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Via Email and Hand Delivery

Los Angeles City Council and Planning & Land Use Management Committee
c/o City Clerk (Sharon Gin, *sharon.gin@lacity.org*)
City Hall, Room 395
200 N. Spring Street, Rm
Los Angeles, CA 90012

Re: Impacts to Bishop Mansion; 1342 West Adams Blvd.; ENV-2012-3129-CE; DIR-2012-3128-COA-SPP

Dear Committee Members:

We write on behalf of the West Adams Heritage Association to object to the proposed reliance on a categorical exemption for Certificate of Appropriateness and Project Permit Compliance to change the use of the historic Bishop Mansion at 1342 West Adams Boulevard from church-related uses to multi-family student housing and to remodel this historic building ("Project"). Reliance on a Class 31 categorical exemption is improper because this Project does not comply with the Secretary of the Interior's Standards for the Treatment of Historic Properties. Additionally, because the proposed Project would adversely impact an historic resource, would result in cumulatively considerable impacts, and cause potentially significant traffic, noise, urban decay and land use compatibility impacts, use of any categorical exemption is prohibited by the California Environmental Quality Act ("CEQA"). Further, consideration of this Project has been improperly segmented by failing to consider the potential impacts of the Property Line Adjustment and reuse of the connected Roger Williams Baptist Church and Bekins Hall. 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.

I. The Project Does Not Fit Within a Class 31 Exemption.

The City has proposed to approve the Project without environmental review, claiming a Class 31 categorical exemption is applicable. A Class 31 exemption is applicable to "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." (CEQA Guidelines § 15331.)

It is the City's burden to prove that the proposed Project fits within this class of categorical exemption. (*California Farm Bureau Fed'n v. California Wildlife Conservation Bd.*, (2006) 143 Cal. App. 4th 173, 186.) The City has failed to meet this burden. Historic Resources

Group, a firm specializing in historic preservation and rehabilitation, prepared a June 14, 2013 memorandum analyzing whether this Project would meet the Secretary of Interior's Standards for Treatment of Historic Properties. (Attachment 1.) Historic Resources Group meets the Secretary of Interior's Professional Qualifications Standards for history, architectural history, architecture, and historic architecture, qualifying them as experts in determining whether a project meets the Standards for Treatment of Historic Properties.

Their expert analysis found the proposed Project would, or could without mitigation, fail to meet five of the ten Standards for the work to be done to the exterior of the Bishop Mansion.

- The Project fails to meet Standard 1 because it would change the use of the site from church-related to multi-family residential. While both church-related uses and single family residential uses are historic uses of this site, the Bishop Mansion has never before been used for multi-family residential uses.
- Standard 2 would not be met because the remodeling would alter the historic character of the site by removing the existing skylight and by replacing the existing semi-transparent walls on the visually prominent porch with solid walls.
- Consistency with Standard 6 cannot be found because the Project as described would only replace the secondary windows with windows that replicate the historic windows. It is unclear how the remaining 77 windows would be repaired or replaced.
- The Project may also run afoul of Standard 7 as there is no condition of approval requiring the gentlest use chemical and physical treatments possible to minimize damage to historic materials.
- Standard 9 would also not be met due to the proposed addition of a tall hedge at the street frontage, which would eliminate existing views of this historic building. The proposed new stairs and railing may also violate this standard as the new work would not be differentiated from the old.

Because the Project would not meet the Secretary of the Interior's Standards for the Treatment of Historic Properties, a Class 31 categorical exemption cannot be used to avoid environmental review for the Project.

Further, Historic Resources Group's expert analysis identified a serious flaw with the staff analysis of this Project—that it fails to consider whether the remodeling of the interior of the Bishop Mansion would comply with the Secretary of Interior's standards. There is no basis for the staff report's claim that impacts to the interior should not be analyzed for compliance with Secretary of Interior Standards. First, the Standards apply to impacts to interiors of buildings. Second, the Class 31 exemption does not limit compliance with the Standards to impacts to the exterior of the building.

The staff report claim may be relying upon an inaccurate analysis of the case *Martin v. City and County of San Francisco* (2005) 135 Cal.App.4th 392. In *Martin*, the court found impacts to the interior of a private single family home that had never been publically accessible or visible were not impacts to the environment, and thus CEQA did not apply. In contrast, here

portions of the interior that would be impacted are visible from the public street and the adjacent Roger Williams Baptist Church. Additionally, these areas were previously publically accessible and would be visible by the proposed residents.

