

WAHA

West Adams Heritage Association
2263 Harvard Boulevard, Historic West Adams, Los Angeles CA 90018

September 14, 2013

Honorable Bernard Parks
Councilmember, Council District 8
Honorable Herb Wesson
President, Los Angeles City Council
Honorable Members of the Los Angeles City Council
Los Angeles City Council
C/O City Clerk (Sharon.Gin@lacity.org)
200 North Spring Street, Room 395
Los Angeles, CA 90012

RE: 1342 West Adams Blvd., Los Angeles CA 90007
Council File No. 13-0903, Case No. DIR-2012-3128-COA-SPP-1A; ENV-2012-3129-CE

Dear Councilmembers,

WAHA writes to you today to ask that you support WAHA's appeal and not certify a categorical exemption ("CE") as the environmental clearance for the project referenced above. By relying on a categorical exemption, the City would improperly avoid the careful analysis of impacts to this historic resource that is required by CEQA. WAHA seeks an adequate and legally sufficient level of environmental review.

To permit a CE in this case would cause irreparable and irreversible harm to the environment of historic West Adams and create a dangerous precedent for review of significant changes to historic properties. The proposed Categorical Exemption (CE) for the project at 1342 West Adams Boulevard is not legally sufficient to meet the requirements of CEQA in protection of our environment. *Title 14, California Code of Regulations, Chapter 3, Guidelines for Implementation of CEQA*, states a categorical exemption should not be used *where the activity would cause a substantial adverse change*. Further Section 15300.2 (c), which the preparer cites as the basis for a Categorical Exemption, explains:

Significant Effect. A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment.

CEQA sets a very low threshold for not permitting a CE, namely that it should not be used where there is **a reasonable possibility** of the activity having a significant effect. The appeal by WAHA has met that bar and combined with numerous expert comments made a more than reasonable argument that the current plans will have a significant effect.

This project involves multiple historic structures which apparently are being redeveloped over time; changes that are not compliant with Secretary of Interior Standards, according to numerous qualified historians; a significant change of use that may permanently change the historic nature of at least one of the structures on the property, that is, the Bishop Mansion; the complete gutting and removal of all (or vast majority) of the character-defining interior features in the publicly-accessible portions of a National

Register Eligible historic resource, an action specifically not allowed as a Class 31 categorical exemption under CEQA; cumulative (and negative) effects on West Adams' very few and last standing mansions from an earlier era, and cumulatively-impactful changes to our community by the introduction of more-and-more student housing into our historic residential districts. Moreover, the City cannot turn a blind eye to the fact that this proposed conversion of two of five major structures that sit on and straddle over seven legal lots in a single ownership (e.g., the Applicant) and literally touch each other is only a part of the eventual total project – a project that has already been partially described as “returning the Roger Williams Baptist Church back to the church congregation” in separate ownership and/or without any parking, and partially not described, e.g., is the end use of the Bekins Hall, another very large building attached to all of the other structures.

The applicant has segmented the project. This segmentation of portion of a project is specifically prohibited by CEQA; the whole of the project must be considered. (CEQA Guidelines § 15378.) And the whole of the resource is the entire Roger Williams Baptist Church/Bishop Residence compound which stretches over seven parcels. What all these questions and issues together should mean to the decision maker, the Los Angeles City Council, is that this project is not legally exempt from review. Said review and evaluation would answer the questions and help define the project (or phases of the project, as defined by CEQA), and help the City make legally defensible decisions relative to Applicant's proposed change of use to apartments/student housing.

In a letter dated August 19, 2013 from the applicant's attorney, it was alleged that WAHA was engaging in a “creative spin” in our appeal and, further, the attorney accused WAHA of using the appeal process to stop the project. **Nothing could be further from the truth.** WAHA has stated repeatedly, and not just relative to this individual case, that we are concerned about the Planning Department's new internal guidelines (expressed openly but never published, never adopted by City Council) that attempt to minimize environmental evaluations by declaring nearly every project filed today as “categorically exempt.” Planning staff has explained that it is new policy and procedure to exempt most projects with “only one” entitlement, and furthermore it is not within their scope to require applicants to actually reveal all their plans and to apply for all their entitlements at the same time. This flies in the face of actual CEQA regulations, and is a larger problem than the instant case. WAHA also made no secret of its opposition to the use of a categorical exemption. We discussed it on numerous occasions with staff and the applicant and strongly suggested a different path for the environmental evaluation and clearance.

