

March 24, 2015

Client-Matter: 44212-060

VIA HAND DELIVERY

Planning and Land Use Management Committee
City of Los Angeles City Council
200 North Spring Street, Room 350
Los Angeles, CA 90012

Re: Council File 15-0057; Appeal of Environmental Case No. ENV-2014-1518-CE;
DIR-1517-DRB-SPP-COA-1A

Dear Honorable Members of the Planning and Land Use Management Committee:

On behalf of our client TIAA-CREF, the owner of property located at 10861 Weyburn Avenue, this letter responds to the appeal of the above-captioned case.

On November 20, 2014, the West Los Angeles Area Planning Commission (APC) sustained the Determination of the Director of Planning to approve a Project Permit Compliance Review, Design Review and Certificate of Appropriateness for the addition of a second passenger elevator and machine room, and enclosed stair extension to the third level parking structure for the existing multi-tenant retail site ("Project"). The APC also found that the Project approval is categorically exempt under the California Environmental Quality Act (CEQA).

First and foremost, we note that this appeal to the City Council is a statutory CEQA appeal filed pursuant to Public Resources Code § 21151(c), which requires that where a nonelected decisionmaking body determines that a project is not subject to CEQA, *that determination* may be appealed to the agency's elected decisionmaking body. (Public Resources Code (PRC) § 21151(c), emphasis added.) In accordance with local regulations, the determinations to approve the Project Permit Compliance Review, the Design Review and the Certificate of Appropriateness were final with the APC and not further appealable. (Los Angeles Municipal Code (LAMC) § 11.5.7(C)(6)(e).) The appellants have acknowledged the finality of those determinations at pages 2 and 4 of their appeal letter dated December 17, 2014, despite their attempt to shoehorn the Project's other approvals into this appeal. *Thus, only the City's determination that the Project is subject to a categorical exemption is at issue in this appeal.*

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Appellants' only argument for this appeal is the claim that a categorical exemption cannot be used because the appellants believe it would cause a "significant" visual impact by making a "material adverse alteration" to the characteristics that make the building eligible for inclusion on the Specific Plan's list of historic resources. The letter provides nothing but supposition and unsubstantiated opinion to support this claim.

The Project is Presumed to Have Less Than Significant Impacts Because It Meets the Secretary of the Interior's Standards for Rehabilitation.

The appeal letter does not address, or even mention, Section 15064.5(b)(3) of the State CEQA Guidelines, which provides that a project following the Secretary of the Interior's Standards for Rehabilitation *is presumed to be a less than significant impact on the historical resource*. (CEQA Guidelines § 15064.5(b)(3) "Generally, a project that follows . . . the Secretary of the Interior's Standards for Rehabilitation ["Secretary's Standards"] . . . *shall be considered as mitigated to a level of less than a significant impact on the historical resource.*") Indeed, the APC, as well as the Planning Director's Determination before that, specifically found that the proposed elevator Project meets the Secretary's Standards as part of the Project's Certificate of Appropriateness. That determination is final and not subject to appeal.

The Planning Director prepared the Certificate of Appropriateness findings with guidance from the Office of Historic Resources, and those findings were affirmed by the APC. Page 7 of the November 20, 2014 APC Determination states:

The proposed project has been reviewed and approved by the City Architect with the Department of Los Angeles City Planning Office of Historic Resources on behalf of the City of Los Angeles Cultural Heritage Commission. The addition of the new elevator, elevator tower and machine room, and enclosed stair extension to the third level parking structure . . . complies with the ten United States Secretary of the Interior Standards for Rehabilitation, as follows: . . .

In particular, Secretary's Standard 9, which is addressed in Finding 3.i of the Certificate of Appropriateness, encourages the design to balance between differentiation and compatibility. Specifically, the Standard states that "[n]ew work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment." In response, the Office of Historic Resources explained that the Project's compatibility with massing, size, and scale of the building is maintained through the simple, rectangular shape of the elevator and use of a white, smooth coat plaster finish that matches the existing façade. Moreover, "the additions will be differentiated from the old as the vertical features are distinct from the horizontal elements of the building, while still maintaining a simple design that blends in."

