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February 28, 2017

## VIA EMAIL and PERSONAL DELIVERY

Councilmember Jose Huizar, Chair  
Councilmember Marqueece Harris-Dawson  
Councilmember Gilbert A. Cedillo  
Councilmember Mitchell Englander  
Councilmember Curren D. Price, Jr.  
Los Angeles City Council  
Planning and Land Use Management Committee  
200 North Spring Street  
Los Angeles, CA 90012

Re: Council File No. 16-1462  
ENV-2006-6302-MND-REC1/ DIR-2015-2976-TDR-SPR

Honorable Councilmembers:

Our office represents the Eastern Colombia Homeowners Association ("HOA")<sup>1</sup>, one of the Appellants of the proposed Alexan Project, a 27-story, mixed-use development with 305 dwelling units and 6,171 sq. ft. of ground floor commercial space at 850 S. Hill Street ("the Alexan Project").

Preliminarily, this Council should be aware neither City Planning staff nor the Central Area Planning Commission made any attempts whatsoever to respond to the very real concerns raised by our clients with regard to the adverse impacts on historic resources that the Alexan Project poses. Indeed, all such concerns fell on deaf ears at the Area Planning Commission, the Commission mesmerized only by the misleading number of jobs the Alexan Project would supposedly create.<sup>2</sup>

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<sup>1</sup> The HOA includes 220 condominium unit owners who reside at 849 S. Broadway, immediately adjacent to the Alexan Project.

<sup>2</sup> A project which respects the historic surroundings of this neighborhood would undoubtedly bring a similar amount of jobs.

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**Such actions are the very type that have led and continue to lead to the deep divide and distrust between this City officials and residents, your constituents.**

But the historic issues cannot be ignored by law, including the California Environmental Quality Act (“CEQA”), thus necessitating this appeal. As set forth herein and in the attached Historical Assessment Report completed by historian Charles J. Fisher, the severe historic adverse impacts of the Alexan Project, as proposed, have not been adequately analyzed.<sup>3</sup> For all of these reasons, we ask that the City Council independently and with due care assess the issues raised by the HOA, grant our appeal, and send the Alexan Project back for further environmental review consistent with CEQA.

#### **I. Introduction**

This Council should be aware that our clients are not against development of the 850 S. Hill site. In fact, when many of the homeowners purchased their homes at the Eastern Colombia, they were informed that development of the 850 S. Hill had been approved by the City. Unfortunately, the development disclosed to homeowners **is not** the development before you today. The disclosed development was for the construction of a mixed-use 158 joint living and work condominium unit and a 7 commercial unit building – a project approved by the City in 2007 that was never built.

Instead, the Alexan Project before you today, which the Applicant is improperly calling a “*Modified Project*” (see below) is **6 stories and 74 feet taller** than the 2007 Project; includes over 67,000 sq. feet more floor area than the 2007 Project; almost double the amount of residential units and changes them from condominiums to apartments; and maintains completely new architecture and a completely new design. Most importantly, the impacts of the Alexan Project on the Eastern Colombia building are not only completely different, they are detrimentally more impactful.

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<sup>3</sup> It is indeed disconcerting that provided the City’s complete disregard for the residents’ concerns and testimony, the HOA has had to commission a professional historian to rebut the very clear inadequacies and problems the Alexan Project poses with regard to historic resources.

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What's more, the Applicant has taken no steps whatsoever to assure consistency with, or respect for, the surrounding *historic* community.<sup>4</sup> Instead, it has made the argument that the Alexan Project is "juxtaposed" to the historic neighborhood and therefore "consistent" (*i.e.* that juxtaposition of glass and steel next to historic tiled buildings is some type of "juxtaposed consistency"). Such argument is simply disingenuous. A project cannot be consistent by being *inconsistent*. To add insult to injury, the Applicant has stated, as required by the Addendum to the Mitigated Negative Declaration ("MND") here, it will hire a preservation architect *in the future*, to make sure "consistency" is achieved. But, the problem with this approach is glaring: what if consistency *cannot* be achieved?

For all of the reasons set forth herein, and in Mr. Fisher's report, this Council must grant our appeal and send the Alexan Project back for further environmental review now, **before** the Alexan Project is approved, as required by CEQA, and to make sure consistency *can* be achieved.

## **II. The Addendum to the Previously Adopted Mitigated Negative Declaration is Inappropriate as a Matter of Law**

The City's determination that this Alexan Project is, somehow, a *Modified* Project fails to pass the smell test. Simply stated, the Alexan Project is a **New Project**, not a modified Project, and the Council should find so.

Pursuant to the California CEQA Guidelines §15162, an Addendum to a previously adopted MND *is not* appropriate where:

(1) Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the

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<sup>4</sup> The Alexan Project is surrounded on all sides by historically significant buildings: (1) the Eastern Colombia Building, Historic Monument No. 294, noted by the Los Angeles Historic Resources Inventory as a *visual landmark* representative of the vitality of the City's retail and commercial core; (2) the May Company Garage, Historic Monument No. 1001; (3) the Coast Federal Savings Building, Historic Monument No. 346; (4) Hamburger's Department Store, Historic Monument No. 459; and (5) Blackstone's Department Store, Historic Monument No. 765.

involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;

(2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or

(3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the Negative Declaration was adopted, shows any of the following:

(A) The project will have one or more significant effects not discussed in the previous EIR or negative declaration;

(B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;

(C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or

(D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

Here, it is clear that the proposed Alexan Project is no in any way related to the 2007 mixed-use project containing 167 residential condominium units and 7,107 square feet of lobby/retail space. It is 6 stories, 74 feet taller than the 2007 Project; includes over 67,000 sq. ft. more floor area; almost doubles the amount of residential units; proposes apartments rather than condominiums; maintains completely new architecture and a completely new design; and requires completely different findings. It has environmental effects which are completely



different than the 2007 Project, especially to historical resources<sup>5</sup> which the 2007 MND hardly, if at all, assessed but the current Addendum to the MND analyzes (albeit inadequately). Presumably, this is a result of the City's Downtown Design Guidelines and the fact that the 2007 Project respected the historic nature of the Eastern Colombia Building, but the current places a 27-story tower directly in front of it. Such changes are substantial, requiring major revisions of the previous MND, and therefore the Addendum is inappropriate.

Again, the City's Downtown Design Guidelines were approved in 2009. Accordingly, the 2007 Project was not vetted with respect to the Downtown Design Guidelines but the new Project is. This constitutes new information of substantial significance and a substantial change with respect to the circumstances under which the Project is undertaken, requiring major revisions of the previous MND.

