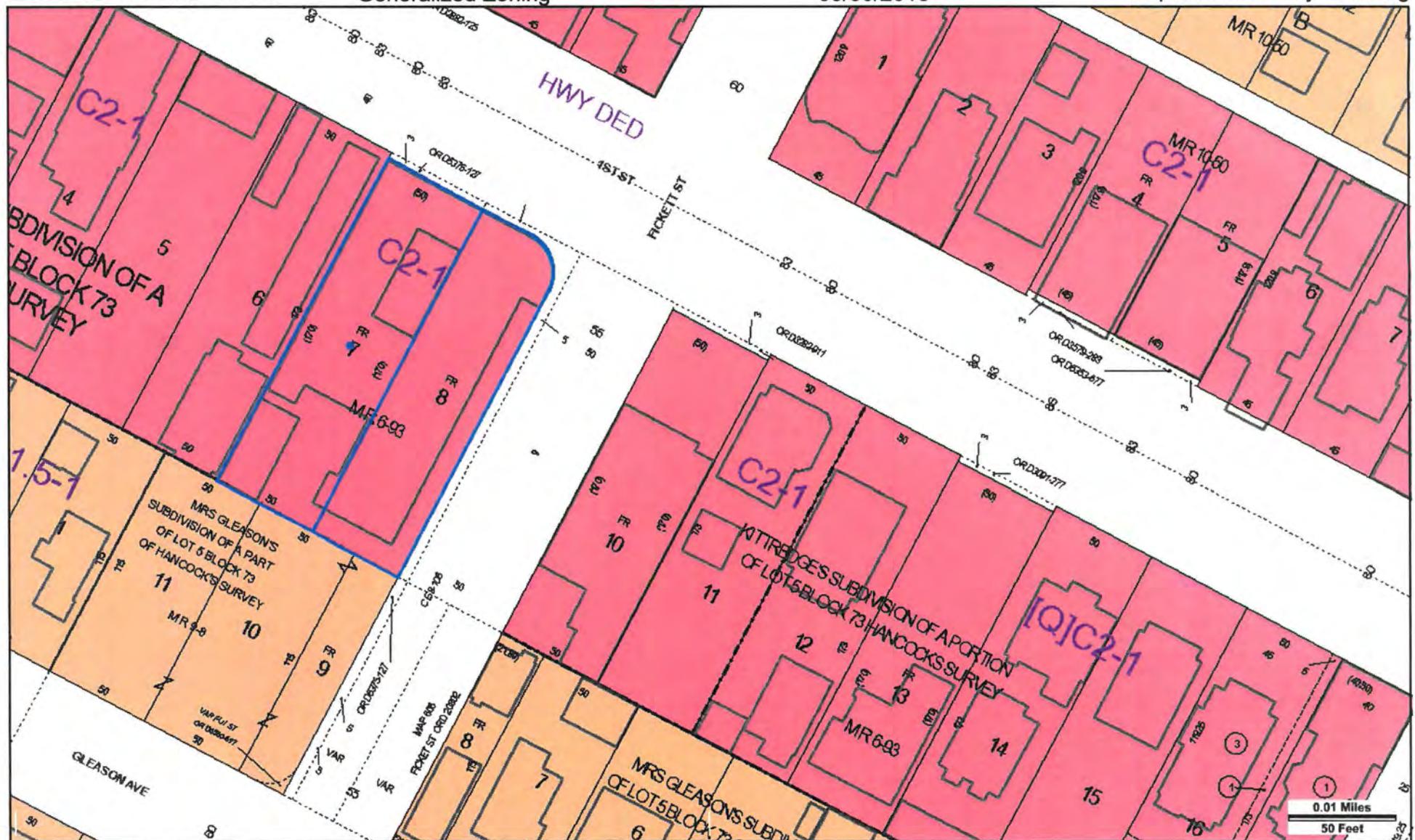
Note: Information for case summaries is retrieved from the Planning Department's Plan Case Tracking System (PCTS) database.