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In other words, despite being a differentiation, the Project does not detract from the character of the historic building due to the design efforts to balance differentiation with simplicity of form and compatibility of materials. To put these findings in context for you, attached to this letter as Exhibit A are the architectural renderings of the elevator Project as approved by the APC, along with visual simulations and site line exhibits of the project as viewed from the Weyburn façade and the corner of Le Conte Avenue & Tiverton Avenue.

We also note that the Los Angeles Conservancy staff spoke with the appellants, community residents, representatives from Council District 5 and the property owner about the Project and submitted a letter to the Design Review Board for its August 20, 2014 hearing. That letter, attached as Exhibit B, states that the elevator portion of the Project would comply with the Secretary's Standards as long as it "features a design that does not draw undue attention away from the historic building," its height is limited as close as possible to the original roofline, and the paint color scheme uses cream to match the uppermost level, to "diminish the elevator shaft's visual impact on the east façade, thereby making the design more compatible for the historic building." As you will see from the architectural renderings, the approved project met those recommendations by reducing the height of the elevator shaft by three feet, and featuring a simple smooth finish with a cream color.

Appellants Incorrectly Claim a Fair Argument Exists That the Project May Cause a Substantial Adverse Change in the Significance of the Building.

The appeal letter claims there is a fair argument that the elevator Project may result in a significant adverse effect to the building as a historic resource based only on appellant's opinion about the design. As explained above, that argument ignores CEQA Guidelines Section 15064.5(b)(3) and the City's Certificate of Appropriateness findings.

Nevertheless, the City's Director of Planning has reaffirmed the project's compliance with the Secretary's Standards in the context of CEQA in the recent March 19, 2015 memorandum that is part of the Council File for this appeal. In that memo, the Director specifically finds that the project meets *multiple* categories of CEQA exemptions and that none of the exceptions to these exemptions apply. In particular, the City confirms that the Project will *not* cause a substantial adverse change in the significance of the building as a historical resource, in part because it meets the ten Secretary's Standards.

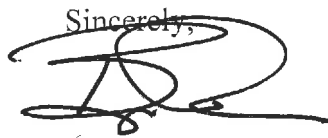
According to the CEQA Guidelines, a project has a significant effect on a historical resource if it would *materially impair* the significance of the building by materially altering in an adverse manner those physical characteristics that account for its inclusion in the local register. (CEQA Guidelines § 15064.5(b)(2).) Experts with the City's Office of Historic Resources, the Los Angeles Conservancy, and the applicant's own historical architect have all independently

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agreed that the approved design for the Project will meet the Secretary's Standards and will not materially impair the significance of the building. Even a fair argument must be supported by substantial evidence. (*Apartment Association of Greater Los Angeles v. City of Los Angeles* (2001) 90 Cal. App. 4th 1162, 1176.) Argument, speculation, unsubstantiated opinion or narrative does **not** constitute substantial evidence. (CEQA Guidelines § 15384(a).) Clearly, appellants have strong opinions about the design of this elevator, but just because they prefer an alternative design does not mean that this design fails to meet the criteria set forth by state law.

In short, appellants have not provided any evidence to justify a claim that the elevator design could cause a substantial adverse change in the significance of the building, let alone to counter the presumption that when a project meets the Secretary's Standards, it is considered to have less than a significant impact on the historical resource.

We urge you to deny the appeal.