**This Council will note that when this Alexan Project was filed, it was filed as a *new* project. There was no mention of any "modification" in the application. Clearly, this "modification" is nothing more than an afterthought created for the purpose of moving forward with an Addendum to an MND rather than separate environmental review.**

California law is clear that the threshold for a *new* Project, rather than a modified project is very low. See *Save Our Neighborhood v. Lishman* (2006) 140 Cal.App.4th 1288, (an Addendum is not appropriate where the new project, a 102 unit hotel with convention facilities, though on the same land and involving similar uses had a different applicant and did not utilize any of the drawings or materials connected with the earlier project, gas station convenience store with car wash, restaurants, lounge and 106-unit motel); *Ventura Foothill Neighbors v. County of Ventura* (2014) 232 Cal.App.4th 429 (Addendum inappropriate where original project had a maximum of 75 feet, and "modified" project was 90 feet at different location). Therefore, HOA urges this Council to send the "Addendum" back and require the Applicant to complete new environmental review.

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<sup>5</sup> Traffic impacts today and 10 years ago are also completely different. The Addendum to the MND admits as much by conducting a new traffic study.

**III. The MND Improperly Defers Mitigation and Further Environmental Review is Necessary to Evaluate Impacts on Historical Resources**

The HOA hereby incorporates by reference the attached Historical Assessment Report completed by historian Charles J. Fisher, as though fully set forth herein.

As a highlight, this Council should know that the Addendum to the MND here concludes that impacts to the significance of the historic resources surrounding the Alexan Project (including the Eastern Colombia building) resulting from the development of the Alexan Project would be reduced to a less than significant level and mitigated to a level of insignificance by mitigation measures, including the preparation of a future report by a preservation architect. But it is well settled law that under CEQA requiring adoption of mitigation measures from a *future* study is impermissible. *Sundstrom v. County of Mendocino* (1988) 202 Cal.App.3d 296, 306-07 (MND requiring applicant to submit a future hydrology study and soils study subject to review by County found deficient for improperly deferring environmental assessment to a later date); *Defend the Bay v. City of Irvine* (2004) 119 Cal.App.4th 1261, 1275 (deferral is impermissible when agency “simply requires a project applicant to obtain a biological report and then comply with recommendations that may be made in the report”). **Therefore, any “review” by a preservation architect must be completed before the Project is approved.**

What’s more, both through public testimony and Mr. Fisher’s report, substantial evidence has been submitted that the Project will have a materially detrimental effect on the historic buildings surrounding it. A public agency must prepare an EIR whenever substantial evidence supports a fair argument that a proposed project may have a significant effect on the environment. The fair argument standard is a “low threshold” test. *No Oil, Inc. v. City of Los Angeles* (1974) 13 Cal.3d 68, 75. Where based on observation, the opinions and testimony from local residents are relevant to impacts such as aesthetics and traffic and constitute substantial evidence in support of a “fair argument” for an EIR. *Napa Citizens for Honest Government v. Napa County Board of Supervisors* (2001) 91 Cal.App.4th 342, 355-356. Therefore, an EIR, not an MND, is clearly necessary to evaluate the substantial and materially detrimental impacts on the surrounding historical buildings.

**IV. The Impacts on Land Use and Planning are Inadequately Evaluated.**

The Addendum to the MND takes the untenable position of only evaluating those land use policies with which it is consistent. However, in order to be legally adequate, it must also identify and discuss **any inconsistencies** between the proposed Project and applicable general plans and regional plans including “relevant environmental policies in other applicable plans.” See CEQA Guidelines Section 15125(d); L.A. CEQA Thresholds Guide.<sup>6</sup>

Here, the Alexan Project is inconsistent with all of the following land use policies, objectives and goals:

1. To *preserve key landmarks* which highlight the history and unique character of the City, blending old and new in an aesthetic realization of change or growth with distinction, and facilitating the adaptive reuse of structures of architectural, historic or cultural merit [City’s Redevelopment Plan];
2. To create a modern, efficient and *balanced* urban environment for people, including a full range of around-the-clock activities and uses, such as recreation, sports, entertainment and housing [City’s Redevelopment Plan];
3. 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 [City Center Community Plan, II-2];
4. New construction should *respect* historically significant districts and buildings, including massing and scale, and neighborhood context [City’s Downtown Design Guidelines, p. 7].

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<sup>6</sup> The L.A. CEQA Threshold Guide with respect to “land use consistency” states: The determination of significance shall be made on a case-by-case basis, considering:

- Whether the proposal is **inconsistent** with the adopted land use/density designation in the Community Plan, redevelopment plan or specific plan for the site; and
- Whether the proposal is **inconsistent** with the General Plan or adopted environmental goals or policies contained in other applicable plans.

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5. Construct new buildings, of *compatible design* with the surrounding neighborhood, on existing surface parking lots [Historic Downtown Los Angeles Design Guidelines, pgs. 11, 131];

6. Carefully maintain and restore terra cotta, the most prevalent decorative building material in Historic Downtown [Historic Downtown Los Angeles Design Guidelines, p. 101];

7. Design new buildings to respond to existing building context within a block, provide continuity to the overall streetscape. Frequently, a new building will be inserted on a site between two existing buildings of disparate scale and design [Historic Downtown Los Angeles Design Guidelines, p. 131]; and

8. Use *compatible types of masonry such as terra cotta* when constructing new structures in the Historic Downtown [Historic Downtown Los Angeles Design Guidelines, p. 132].

Such inconsistencies must be analyzed. Additionally, the neighborhood has submitted more than sufficient evidence of a fair argument that the Alexan Project may have a significant effect on land-use and planning, especially as it will divide the consistency of the historic neighborhood. Thus, under CEQA, such impacts must be analyzed EIR, not an MND.

For all of these reasons, we ask the City Council to grant our appeal and require the Applicant provide complete, separate environmental review, as required by CEQA, instead of hiding behind this inappropriate Addendum to a 2007 MND. See *Save Our Peninsula Committee v. Monterey County Bd. of Supervisors* (2001) 87 Cal.App.4th 99, 118 (CEQA requires strict compliance with the procedures and mandates of the statute).

Very truly yours,

LUNA & GLUSHON

A handwritten signature in black ink, appearing to read "Rob Glushon", written in a cursive style.