Case Number:	CPC-1995-336-CRA
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Project Descriptions(s):	PRELIMINARY PLAN FOR THE PROPOSED EASTSIDE INDUSTRIAL AND COMMERCIAL REDEVELOPMENT PROJECT (OCT 1995); AMENDMENT TO ADOPTED REDEVELOPMENT PLAN (JULY 2009)
Case Number:	ENV-2013-3392-CE
Required Action(s):	CE-CATEGORICAL EXEMPTION
Project Descriptions(s):	THE PROPOSED ORDINANCE MODIFIES SECTION 22.119 OF THE LOS ANGELES ADMINISTRATIVE CODE TO ALLOW ORIGINAL ART MURALS ON LOTS DEVELOPED WITH ONLY ONE SINGLE-FAMILY RESIDENTIAL STRUCTURE AND THAT ARE LOCATED WITHIN COUNCIL DISTRICTS 1, 9, AND 14.
Case Number:	ED-73-2043-811-ZV
Required Action(s):	ZV-ZONE VARIANCE
Project Descriptions(s):	Data Not Available

DATA NOT AVAILABLE

CPC-6000
ORD-105678
ZAI-3079
ZA-21361
ZA-15109
PKG-3770

ZIMAS INTRANET



PRIMARY RECORD

Primary #

HRI #

Trinomial

NRHP Status Code 3S, 3CS, 5S3

Other Listings

Review Code _____ Reviewer _____ Date _____

Page 1 of 4

Resource Name or #: (Assigned by recorder) 101 S FICKETT ST

P1. Other Identifier:

P2. Location: Not for Publication Unrestricted

a. County Los Angeles

and (P2b and P2c or P2d. Attach a Location Map as necessary.)

b. USGS 7.5' Quad Date T ; R ; 1/4 of 1/4 of Sec ; B.M.

c. Address: 101 S FICKETT ST City Los Angeles Zip 90033

d. UTM: (Give more than one for large and/or linear resources) Zone ; mE/ mN

e. Other Locational Data (e.g. Parcel #, directions to resource, elevation, etc., as appropriate)

Oriented with the primary (east) elevation facing east. Located on the corner of 1st Street and Fickett Street.

Parcel No. 5180006007

P3 Description: (Describe resources and its major elements. Include design, materials, condition, alterations, size, and boundaries)

Two story, rectangular-plan, Streamline Moderne institutional building; flat roof; concrete masonry unit exterior wall; concrete foundations; two-story arched entrance bay; small chevron topped parapet on east elevation; curved surface at corner of Fickett Street and 1st Street; aluminum slider windows (alteration).

P3b. Resource Attributes: (List attributes and codes)

P4. Resources Present: Building Structure Object Site District Element of District Other (Isolates, etc.)



P5b Description of Photo:

(View, date, accession #)

East Elevation, Lkg SW, Sept 2007

P6. Date Constructed/Age and Sources:

Prehistoric Historic Both

1930

P7. Owner Address:

MONDONEDO, LUZVIMINDA L TR
3334 OAKMONT VIEW DR
GLENDALE CA, CA 91208

P8. Recorded by:

(Name, affiliation, and address)

Jon Wilson

PCR Services

233 Wilshire Boulevard, Suite 130
Santa Monica, CA 90401

P9. Date Recorded: 9/1/2007

P10. Survey Type: (Describe)

Intensive Level Survey

P11. Report Citation: (Cite survey report and other sources, or enter "none.")

Attachments:

NONE

Continuation Sheet

District Record

Rock Art Record

Location Map

Building, Structure, and Object Record

Linear Feature Record

Artifact Record

Sketch Map

Archaeological Record

Milling Station Record

Photograph Record

Other: (List)

BUILDING, STRUCTURE, AND OBJECT RECORD

Page 2 of 3

NRHP Status Code: 3S, 3CS, 5S3

Resource Name or # (Assigned by recorder) 101 S FICKETT ST

B1. Historic Name:

B2. Common Name

B3. Original Use: Institutional

B4. Present Use: Institutional

B5. Architectural Style: Moderne

B6. Construction History: (Construction date, alterations, and date of alterations)

1930: Hospital constructed for owner Los Angeles Japanese Hospital, INC.

1946: Boiler room constructed, Yos Hirose architect, for \$1,500.