Sincerely,

Bryan C. LeRoy

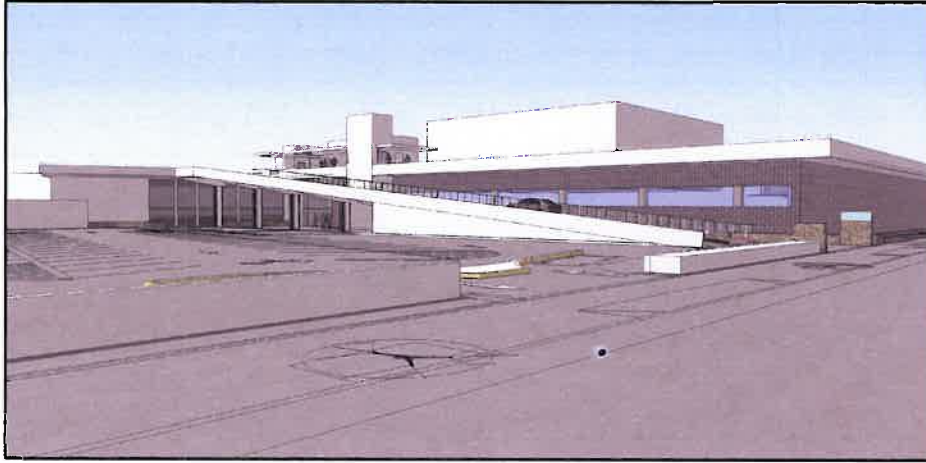
BCL

Enclosures

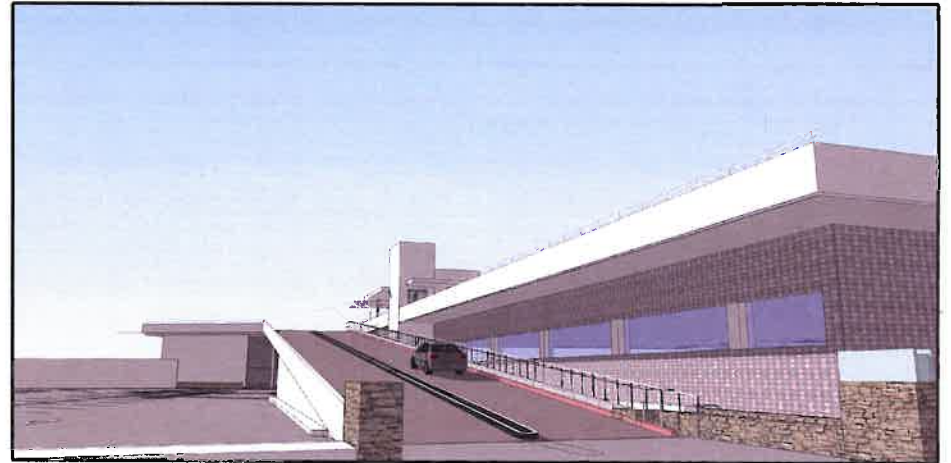
Exhibit A: Architectural Renderings and View Simulations
Exhibit B: August 20, 2014 letter from Los Angeles Conservancy to Westwood Community Design Review Board

EXHIBIT A

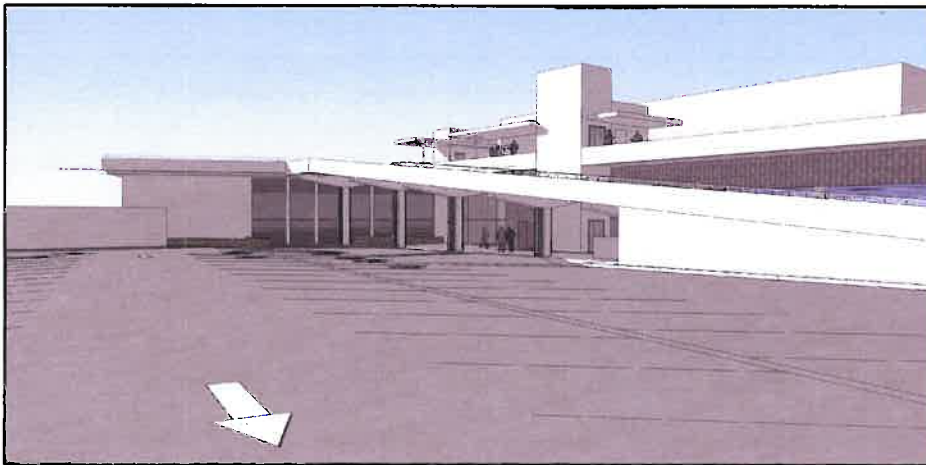
Architectural Renderings
and View Simulations