ROBERT L. GLUSHON

# Historical Assessment Report



## Alexan Project

**840-856 S. Hill Street and 217-225 West 9<sup>th</sup> Street**

**ENV-2006-6302-MND and ZA-2006-6350-YV-ZAA-SPR**

**2015-16 Addendum: DIR 2015-2976-TDR-SPR**

**APN 5144-017-037**

*Prepared by:*

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## *Section I*

### *Executive Summary*

This report reviews an MND Addendum and its attached Appendix H “Historic Assessment” for a proposed new “Alexan” high rise residential building Project at 840-856 So Hill Street in Los Angeles. The MND is adjunct to a 2015/16 Master Land Use application filed with the City of Los Angeles Planning Department on January 14, 2016 (dated August 12, 2015). The land use application includes the following: Entitlement Request & Project Description, Site Plan Review, and TFAR Application

This report demonstrates that the Project as analyzed in the MND Addendum Appendix H and other sections is incompatible with the neighboring historic resources, in contrast with the findings of the MND Addendum submitted to the City Planning Department by the developer. At first reading, the MND Addendum appears logically argued; however, this report shows that when an historic assessment under CEQA looks at new construction and its possible effects on historic buildings and districts, the argument used in the MND Addendum is inaccurate and misapplied.

The author is a professional historian with extensive experience in property research and historic preservation, dating from the mid 1980’s. The author’s background includes the research, preparation and/or advocacy of over 160 Historic Cultural Monument Nominations for the City of Los Angeles, three for Ventura County, one in the City of Ojai and one in the City of Sierra Madre, as well as research and documentation of numerous other historic structures. Other qualifications include work as a past president and board member of the Highland Park Heritage Trust, past co-chair of the Cultural Resources Committee of the Los Angeles Conservancy, president of the Heritage Coalition of Southern California and 28 years doing property research for Transamerica Real Estate Tax Service.

Of particular note is the Historic Cultural Monument nomination of the Sun Realty Building, 629 S. Hill Street, which was designated HCM 985 on June 8, 2010. This building was designed by Claude Beelman, concurrently with the Eastern Columbia Building, using the same materials and a similar Art Deco design.

This report points to other “best practices”—new interpretations of the Secretary of the Interior Standards by the National Park Service, as well as applicable guidelines put forth by the City of Los Angeles and other jurisdictions, and other experts. When the Project is viewed using these guidelines-- which are the appropriate approaches for reviewing effects on new construction on historic buildings and districts-- the effect is significant and adverse. By challenging the argument and conclusions of the MND Addendum and Historic Assessment, this report is additionally challenging findings in the entitlement case which were also based on the same work. The Alexan project applicant is asking to be granted special entitlements pursuant to LAMC sections 14.5.7 and 16.05, which rely on findings which this report finds deficient and inaccurate as well.

## *Section II*

### *Summary of Findings*

#### **REVIEW OF APPENDIX H “HISTORIC ASSESSMENT” OF ALEXAN DTLA MND ADDENDUM**

##### **1. Historic Resource Identification Incomplete:**

The proposed Alexan project is evaluated in the MND Addendum as being “near” 4 specific historic buildings and a district. This significantly under-reports the significance and concentration of historic buildings, and thus the area of potential effect of the Project. This undercounting creates a false impression that the effect is on a small circumscribed area, leading to a false argument that the proposed modern Alexan building design is not an adverse effect on historic resources.

- a. The Alexan is embedded in the richest concentration of recognized historic buildings and districts in Los Angeles, numbering in the hundreds, all of which were “height limit” buildings at 13 stories or below.
- b. A fuller population of historic resources was evaluated in the 2006 MND. The reduction in this Addendum is unjustified.
- c. Many additional historic buildings and historic districts have been identified as significant since the 2006 MND was published, thus changing the understanding of the setting for the new Alexan building.

##### **2. Project Location Misstated In MND Addendum:**

The Addendum Historic Assessment offers an erroneous concept that the tall, modern, glassy, slab block of the Alexan Building is not squarely located amongst historic buildings, but instead is in “hybrid” or “transitional” district or geographical portion of Downtown, bridging between the Downtown Historic Core and recently-developed modern South Park. All the evidence, based on mapping from 9 different sources, shows that this is not true. The Alexan is squarely located in the Historic Core of Downtown, not in South Park.

##### **3. Findings of Impacts Incomplete and Inaccurate:**

The 2015-16 MND Addendum erroneously concluded that the new project would not impact the significance of an historic building or district because it would not cause a “material” impact on existing historic resources. This conclusion was reached based on the following errors:



- a. Because, in CEQA Guidelines, Section 15064.5 (b) 2 (A) cited, the criteria for significant adverse effect of a project assumes the project itself is an historic resource. The “material” damage to that historic resource, such as demolition or overwhelming alteration, must be such that it loses its significance and will no longer be eligible for the California Register. This definition of “material” damage is misapplied in this case of a new building on a vacant lot. There is no way that a new building on a vacant lot will cause hundreds of buildings which are not on its site to lose their historic status, even though they are significantly adversely affected. Thus the CEQA analysis relies on application of the Secretary of the Interior Standards per CEQA Sec 15064.5 (b) 3. The MND Addendum Historic Assessment says that the Standards are the definitive analytical tool, and are the determinant of impacts under CEQA, and rests its case primarily on Standard #9. However, the Addendum erroneously concludes that the Alexan has no adverse impact under Standard #9. That error stems from two reasons: the National Park Service has documented that Standard #9 is not written to analyze effects of new building construction on historic resources, and the National Park Service has re-issued Preservation Brief #14 to start correcting the way these analyses were conventionally presented, as in this MND Addendum.
- b. Because the MND Addendum misinterprets Standard #9, it over-emphasizes the differentiation of the Alexan building design from its historic environs, trumpeting its modern design. Nationwide, the discussion of new buildings and their effect on surrounding historic districts centers today on compatibility, not differentiation. The proposed Alexan is clearly not compatible with neighboring historic resources.
- c. Following the “best practices” of Standard #9’s recent interpretation, as well as many other authorities examined in this report, the Alexan’s six-story increase in height which makes its overall height excessively exceed all nearby historic buildings is at the forefront of the reasons the proposed new building is incompatible. It is thus non-compliant with the Standards, unmitigated, and thus a significant adverse effect.

#### 4. Analysis of Compatibility Is Forced and Misleading:

While there are some efforts made by the project’s designers to make a mid-century modern-revival high-rise share isolated features with its historic neighbors, the MND Addendum analysis is erroneous, as it is based on false premises:

- a. The evaluation chooses to limit the discussions of impacts to only positive items. Design guidelines and other analyses are cherry -picked to make points, which in the aggregate are minor, while the overwhelming evidence on major aspects of the design using design guidelines and similar measures in their entirety demonstrates that the proposed Alexan is inconsistent with these guidelines.