B7. Moved? No Yes Unknown Date: Original Location:

B8. Related Features:

B9a. Architect: Unknown

B9b. Builder: Unknown

B10. Significance: Theme: See Below

Area

Period of Significance: 1913-1945

Property Type Institutional

Applicable Criteria A

(Discuss importance in terms of historical or architectural context as defined by theme, period, and geographic scope. Also address integrity.)

1. Theme: Ethnic/Cultural and Gender Diversity

Commercial, Institutional and Religious Buildings Associated with Associated with Japanese-American Culture in Boyle Heights

101 Fickett Street is significant for its association with Japanese-American history in Los Angeles. Commercial and religious spaces in Boyle Heights that were once or still used by Japanese-Americans served as sites of Japanese-American identity and culture. Furthermore, the Los Angeles Japanese Hospital served as the primary hospital for Japanese-Americans and was important in their struggle for civil rights.

Early 20th Century Boyle Heights also had a significant Japanese population. Many Japanese in California worked as laborers for the railroads and in agriculture. Many women immigrants from Japan were "picture brides" who came to California through arranged marriages. The primary neighborhood for Japanese immigrants was "Sho-Tokyo," the area of present-day "Little Tokyo" in downtown Los Angeles. Because Boyle Heights was just across the Los Angeles River from "Sho-Tokyo," many Japanese-Americans settled in Boyle Heights. Most Boyle Heights Japanese-Americans lived near 1st Street and Soto Avenue. The Japanese population of Boyle Heights fell dramatically after the forced detention of ethnic Japanese along the West Coast during World War II. Property Types: Commercial, Institutional and Religious Buildings Associated with Japanese-American Culture in Boyle Heights.

B11. Additional Resource Attributes: (List attributes and codes)

B12. References:

LA County Building Permits, Los Angeles Times, Sanborn Maps

B13. Remarks:



B14. Evaluator: Jon Wilson

PCR Services

233 Wilshire Boulevard, Suite 130
Santa Monica, CA 90401

Date of Evaluation:

9/1/2007

(This space reserved for official comments.)

CONTINUATION SHEET

Primary #

HRI #

Trinomial

Page 128 of

Resource Name or # (Assigned by recorder) 101 FICKETT ST

Recorded by Jon Wilson

Date

9/1/2007

Continuation

Update

B10 Significance (Continued)

2. Theme: Public and Private Health & Medicine

101 Fickett Street is significant for its association with the growth of the health industry in Los Angeles. Furthermore, it was constructed by specific ethnicities who might not have been able to receive health care at other city hospitals, represents the growth of Boyle Heights as a diverse and multicultural neighborhood.

Additional land for expanding Los Angeles County Hospital was purchased in 1915. Together the newly purchased parcels extended east of Wood Avenue to State Street between Griffin Avenue and Marengo. A five-story (extant) Service Building located to the rear (east) of the Administration Building was erected in 1917 of concrete and brick masonry construction and originally contained dining rooms and kitchens for convalescent patients and hospital employees.

The hospital complex, which had seemed spacious in the 1910s, again became overcrowded by the 1920s, as Los Angeles continued to grow rapidly. The growth resulted from the development of oil wells, the expansion of the movie industry, real estate speculation, and many new settlers following World War I. Patients had to be housed in long corridors connecting some buildings or in makeshift wards. As the number of yearly admissions at the Los Angeles County Hospital continued to rise, a decision was made in 1923 to construct one large hospital at the current site versus up to four smaller hospitals scattered across the County. In the spring of 1924, the Allied Architects Association was selected to design the new Acute Hospital of which the key principals were Edwin Bergstrom, Myron Hunt, William Richards, Pierpont Davis, and Sumner P. Hunt. Via condemnation, four blocks of land were purchased on the hill to the east of the proposed hospital location, stretching from State Street to Britannia Street between Marengo Street and Griffin Avenue (now Zonal Avenue). The new hospital, originally planned to cost about \$5,000,000, would actually cost nearly \$13,000,000 when completed in 1933, partly resulting from the necessity of more patient beds as the population continued to boom.