In any case, no one is permitted to file a CEQA Appeal until the Planning Commission acts, and the only entity to whom that appeal may be filed is the City Council. It is completely inappropriate to criticize West Adams Heritage Association, or for that matter any other organization that files a CEQA appeal, as improperly using an appeal of the CEQA review to challenge the COA. This allegation by the Stu-Ho attorney is completely off the mark, and deliberately attempts to mislead PLUM and subsequently mislead the Council. Adequate CEQA review is at the heart of the WAHA appeal and the required hearing venue is the Los Angeles City Council.

Please be aware that Staff did not provide its report to us before the PLUM hearing, despite specific requests for this public document, and that Applicant's attorney's letter was also not made available to Appellant in advance of or during the PLUM hearing. Both documents raise new issues, or new interpretation of issues, that require responses.

The expert analysis in the record shows that the project does not meet the Secretary of Interiors Standards. WAHA has explained that, when there is a dispute among experts, the California Environmental Quality Act (CEQA) requires a cautious path to be followed. The Planning Department needs to do an Initial Study, which then determines if an ND, MND or an EIR would be required. The applicant feels that the

fact that some modifications have been made (and we are pleased that WAHA's input has created an incentive for the applicant to do so) does not remove the other critical issues.

The Project Does Not Fit Within the Class 31 Exemption

In the report provided PLUM by Ken Bernstein, Manager, OHR, he stated *The Project involves the rehabilitation of two existing historic structures. There are no known unusual circumstances relative to the Project that could result in significant effects on the environment.*

This statement is not supported by the facts. There are unusual circumstances. The narrow analysis of only two lots of the seven parcels which constitute the resource is a practice of placing blinders on to limit review and attempt to justify the project and its CE clearance. Indeed throughout the process, planning has deliberately manipulated and managed the facts to mislead the decision makers. Just as a belief in weapons of mass destruction created a false path for our elected leaders to follow, if the facts presented to you are half-truths, you are lead to conclusions that simply are not substantiated by the full, complete and impartial record.

On the site, there is the Roger Williams Church which currently utilizes parking which the proposed project would entirely remove and dedicate to the housing element. This parking lot is the only off-street parking for the Church. After applying for a Certificate of Appropriateness and Project Permit Compliance, the site owner applied for a Property Line Adjustment. The purpose of this Property Line Adjustment was to separate the Bishop Mansion and adjoining parking lot from the Roger Williams Baptist Church so that the parking lot could be used solely for the new student housing at the Bishop Mansion. This parking lot is the only off-street parking for the Church and if the Property Line Adjustment were approved, it would result in significant traffic impacts and could adversely impact the Church's continued viability. The site owner subsequently withdrew the application for the Property Line Adjustment with the apparent intention of proceeding with the Project by way of a categorical exemption, instead of preparing an initial study to analyze all of the Project's impacts. This is certainly just one of the many unusual circumstances attached to this case.

The Resource Is Individually Eligible for the National Register or California Register

In a conversation with Joseph McDole on Friday, September 13, I was able to clarify that the 3S category listing of the State Historic Preservation Office was the result of an official survey commenced by the City of Los Angeles Bureau of Engineering in 1983. The finding by the Bureau of Engineering for the Roger Williams Baptist Church and Bishop Residence was that they appear to be individually eligible for the National Register. As a result of that survey, which was undertaken as part of the enabling of the North University Park Specific Plan, the Roger Williams Baptist Church and Bishop Residence are found by an official survey by a city bureau, to be individually eligible. Under CEQA, resources found to be eligible have the same protections as properties actually listed.

In the August 20 memo by Ken Bernstein to PLUM, he disingenuously states that because the historic Resource Survey material description was descriptive of the exterior features of the Roger Williams Baptist Church and Bishop Residence, *"In this case, only the exterior of the structure was surveyed and found to be historically significant. The basis for the designation was based solely on the survey of the exterior."*

This is completely a **misleading** statement. When surveys such as these are undertaken, often referred to as windshield surveys, the surveyor **does** survey the exterior of the property. This does not conclude or imply that the interior is not a historic resource. When such surveys are done, there is a disclaimer that is understood and sometimes expressly stated that further research may lead to further understanding of the

resource. In this case, the survey found that the resource appeared to be individually eligible for the National Register. SHPO lists it as individually eligible. The basis for the designation was based solely on the survey of the exterior as such "windshield surveys" often do. But it does not by this action omit the interior from consideration. Any qualified historian would know that the construct made by Mr. Bernstein is completely misleading.

Part of the failure of OHR to understand the facts of the case, is their attempt to only apply the HPOZ criteria to this resource. The HPOZ Ordinance does focus on exterior changes. The attempt to treat this as solely an HPOZ contributor from the beginning of their review has led OHR down a pathway they now seem dedicated to defend in the face of contrary facts. Indeed, when the OHR review began, ZIMAS (an authoritative database of the City of Los Angeles) listed the property as a 1S (listed on the National register). This should have given OHR an indication that they were reviewing more than a contributor to an HPOZ and, under CEQA, further review to meet historic standards was required. Subsequently we learned that the property was a 3S, not a 1S but properties found to be eligible have the same protections as a resource actually listed. And the resources to be considered go beyond the exterior.