- b. The evaluation chooses to limit the places in the project environs where the Project is seen and has effects. The analysis posits that the new construction is seen from the sidewalk, and thus certain aspects of its effect don't matter. The analysis omits the fact that the new construction is also seen from many other vantages, such as from other buildings, where it has a major adverse effect, and that limiting the analysis of impacts to views of historic architecture to a sidewalk vantage point is not an accepted method.
- c. The view corridors which are blocked by the Alexan project affect buildings quite distant from the Alexan.

## 5. Infeasible Mitigation Measures:

The 2006 MND found that the height of the building proposed at that time exceeded the "height limit" of 150' for the historic areas, but was somewhat mitigated because it was not exceeding the tower of the Eastern Columbia building, and the tower remained visible. That project, it argued, did not totally block views by employing setbacks; and its design was "mitigatable" through a MND Mitigation Measure requiring architectural review to ensure compatibility.

- a. Mitigation Measures 15 and 16 have been carried forward to this Addendum. It requires Design Review by a Preservation Architect to make the project compatible with the surroundings
- b. However, due to the Modified project, this is not a feasible Mitigation as defined by CEQA. The Mitigation Measure "kicks the can down the road", calling for a future design reviewer (preservation architect) to review plans and the Applicant to make required changes. The major issues of incompatibility of the Alexan project are known now and must be corrected prior to approval. The added 6 stories of habitable space cannot feasibly be removed by a preservation architect reviewing plans.
- c. This report outlines supplemental specific procedures (such as reviews at each of 4 design phases and oversight and decisions by "arms length" officials) which have been demonstrated to be necessary to make any Design Review process effective.

This Mitigation Measure could only be proposed if the base project is first altered during the entitlements process to eliminate the major incompatible adverse effects of height, design, and materials.

## 6. Aesthetics and Neighborhood Quality Nexus Missing:

The 2015-16 MND Addendum Historic Assessment fails to "connect the dots" between the aesthetic appearance of the new construction and its interruption and incompatibility with historic buildings and the District. It actually looks at the new

mid-century modern revival building as a positive contribution because it is not compatible. It fails to fully illustrate the characteristics of historic buildings in the vicinity which are affected by the new construction, the most notable one of which is building height. It then fails to relate the incompatibility of the Project with the District's historic character-defining features, which are also its aesthetics.

The Assessment also cherry-picks the Design Guidelines to score points for compliance on a single issue, when the Alexan Project is out of compliance on many other guidelines. Findings of compatibility and positive effects on the neighborhood are needed for other City approvals, not only for CEQA analysis. These findings which are based on the 2006/7 and 2015/16 MND Addendum Historic Assessments are in error.

### **CHANGES TO “APPROVED” PROJECT IN CURRENT “MODIFIED” PROJECT**

#### **How did the Project, its context, and the ordinances which apply to its planning change from the 2006 “Approved” Project to the current 2015 “Modified” Project?**

The Alexan DTLA Project is called the “Modified Project” by the City and the Applicant's consultants to differentiate the project designed in 2015/16 from the project presented in 2006/7, which the City and Applicants call “Approved Project”.

A different project was assessed under a different project application and design in 2006/7. The Historic Assessment analysis by the Applicant differs in significant ways from the Historic Assessment prepared in 2006/7. This report reviews the Project based on the 2015/16 Addendum Historic Assessment, and also analyzes the difference between the project design in 2006/2007 and the Alexan. This report concludes that the Alexan project design differs substantially from the 2007 project and that project changes represented by the Alexan will cause significant impacts to historic resources. The Addendum avoids finding obvious incompatibilities between the Alexan and adjacent and nearby historic resources. The originally approved project limited the height, massing, scale and other features to that comparable to adjacent historic resources, namely the Eastern Columbia Building. The 6 story increase in height and increases in massing represented by the proposed Alexan render the project incompatible with the nearby resources, the Eastern Columbia and the Historic District and would result in significant impacts to historic resources.

Beginning on the next page is a brief outline of changes in the project, historic context and entitlement request:

**Table 1: Modified Project Changes to the Building's Physical Characteristics**

	<b>“Approved Project”</b>	<b>“Modified Project”</b>	<b>Modified Project Changes by Applicant</b>
<b>Height</b>	246’ 21 stories	320’ 27 stories	6 floors increase. 30% height increase “Modified project” blocks 100% of iconic and character-defining clock tower of Eastern Columbia building as seen from the west
<b>Size</b>	182,895 sf	257,569 sf	40% size increase from Approved Project
<b>FAR</b>	6.0:1	7.45:1	24% increase over allowable FAR of 6.0 set by D limitation and by Center City Redevelopment Plan. LAMC Sec 12.22.C.3.c does NOT allow additional FAR (verify)
<b>Podium Height</b>	4 <sup>th</sup> level Approx 40’	7 <sup>th</sup> level 76’ above street	Almost 100% increase in podium height, effectively bringing 3 additional floors closer to neighboring residences in the EC historic building and eliminating views from more floors of the EC building,
<b>Sky deck</b>	No sky deck	27 <sup>th</sup> level	Sky deck added
<b>Retail</b>	5,780 sf	6,171 sf	At ground floor
<b>Parking</b>	2 levels subterranean 3 levels above ground 245 spaces	1 level subterranean 5 levels above ground 336 spaces	Parking which was formerly below grade pushed up above grade. Increased podium height is result of more parking required for nearly doubling the number of apartment units, cheapening cost by eliminating a subterranean level, and needing to wrap above-ground parking due to limits on above-ground parking
<b>Visible materials</b>	Unclear	Modern panelized lightweight-appearing materials	Glass; metal panels, perforated metal screens, and metal louvers; precast concrete cladding

**Table 2: Modified Project--Changes to the Project Setting and Land Use/Planning**

	<b>“Approved Project”</b>	<b>“Modified Project”</b>	<b>Change</b>
<b>Planning Ordinance Changes</b>	2006-7	2014-15	<u>Planning change</u> : Downtown Design Guide issued 2009.
<b>Effects on Neighborhood</b>	EC was an office building	EC now condominium residences	<u>Planning change</u> : Yard Variance that was requested in 2006 to reduce setbacks around the proposed building affected office uses inside the EC building. <u>Neighborhood change</u> : At that time no homes were adjacent to the site, while today historic Eastern Columbia building’s condominiums to the east are affected
<b>Vicinity affected</b>		Larger population of affected historic buildings	<u>Planning change</u> : Additional neighboring buildings were designated as historic. <u>Planning change</u> : Survey LA conducted a City-wide survey to identify potential historic resources. Although the Downtown area was delayed until last, those results are expected soon. Survey LA does already report additional historically significant districts nearby the Alexan site
<b>Units</b>	158 condominiums	305 apartments	<u>Planning change</u> : “Greater Downtown Housing Incentive Area “LAMC 12.22-C.3 allows unlimited quantity of residential units, but not to exceed 6:1 FAR