In planning the new hospital, a committee of the Allied Architects surveyed hospitals throughout the United States where they studied the latest developments in hospital design and construction. Based on their research, the Allied Architects settled on one large hospital vertically arranged with numerous entrances for different types of personnel (visitors, patients, ambulances, physicians, nurses, etc.) with outpatient services stacked vertically on the various floors. As the plans progressed, however, it became clear that more than 1,500 beds would be needed as the County's population continued to explode during the 1920s. As a result, the building's height was increased from 12 to 20 stories with a capacity of 1,726 beds and 144 bassinets (for newborn babies); in an emergency, with use of all available space, the bed capacity could be increased to 3,600 beds. In addition, over \$1,000,000 was spent preparing the hillside site for the new hospital that would, when completed, support a building that towered over Boyle Heights.

The new hospital's architectural style was described at the time as "the step-back modern monumental" style, its architectural effect being expressed by mass and surface texture following the theory that strength constitutes beauty. Today, the hospital's style is generally referred to as Art Deco. The hillside site and the many entrances needed dictated the hospital's plan. Its construction consisted of a steel frame skeleton covered with a reinforced concrete shell. The building's striking façade and main lobby area were decorated by noted artists and sculptors. S. Cartaino Scarpitta created the sculptures at the hospital's entrance and Hugo Ballin, the noted muralist who had decorated many public and private buildings in Los Angeles, painted the murals in the foyer. Due to the nature of the bond issued to finance the hospital and the dispersal of tax funds over a six-year period, the beginning of construction was delayed until 1929. Finally, in December 1933 the hospital admitted its first patients.

In 1924, Sei Fujii, a Japanese-American lawyer, planned to construct a hospital in Boyle Heights for Japanese and Japanese-Americans to receive medical care. Los Angeles hospitals often discriminated against minority patients and therefore there was a need for a hospital to treat the ethnic Japanese living in Los Angeles. It appears that because the hospital was at least partially owned by Japanese nationals, the project was halted by the state of California because of the California Alien Land Act of 1913, which disallowed Japanese the right to own property in California. Ultimately, the hospital won a California Supreme Court ruling that allowed construction. Fujii continued his fight against discriminatory land laws, and in April 1952, *Fujii v. The State of California* overturned the California Alien Land Act of 1913 as a violation of the 14th Amendment. The Los Angeles Japanese Hospital was finished in 1930, located at 101 Fickett Street.



LE MONDE ENTERPRISES, INC.

June 28th, 2016

Luzviminda Mondonedo
3334 Oakmont View Drive
Glendale, Ca. 91208

City Of Los Angeles
Cultural Heritage Commission
200 N. Spring Street, Room 532
Los Angeles, Ca. 90012-4801

Re: CHC-2016-1074-HCM; 101 Fickett St.
Owner's Statement

Dear Sirs,

I have been involved with the property under scrutiny as owner, and previously as business manager, for a period of over 25 years. During all of the period the site has operated as a Five Star Convalescent Hospital with 100 beds. It is an active, vibrant and robust business filled with resident patients and employees.

The building requires continuing maintenance and repair as it over 85 years old. I fear that HCM status may restrict how I can change the property with special city permission necessary to modify or repair the structure. The HCM status has the potential to limit my ability to adapt the property which can affect the value of the building. The potential for tax advantages and exemption from some building codes is enticing under the HCM status. However, a full study needs to be implemented to determine the benefits and costs associated with HCM status.

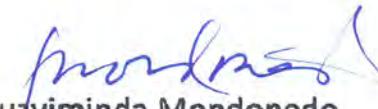
The May 19th, 2016 committee minutes state that the building was improved in 1966 and again in 1970, adding a full wing to the building. Other factors are present that lead me to believe that before HCM status is granted, I, the owner of the property be given the opportunity to present any objections I may have as well as challenge the status declaration as I believe necessary.

Without a thorough review of the situation, I as a prudent real property owner have not met my requirement of due diligence.

Hence, I request a meeting with a representative of the Commission who has the knowledge and information that I need to make an informed decision. Please understand, I am not objecting to anything at this time, but rather, need further information before an informed decision can be made.

Please call me at your earliest available opportunity at (818) 640-9690 to set a face to face meeting to discuss the matter of 101 S. Fickett St.

Sincerely,



Luzviminda Mondonedo
Property Owner