The Project does not comply with the Secretary of Interior's Standards

The applicant began gutting the Bishop Residence without permits and Building and Safety intervened. To comply with the Standards, the first rule is "Do No Harm." As Tim Brandt, the State Historic Preservation Officer states *"The basic philosophy behind the treatment and their standards is to do the least amount of harm to a historic property."* By gutting the interior, the applicant has already compromised his ability to meet the standards.

The testimony in writing and also verbally by many qualified experts is that this project does not meet the Standards. Before the gutting happened, as SHPO requires, this should have occurred: *Before determining what uses might be appropriate and before drawing up plans, a thorough professional assessment should be undertaken to identify those tangible architectural components that, prior to rehabilitation, convey the building's sense of time and place—that is, its "historic character." Such an assessment, accomplished by walking through and taking account of each element that makes up the interior, can help ensure that a truly compatible use for the building, one that requires minimal alteration to the building, is selected.*

Complying with the Standards involves a series of preferences to maintain rather than repair, repair rather than replace, preserves rather than restore, and restore rather than reconstruct. Instead, the applicant gutted and removed historic fabric. There are four levels of review for the standards, preservation, restoration, rehabilitation and reconstruction. One chooses which of the four treatments ought to be undertaken. Rehabilitation is the most flexible, but it allows minimal change and emphasize repair versus replacement. *"Only when a feature is too severely deteriorated and beyond repair should replacement be considered."*

As many experts have demonstrated and stated in the record, this project does not meet the Standards. There is more than minimal change.

The Record

Another example of an attempt to mislead the decision makers is found in an e mail provided to you from Paul Lusignan of the National Park Service to Shannon Ryan of OHR (on Page 63 of the packet provided to PLUM) stating that the property is not on the National Register. Again OHR is manipulating the facts to lead you into an erroneous conclusion. We can agree that once investigated the property was not

actually listed on the National Register, but rather was found to be eligible for listing by an official survey of the City of Los Angeles.

The verification by Mr. Lusignan has incorrectly led decision makers to believe that this is not an individually significant historic resource. This is not the case. Upon inquiry Mr. Lusignan qualified and narrowed the meaning of his response. **His answer applied to specific federal actions. It did not include an answer regarding state SHPO listings.** The e mail's inclusion by the OHR is deliberately misleading.

As Mr. Lusignan explained:

The records checked would not include information on determinations of eligibility made outside our specific programs, including those consensus determinations made by the SHPO and a federal agency under Section 106, or State and local evaluations made under local survey and evaluation programs. That information would need to be obtained at the state or local levels.

The 1342 West Adams Boulevard is a 3S, officially determined individually eligible for listing on the national register or California register, but not officially listed. **It has the same protections under CEQA as a property listed on the National Register.** The SHPO inventory database page listing 1342 West Adams is on page 53 of the planning department packet.

Conclusion

Environmental review must be fact based. The whole of a project must be reviewed in order for the decision maker to understand the true impacts of what is being proposed. The purpose of the environmental quality act includes the establishment of a low threshold for the preparation of an EIR, and the act must be interpreted liberally "to afford the fullest only possible protection of the environment within the reasonable scope of the statutory language." (Friends of Mammoth v. Board of Supervisors, 8 Cal 3d 247, 29 (1972) guidelines Section 15003 (f).

The project as proposed fails to preserve or rehabilitate the existing historic place, i.e., the compound which includes the William T. Bishop Residence, its cloisters, and the Roger Williams Baptist Church. It fails to *Preserve and enhance the positive characteristics of existing uses which provide the foundation for community identity, such as scale, height bulk setbacks and appearance* (II-3, South Community Plan.). Instead the stately buildings are cut up into a rabbit warren of units in an effort to squeeze every bit of rented space including the attic and basement. An adaptive reuse is possible, and we can support adaptive reuse, but such use must respect the exterior and interior character defining features of the compound. Destroying major interior open spaces, such as the Bishop Residence entryway, does not comply with the Secretary of the Interior's Standards nor with the stated goals of the South Community Plan.

WAHA asks that the City Council rescind the categorical exemption, and further, direct the Planning Department to initiate legally-sufficient environmental review that includes the Applicant's full description of their plans for the entire seven-parcel property, including the historic Roger Williams Baptist Church compound including the Bishop residence and the Bekins Hall structures.

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