### ***Section III***

#### ***Review of Applicant's Historic Assessment***

##### **Section 1 - Error: That Current Project Design Is Compatible With The District**

The MND Addendum for the “Modified” Alexan project concludes that the proposed modern design of the Alexan steel and glass residential tower “would comply with Standards 9 and 10 of the Secretary of the Interior’s Standards for Rehabilitation,” leading the authors to conclude that “construction of the proposed tower would not result in adverse effects to historic resources located immediately adjacent to or in the near vicinity of the Project site.” This, in spite of the unavoidable fact that the project "will alter existing (historic) spatial relationships" between the historic buildings which has the potential of an unavoidable adverse effect on those resources.

By retracing the steps of the Appendix H analysis, this report investigates whether the conclusion of “no adverse effect” is supported by the evidence provided. Further, it investigates whether the evidence, criteria, and analyses which are omitted are, in fact, more compelling and important than the information presented.

This report’s analysis shows that the Project has substantial adverse effects on historic resources, as well as on the aesthetics of the environs, as measured by multiple analytical tools. This report finds that the analytical framework, facts, and impacts disclosed in the Addendum were self-limited, leading to an erroneous conclusion. The project as proposed will cause significant, unmitigable impacts to historic resources and as such, an EIR should be prepared to fully address those impacts.

##### **Section 1- Error: The Addendum Inaccurately Identifies The Location Of The Project**

The Project’s site is a vacant lot the northeast corner of Hill and 9<sup>th</sup> Streets in Downtown Los Angeles. Appendix H of the Addendum leads into its analysis by inaccurately identifying the location as in a “transitional” area and located in South Park. This is not accurate. The Project is located solely in the Historic Core, not in South Park.

This error is pertinent because the Addendum subsequently uses the South Park location as a justification for the Project’s height and mid-century modern revival appearance.

The following tables review these issues:

**Table 3: Inaccurate Statements of Project Location**

<b>Statements in Historic Assessment</b>	<b>Is the MND Addendum Accurate?</b>
<b>Approved project and modified project: “A similar mixed use project”</b>	Inaccurate: Section 1 of this report shows point-by-point how the approved project and modified project are not

	<b>“similar”.</b>
<b>“It (project) is also considered to be located in the South Park area just south of the Historic Core”</b>	Inaccurate: As shown in Table 4 below, the site cannot be considered to be in South Park.
<b>Location “can be considered a transitional zone between the Historic Core and South Park”</b>	Inaccurate: As shown in Table 4, multiple, detailed design guidelines, plans, and districts specifically locate this Project within the boundaries of the “historic” portion of Downtown. The Project must be evaluated as a new infill building in an historic area.

The Alexan locale has long been recognized by planning expert after planning expert as being amidst the richest collection of historic buildings in the City, having two National Register Historic Districts nearby in a compact commercial area in Downtown Los Angeles-- as well as two new historic districts identified by Survey LA, and a third new district recently identified.

**Table 4: Alexan Project Location Universally Accepted as Historic, Not South Park**

<b>Project is located in</b>		<b>Location Historic?</b>	<b>Shown on</b>
<b>Central City Community Plan Area</b>	<b>Ch. 3 (Land Use Policies and Programs) and Ch. 5 (Urban Design)</b> <b>Figure 1 map does not show specific boundaries for “Historic Core”</b> <b>Page 1-9 states “The Historic Core, extending from First Street to approximately 11<sup>th</sup> Street between Los Angeles and Hill Street”</b>	Yes	Map # 1
<b>City Center Redevelopment Plan Area</b>	<b>Locates site in “Historic Downtown Subarea”</b> <b>Exhibit 6 Redevelopment Plan down to 11th St.</b> <b>South Park Subarea located at east side of Hill Street</b>	Yes	Map #2

<b>Historic Downtown Los Angeles Design Guidelines</b>	<b>Locates site in area covered by Historic Downtown Los Angeles Design Guidelines</b>	Yes	Map # 3
<b>Downtown Design Guide Area</b>	<b>Locates Project in "Historic Downtown" area and 9<sup>th</sup> Street as a "Retail Street"</b>	Yes	Map # 4
<b>Historic Core</b>	<b>Locates site in Historic Core Business Improvement District</b>	Yes	Map # 5
<b>SurveyLA</b>	<b>Locates site in Central City Community Plan Area</b>	Yes	Map # 6
<b>Proposed Art Deco District Study Boundary</b>	<b>Identifies overlay of historic Art Deco buildings which includes Alexan site</b>	Yes	Map # 7

Every planning document clearly shows this site within boundaries of an area officially classified as historic, not in South Park.

## **Section 2 – Error: Historic Resources Are Undercounted And Significance Is Under-Reported**

The Historic Assessment next narrowly limits the amount of historic resources potentially impacted by the Alexan project, and similarly underplays the significance of the historic buildings in the vicinity.

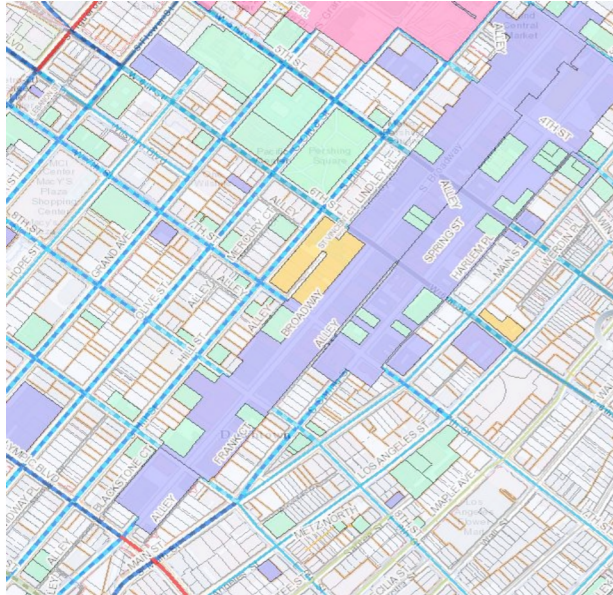
- Map #8 shows buildings and surrounding areas deemed historic, as noted below.
- Map #9 shows the historic area identified by the Appendix H of the MND Addendum
- MND Addendum identifies 12 fewer adjacent landmarks than the 2006 MND, although the added building height potentially affects those and more.
- Since the 2006 MND, new individual landmarks and districts have been identified and according to the consultants' own criteria, should have been evaluated for effects.