Further, CEQA requires analysis of the whole of a project. Even if the interior remodeling required only ministerial permits, it is part of the whole remodeling project and must be reviewed with the permits required for the exterior remodeling. If “a project involves an approval that contains elements of both a ministerial action and a discretionary action, the project will be deemed to be discretionary and will be subject to the requirements of CEQA.” (CEQA Guidelines § 15268.)

Historic Resources Group found that the work in the interior of the building clearly would not be consistent with the Standards. Several character-defining features would be adversely impacted. The entry hall would be gutted and several fireplaces would be removed. The Project would be inconsistent with the Secretary of Interior’s Standards both in the exterior and interior work. Thus, the City has failed to meet its burden of establishing the Class 31 exemption is applicable and cannot rely upon a categorical exemption for the Project.

II. Even if a Categorical Exemption Were Applicable, Exceptions to the Exemption Apply.

Even if the Project did fits within the Class 31 exemption, the exemption would be inapplicable because several exceptions to categorical exemptions apply (CEQA Guidelines § 15300.2.)

First, a categorical exemption is “inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant.” (CEQA Guidelines § 15300.2(b).) The change in use and alteration of yet another historical mansion on Adams Boulevard is a cumulative impact that must be analyzed. Numerous historical mansions along this “Street of Dreams” have been lost over the years or altered such that they are no longer historically significant. Altering the Bishop Mansion without compliance with the Secretary of Interior Standards for both the exterior *and interior* of the building would be the downfall of another historic mansion. Additionally, the spread of student housing into residential neighborhoods creates cumulative traffic, noise and other impacts. The City has acknowledged these impacts in the Neighborhood Stabilization Ordinance and USC Specific Plan (incorporated by reference). Environmental review must be prepared to analyze the impacts of converting the use of the Bishop Mansion into student housing in an area where single family uses are being forced out by student housing and its impacts.

A categorical exemption is also inapplicable when “there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.” (CEQA Guidelines § 15300.2(c).) The Project is not just to restore an historic building, the type of project contemplated by Class 31. The unusual circumstance is that this Project also changing

the use of the building into student housing. This change in use may result in significant impacts and as set forth above, these impacts must be analyzed.

Further, “[a] categorical exemption shall not be used for a project which may cause a substantial adverse change in the significance of a historical resource.” (CEQA Guidelines § 15300.2(f).) While there is uncertainty whether the Bishop Residence was listed on the National Register, the site has been deemed eligible for listing on the National Register by a City survey and is thus a historical resource as defined by CEQA. (Public Resources Code § 21084.1; see also *League for Protection. of Oakland's Architectural and Historic Resources v. City of Oakland* (1997) 52 Cal. App. 4th 896.) The Project is not consistent with several of the Secretary of Interior Standards, in both the exterior and interior alterations proposed, and thus it may cause a substantial adverse change in the historic significance of the Bishop Mansion. (See Attachment 1.) Due to these impacts to this historic resource, a categorical exemption is not allowed.

It is also our understanding that West Adams Boulevard is a designated scenic highway. A categorical exemption shall not be used for a project which may result in damage to ... historic buildings... within a highway officially designated as a state scenic highway.” (CEQA Guidelines § 15300.2(d).) Because the Project may result in damage to the historically significant Bishop Residence, which is located along a scenic highway, the Project is not exempt from environment review.

III. CEQA Requires Analysis of the Whole of the Project

Analysis of the impacts of the Property Line Adjustment and the future use of Bekins Hall and the Roger Williams Baptist Church have been improperly segmented from the review of the Certificate of Appropriateness and Project Permit Compliance. “A public agency is not permitted to subdivide a single project into smaller individual subprojects in order to avoid the responsibility of considering the environmental impact of the project as a whole.” (*Orinda Assn v. Board of Supervisors* (1986) 182 Cal.App.3d 1145, 1171.)

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 segmentation of portion of a project is specifically prohibited by CEQA; the whole of the project must be considered. (CEQA Guidelines § 15378.) Providing parking to the new student housing is clearly part of the Project to convert the Bishop Mansion to a multi-family residential use and must be analyzed at the same time as the conversion.

Additionally, the site owner has failed to disclose plans for the currently unoccupied Bekins Hall adjacent to the Project site. The intended use of this building must be disclosed so that all of the Project's impacts can be analyzed.

Conclusion

The Class 31 categorical exemption is not applicable because the proposed Project is inconsistent with the Secretary of Interior's Standards. Additionally, several exemptions prohibit the use of a categorical exemption for this Project. We urge you to deny approval of the proposed Project until an initial study and appropriate environmental review document have been prepared to analyze the impacts of the whole of this Project.

Thank you for your time and consideration in this matter.

Sincerely,



Amy Minter

Enclosure

cc: West Adams Heritage Association
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