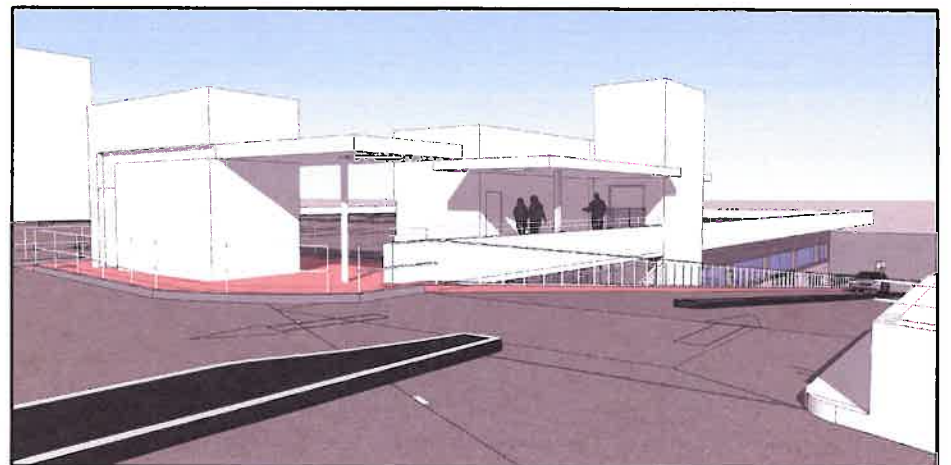
Tower Option 'A': Street View (Le Conte Ave.)



Tower Option 'A': Street View (Le Conte Ave.)



Tower Option 'A': 2nd Level (Le Conte Ave.)



Tower Option 'A': 3rd Level (Roof Parking)

NOTE: Preliminary. NOT FOR CONSTRUCTION.
 The information is conceptual and subject to adjustments pending further
 verification and Client, Tenant, and Governmental Agency approvals.
 No warranties or guarantees of any kind are given or implied.

HTH Architects, LLP - Copyright 2014

Westwood Marketplace: Elevator Addition
 Planning Submittal
 a project for TIAA-CREF

II - Alternate Tower Designs
 Conceptual Renderings and Views
 August 27, 2014





View from the Corner of Le Conte Ave. and Tiverton Ave.
(Existing Conditions)



View from the Corner of Le Conte Ave. and Tiverton Ave.
(Proposed Massing)



Weyburn Facade from Glendon Ave.
(Near View: North End of Block)



Weyburn Facade from Glendon Ave.
(Mid Block)



Weyburn Facade from Glendon Ave.
(Far View: South End of Block)