The Alexan MND Addendum limits the "Area of Potential Effect" as a first step in under-reporting impacts of the Alexan project. Federal guidelines, implemented by the State of California in 36 CFR § 800.16, suggest that the vicinity to be evaluated is: "geographic area



or areas within which an undertaking may directly or indirectly cause changes in the character or use of historic properties, if any such properties exist. The area of potential effects is influenced by the scale and nature of an undertaking and may be different for different kinds of effects caused by the undertaking”.

**Map 8**



**Map 9**



Because the Project may indirectly cause effects, the population of historic resources evaluated should be cast as large as possible. The MND Addendum identifies only a small number of neighboring buildings; that is effective in identifying direct impacts such as that of shoring, drilling and vibration. However, this report shows that the discussion of impacts other than direct physical impacts should include a much broader population of historic resources.

### **Section 3 - Error: 2015/16 Addendum Historic Assessment Limits Analysis To Historic Resources Immediately Adjacent To The Project**

The Historic Assessments asserted that the historic resources analyzed were selected in accordance with criteria in Appendix B that Assessment. Based on these criteria-- noted below in Table 5-- the MND Addendum offers an incomplete identification of resources.

**Table 5: Addendum Fails to Follow Guidelines For Identifying Historic Resources Impacted By Proposed Project**

<b>Identification of Historic Resources</b>	<b>Is the MND Assessment Complete?</b>
<b>Appendix B addresses what resources are required to be evaluated as “historic resources” and “historically significant “under CEQA—</b> <ul style="list-style-type: none"> <li>• <b>Mandatory : National and California Registers</b></li> <li>• <b>Presumptive : Local register or deemed significant</b></li> <li>• <b>Discretionary: Not listed but meeting criteria for California Register listing</b></li> </ul>	Incomplete: The Assessment offers an accurate statement of requirements but then proceeds to omit many historic resources from all 3 categories
<b>Appendix A shows 2 historic buildings and a District “immediately adjacent” to the proposed project,</b>	Incomplete
<b>Appendix A shows 2 additional buildings “in the near vicinity”</b>	Incomplete

The Master Land Use application states that proposed structure is located in the Historic Core (MLUP p.6) and is completely surrounded on all sides by historic buildings (MLUP p.9). But then it fails to accurately report the preponderance of historic buildings in the environs. Instead it points to new modern buildings that might be built in the future as an attempt to justify its finding of the Alexan’s compatibility. This comparison is irrelevant and erroneous and thus does not support a finding of compatibility with historic resources.

The 2015/16 Historic Assessment identifies 1 historic district and 4 adjacent listed historic resources as the historic resources which may be affected. The analysis is insufficient by omitting the preponderance of surrounding historic buildings and thereby avoiding evaluating any effect on them.

**Table 6: Historic Resources Identified by Appendix H of the 2015/16 MND Addendum**

<b>Adjacent Historic District</b>	<b>Height</b>	<b>Year Built Architect</b>	<b>Materials</b>	<b>Listed</b>
<b>Broadway Theater and Commercial District</b> <ul style="list-style-type: none"> <li>• <b>Styles: Art Deco and Beaux Arts</b></li> <li>• <b>District includes 70 contributing buildings plus non-contributors within its boundary</b></li> </ul>	13 stories max	1927-1937 Various	Terra cotta, stone	<u>National Register:</u> US ID # #79000484 Expansion: US ID # 02000330
<b>Adjacent Historic Buildings (individually listed)</b>	<b>Height</b>	<b>Year Built Architect</b>	<b>Materials</b>	<b>Listed</b>
<b>Eastern Columbia Building</b> <b>849 South Broadway</b> <b>Art Deco style</b>	13 stories	1929 Claude Beelman	Turquoise glazed terra cotta, gold spandrels and trim, steel mullions, cast decorative ventilation grilles	<u>National Register:</u> District Contrib #79000484 <u>Local:</u> HCM #294
<b>Coast Federal Savings</b> <b>855 South Hill St</b> <b>Beaux Arts Classicism style</b>	12 stories	1925/26 Morgan Walls and Clements	Rusticated stone base, face brick, terra cotta cap and cornice	<u>National Register:</u> 3S Eligible per 2006 MND <u>Local:</u> HCM #346
<b>Hamburgers Department Store (known as “May Company”)</b> <b>800- 830 S. Hill St; 801 South Broadway</b> <b>Beaux Arts Classicism style</b>	10 stories equiv	1906 Alfred Rosenheim; Expanded ca 1924 and 25—Albert C Martin	Ornamented cast iron; cream colored glazed terra cotta cladding	<u>National Register:</u> District Contributor #79000484 <u>Local:</u> HCM #459
<b>May Co Garage</b> <b>900-910 South Hill St</b> <b>Beaux Arts Classicism style</b>	6 stories Equiv.	1926 Beelman and Curlett	Terra cotta/stone like	<u>Local:</u> HCM # 1001  Listed after 2006

**Resources Omitted Include Newly Listed Buildings And Districts As Well As 12 Historic Buildings Reviewed In The 2006 MND:**

**Table 7a: Historic Resources Omitted From Addendum Appendix H**

<b>Historic districts not included in MND analysis</b>	<b>Height</b>	<b>Year Built Architect</b>	<b>Materials (Appearance)</b>	<b>Listed</b>
<b>Hill Street Commercial Historic District</b>	13 stories	1906-1934	Stone, brick, terra cotta	Survey LA
<b>7<sup>th</sup> Street Commercial Historic District</b>	13 stories	1906-1928	Stone, brick, terra cotta	Survey LA
<b>Spring Street Financial National Register Historic District</b>	13 stories	1900-1924, 1925-1949	Stone, brick, terra cotta	National Register
<b>Art Deco District</b>	13 stories	1922-1932	Stone, brick, terra cotta	Proposed
<b>Historic buildings not included in MND analysis</b>	<b>Height</b>	<b>Year Built Architect</b>	<b>Materials (Appearance)</b>	<b>Listed</b>
<b>Union Bank and Trust (Beaux Arts style) 760 South Hill</b>	11 stories	1922 Curlett and Beelman	Rusticated masonry base, stone	<u>Local:</u> HCM #1030  Listed 2013
<b>Foreman and Clark Building (Art Deco Gothic influence)) 701 South Hill</b>	13 stories	1929 Claude Beelman	Cast stone	<u>Local:</u> HCM # 953 Listed 2008
<b>9<sup>th</sup> and Broadway ( Art Deco style) 850 South Broadway at 9th</b>	13 stories	1929 Claude Beelman	Terra cotta; dark metal spandrels	<u>National Register</u> District Contributor #02000330

**Table 7b: Historic Resources Omitted From Addendum Appendix H,  
But Included In 2006 MND**

<b>Historic buildings Not included in MND analysis</b>	<b>Height</b>	<b>Year Built Architect</b>	<b>Materials (Appearance)</b>	<b>Listed</b>
<b>Tower Theater 802 South Broadway</b>	NA Includes Deco- like tower	1927 S. Charles Lee	Terra cotta; cast stone – like ornament	<u>National Register</u> District Contributor <u>Local: HCM #450</u>
<b>Singer Building 806-808 South Broadway</b>	8 stories (equiv)	1922 Milwaukee Building Company	Stone-like facing	<u>National Register</u> District Contributor
<b>Rialto Theater Building 812 South Broadway</b>	2 stories (equiv)	1926 Curllett and Beelman	Altered	<u>National Register:</u> District Contributor <u>#79000484</u> <u>Local: HCM #472</u>
<b>Apparel Center Building 814-818 So. Broadway</b>	13 stories	1923 Walker and Eisen	Terra cotta	<u>National Register:</u> District Contributor <u>#79000484</u>
<b>Braun Building 820-822 South Broadway</b>	7 stories	1913	Stone like	<u>National Register:</u> District Contributor <u>#79000484</u>
<b>Anjac Fashion Building 830 S. Broadway (Gothic influenced Art Deco)</b>	13 stories	1927 Walker and Eisen	Terra cotta/stone- like with continuous vertical glass/ metal spandrels	<u>National Register:</u> District Contributor <u>#79000484</u>
<b>Orpheum Theater 842 -846 South Broadway</b>	13 stories	1925 G. Albert Lansburgh		<u>National Register:</u> District Contributor

				#79000484
<b>Blackstone's Department Store /USPO Metropolitan Station 901 S. Broadway</b>	6 stories	1916-1918 John Parkinson 1939 alter Stiles O. Clement	Terra cotta/stone- like	<u>National Register District Contributor #02000330 Local: HCM #765</u>
<b>Broadway Leasehold Building 908-10 South Broadway</b>	6 stories	1914 Mayberry and Parker	Stone like	<u>National Register District Contributor #02000330</u>
<b>United Artists Theater/Ace Hotel 921-929 South Broadway</b>	13 stories	1927 Walker and Eisen	Terra cotta/stone- like	<u>National Register District Contributor #02000330 Local: HCM #523</u>
<b>Commercial Exchange Building 416 West 8<sup>th</sup> Street</b>	13 stories	1923	Brick; terra cotta cap	National Register eligible
<b>Garfield Building 401-415 West 8<sup>th</sup> Street</b>	13 stories	1929 Claude Beelman	<u>Cast stone</u>	<u>Local: HCM #121</u>

#### **Section 4 - Error: 2015/16 Addendum Omitted An Important Description Of The Treatment Of Above-Grade Parking Structures In Historic Downtown**

The Modified Alexan Project design has a parking podium consistent with the above-grade parking garage design of many post-war high rise office buildings. The Downtown Los Angeles area has a surprising number of above-grade parking structures; stylistically they are treated with equal architectural detail, excellence, and style as the adjoining buildings.

As one most visible portion of the proposed Project involves a parking garage—and the usual offensiveness of night lighting, unattractive entrances, etc.—the Historic Assessment should have provided a guide to understanding how to treat the design of these levels in an historically appropriate and urbanistically attractive manner.

#### **Section 5 - Error: 2015/16 Addendum Downplays Significance Of Surrounding Areas**

- The high national level of significance of Downtown Los Angeles' historic core, its overall feeling and association, and its visibility from many vantages means that the proposed new Project's effects have elevated significance, and may be precedent-setting.

- The Alexan project is embedded in an historic area with an identifiable consistency of style ---all have no habitable level over 13 stories; all are constructed principally of masonry-like materials with deep punched openings; all observe a street-front building line; all have detail and ornamentation. This overwhelming consistency and the historicity of the entire setting are glossed over by the Addendum.
- The fact that certain historic buildings are not a full 150' tall (or 13 stories) is used in the MND Addendum Historic Assessment to turn the argument of building height on its head. Los Angeles' Downtown for all its historic areas had an absolute 13 story height limit which is one of the most significant and fundamental facts of Los Angeles architectural history. The Addendum asserts that the fact that there are shorter buildings in the area means there is "height variation" in the historic districts, and this somehow excuses the Alexan Project's habitable floors being nearly double the historic height. This is a blatant misapplication of historic analysis and runs counter to the findings in the 2007 MND Assessment, which specifically pointed to a slight variation of height for the 2007 project.
- The Addendum fails to recognize the iconic significance of the Eastern Columbia Building and the clock tower and its relationship to its surroundings in assessing impacts due to the Modified Project. By contrast, the 2006 IS/MND recognized the neighboring Eastern Columbia Building's historical significance and spatial relationship with the historic core and historic setting. Although the occupied floors of the Eastern Columbia Building conformed to regulations that required buildings to have fewer stories than City Hall, the distinctive and prominent clock tower pushed its total height to 264 feet, slightly higher than that of City Hall. As such, it has been a long-standing visual landmark, seen from many public vantage points. Claude Beelman originally designed the building with the intention that the four-sided clock tower could be viewed from the entire Downtown area. He was working under the city's limit of 13 stories for any building (the City Hall was the only exemption from the ordinance.). The tower, being of a purely mechanical nature, was considered to be a housing for rooftop equipment. *The Eastern Columbia Building's clock tower is one of the only 4-sided Art Deco clock towers in the United States.* All four sides are meant to be viewed from several vantage points as part of its historical significance. The 2006 IS/MND at p. III-32 included height limitations and setbacks that "would ensure views to and from all elevations and character-defining features of the Eastern Columbia Building will be preserved and that the historical resource will retain visual prominence." The Alexan's new design (specifically height, massing and setbacks) would block *the majority of* one entire side of the clock tower such that the visual prominence of this landmark would be substantially diminished, causing a substantial adverse effect. This significant impact is not mitigated (nor can it be) and is not addressed in the Addendum and should be addressed in an EIR.