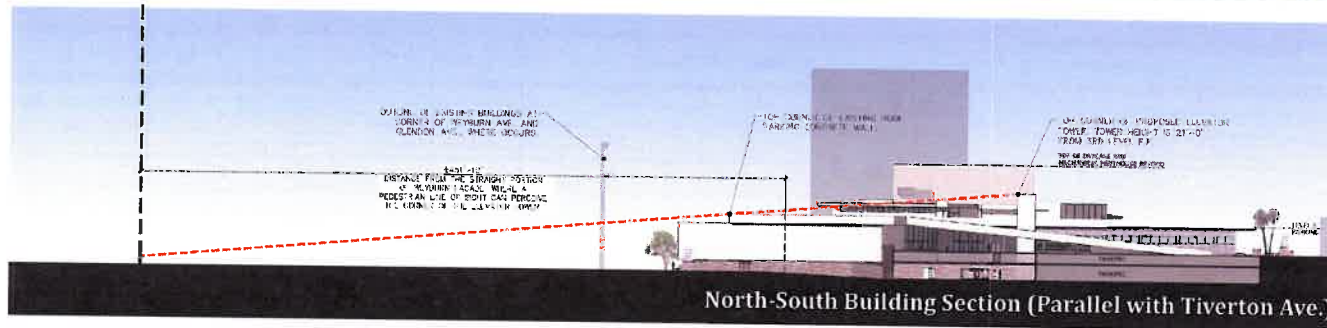
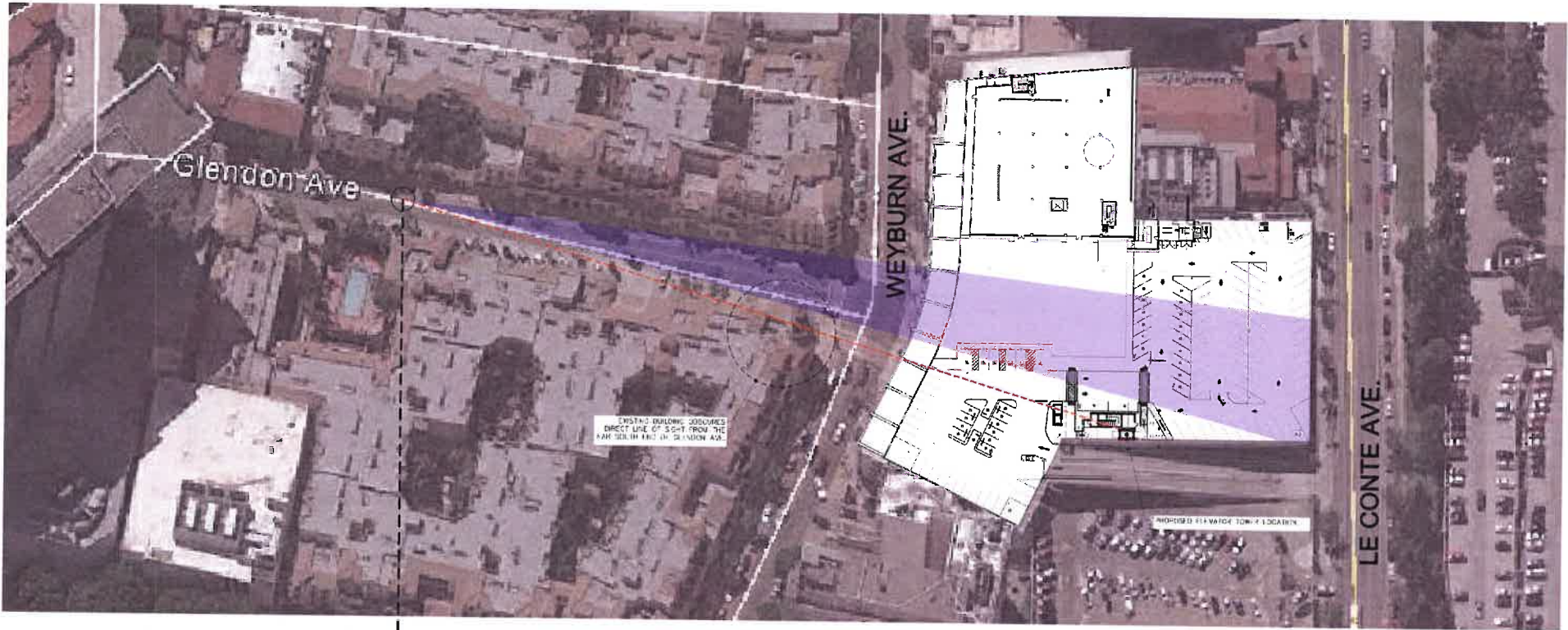
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Westwood Marketplace: Elevator Addition
Planning and Land Use Management
a project for TIAA-CREF

Westwood Village
Views
March 24, 2015





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 No warranties or guarantees of any kind are given or implied.

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Westwood Marketplace: Elevator Addition
 Planning and Land Use Management
 a project for TIAA-CREF

Westwood Village
 Weyburn Ave. Sight Line Exhibit
 March 24, 2015



EXHIBIT B

August 20, 2014 Letter

From Los Angeles Conservancy

to Westwood Community Design Review Board



LOS ANGELES
CONSERVANCY

523 West Sixth Street, Suite 826
Los Angeles, CA 90014

213 623 2488 office
213 623 3909 fax
laconservancy.org

August 20, 2014

Terri Tippit, Chair
Westwood Community Design Review Board
c/o Naomi Guth, Los Angeles Department of City Planning
City Hall, Room 621
200 N. Spring Street
Los Angeles, CA 90012
Email: Naomi.guth@lacity.org

RE: Item 3b, 10861 Weyburn, Bullock's Westwood Bldg.

Dear Ms. Tippit and Members of the Board:

On behalf of the Los Angeles Conservancy, we submit these additional comments on the proposed modifications to the former Bullock's Westwood Building. These comments further build upon those shared with the Design Review Board on July 16, calling out for the need to ensure a project that complies with *the Secretary of the Interior's Standards* (Standards) and maintains the building's continued eligible for listing as a historic resource.

When proposing modifications to a historic building's design, it is rarely a case of "one size fits all," rather, requiring consideration of various design solutions. There are often many ways in which a desired feature or element can be achieved, some being more sensitive to the building's historic character than others. The Conservancy advocates for sensitive designs that are compatible with historic buildings, while enabling them to maintain their eligibility for landmark status.

The Bullock's Westwood Building, designed by Welton Becket & Associates and completed in 1951, is an important example of the work of master architect Welton Becket. The Conservancy has long recognized the Bullock's Westwood Building as a significant structure. A major rehabilitation of the building in 2001, which converted the former department store into a multi-tenant retail center, was awarded a Los Angeles Conservancy Preservation Award in 2002 for its sensitive adaptive reuse of the historic structure.

The building was recently re-evaluated for its historical significance in August 2014 by Historic Resources Group. This current evaluation concludes that the building



retains a high level of integrity with many character-defining features remaining, including integrated planting and landscaping elements, in addition to key elements of the building's architecture and design.

Since our July 16 comments on the proposed design modifications, Conservancy staff has had the opportunity to speak with community residents and advocates, representatives from Council District 5, and the property owner. We have also reviewed the latest plans (as of August 1, 2014) for the project. We believe the following aspects of the proposed modifications can be further refined to bring them into compliance with the Standards while meeting the goals of the project.

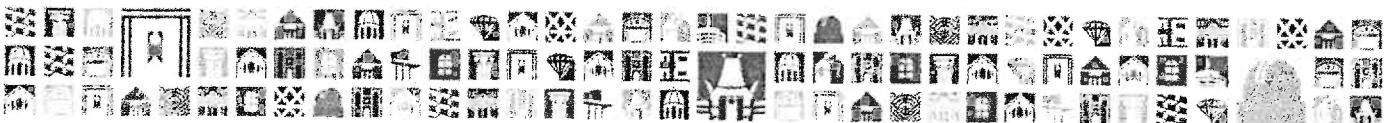
1. The exterior elevator shaft should feature a design that does not draw undue attention away from the historic building. Its height should not project above, or be limited as close as possible to, the original roofline. A paint color scheme using the cream matching the uppermost level and the gray background of the custom Westwood Tiles below will diminish the elevator shaft's visual impact on the east façade, thereby making the design more compatible for the historic building. Further, by retaining the existing tiles in place and protecting them, this approach will comply with the Standards should this alteration ever want to be reversed in the future.
2. The signage proposed for the top of the elevator shaft should be eliminated entirely, as it draws undue attention to this addition and alteration. However, it appears that most signage has been proposed for historically appropriate locations, including the monument signs and the upper façade walls which face traffic along Weyburn Avenue.
3. The modifications proposed for the Weyburn Avenue exit lane and adjacent landscaping would result in a loss of identified character-defining features. As was a common design approach for Becket and his philosophy of total design, integrated landscape features are important and, in this case, character-defining features. As proposed, this particular element will be greatly diminished. This proposed exit lane should be re-evaluated to determine whether other options could accomplish the intended goals or whether the additional exit lane warrants the loss of this character-defining feature.

We urge the Board to consider these points and the need for a Standards-compliant project that allows the Bullock's Westwood Building to maintain its continued eligibility for listing as a historic resource. Thank you for the opportunity to provide comments and we are happy to offer our help wherever possible.

About the Los Angeles Conservancy:

The Los Angeles Conservancy is the largest local historic preservation organization in the United States, with nearly 6,500 members throughout the Los Angeles area. Established in 1978, the Conservancy works to preserve and revitalize the significant architectural and cultural heritage of Los Angeles County through advocacy and education.

Please feel free to contact me at (213) 430-4203 or afine@laconservancy.org should you have any questions.



Sincerely,

Adrian Scott Fine

Adrian Scott Fine
Director of Advocacy

cc: City of Los Angeles, Office of Historic Resources
Steve Sann, Chair, Westwood Community Council