## **Section 6 –Error: The Historic Assessment’s Analytical Framework Is Misapplied Because The Project Is A New Building On A Vacant Lot**

This section of the Historic Assessment cites the “analytical framework” by which the assessment will be conducted, citing National, State, and local guidelines. (This section is supplemented by Appendix B, which further cites specific regulations).

The principal basis for the analysis derives from the City of Los Angeles CEQA Thresholds Guide section for Cultural Resources, which incorporates and refers to CEQA (California

Environmental Quality Act Sec 15064 addressing historic preservation, which incorporates the Secretary of the Interior Standards.

This is the standard approach for assessing effects of a proposed project when the project itself involves, rehabilitates, or adds to an historic building:

1. Cites the basis for concluding that a Project has a “significant impact on historic resources” if the project “*would* result in a substantial adverse change in the significance of an historic resource”. (*This author’s italics added*).
2. The above citation in the MND Addendum does alter the language of the California statute, which actually reads: “A project with an effect that *may* cause a substantial adverse change in the significance of an historical resource is a project that may have a significant effect on the environment.” (*This author’s italics added*).
3. Because there is no historic building on the site to be affected, only the fourth example quoted by the MND Addendum of a possible effect on cultural resources is applicable for this analysis: #4 “Construction that reduced the integrity or significance of important resources on the site *or in the vicinity*.” (*This author’s italics added*).
4. “A substantial adverse change in the significance of a(n) historic resource means demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of a (n) historical resource would be materially impaired.”
5. ‘Materially impaired’ means “Demolishes or materially alters in an adverse manner those physical characteristics of an historical resource that convey its historical significance and that justify its inclusion in, or eligibility for, inclusion in the California Register of Historical Resources.”

A critical and seriously debated topic for cities, design review boards, and historic neighborhoods nationwide has been exactly these questions and problems. The conventional analysis of new infill construction and its effect on historic surroundings is recognized today



as having been misguided and misapplied. A bibliography at the end of this report points to many of the scholarly papers and efforts in other cities to correct this erroneous analytical framework, and articulate what makes a new building appropriate and non-adverse for its historic neighbors.

The mistake has been twofold: “materially impaired” should not mean that the historic resources on neighboring properties or in a surrounding district would have to be demolished or destroyed in order for the Project to have adverse effect. These resources are not a part of the project of a new infill building to begin with.

Secondly, “materially impaired” does not mean that the neighboring properties or a surrounding district must lose so many defining characteristics that they lose their eligibility to be historic in order to have any adverse effect. A discussion of “materially impaired” should look at “those physical characteristics of an historical resources *and district (inserted by this writer)* that justified “its inclusion in, or eligibility for, inclusion in the California Register”. In other words, it should explain what about the district summarizes its characteristics, and how those characteristics can be supported and maintained.

Rather than ask whether entire buildings or districts would lose their eligibility for the Register because a single new building is built on a vacant lot, the proper question is: “would the new infill building—if it had been present at the time of the district boundaries—have qualified as a district contributor to the historic district?” “Would the district boundaries have been drawn to include it”—as with the May Company next door? The answer for the Alexan project is “no”. Thus, the Alexan Project if approved and built, would cause the significance of the historic district to be materially impaired.

### **Section 7 – Error: Analytical Framework Misapplies Standard #9 Of The Secretary Of The Interior Standards; Revised Preservation Brief #14 Is Today’s “Best Practice”**

The Addendum Historic Assessment next points to the Secretary of the Interior Standards for the Treatment of Historic Properties as the “useful analytical tool for understanding and describing the potential impacts of substantial changes to historic resources...Projects that comply with the Standards benefit from the regulatory presumption that they would have less than a significant impact on a historic resource.” (This last sentence cites CEQA Sec 15064(b)(3).)

Standard #9 is appropriate for looking at the Project’s direct physical effects on the adjacent May Company Building, and the Historic Assessment in 2006 and 2015 Addendum handled that well. The failing is in the interpretation of Standard #9 and its application to the Alexan’s effect on the surrounding highly significant historic environs:

- Using Standards #9 and #10 in the conventional way sets up a false sense that the Alexan Project cannot possibly have a significant adverse effect -- under this narrow view of the standards, the argument for the Alexan’s compatibility is that this a new construction project which purportedly doesn’t directly impair the materials of adjacent historic buildings (except for possible vibration effects and impacts to the May Company), or directly affect the physical characteristics of historic buildings or districts.

- The National Park Service—which is the Federal governmental agency which leads technical assistance for historic preservation and promulgates the Standards—clarified when revising its Preservation Brief #14 that “Although often asked about infill construction, because this is technically not a rehabilitation issue, the NPS does not have specific guidance that address this.”
- Current thinking is that the conventional use of Standard #9 (and #10), like the analysis for the Alexan project, to assess impacts on historic Districts has over time been a misapplication. This is described in more detail under Section 8.

**Section 8—Direct Impacts To Adjacent Historic Resources.** The MND Addendum Historic Assessment proceeds to assess impacts using Standards #9 and #10 of the Secretary of the Interior Standards. As noted above, the report does identify direct impacts, which must be mitigated.

**Table 8: Are Project Direct Impacts on Individual Historic Resources Accurately Analyzed in the Addendum?**

<b>Secretary of the Interior Standards</b>	<b>Is the Addendum Analysis Accurate?</b>
<b>Standard #9: “New additions, exterior alterations, or related new construction shall not destroy historic materials, features, and special relationships that characterize the property. The new 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.”</b>	<p><b>Accurate but misleading: Addendum states Project “will not demolish, rehabilitate, or relocate” any historic resource.</b></p> <p><b>While the statement is accurate, it is also misleading and an evasion because a Project that is a new building is by definition NOT an historic resource. The Project’s design is not compatible in massing, size, and scale with adjacent historic resources.</b></p>
<ul style="list-style-type: none"> <li>• <b>Infill 27 windows of the 157 windows at the south façade of</b></li> </ul>	<b>Inaccurate: Assessment states “Both the Approved Project and the Modified Project would alter the May Company to the North”, but argues that because the Modified Project</b>

the May Co.	fills in fewer windows than the “Approved” project, the impact is lessened and thus not an environmental effect. Having less of an impact than stated in an outdated MND does not remove the impact.
<ul style="list-style-type: none"> <li>Excavate adjacent to existing historic buildings</li> </ul>	Inaccurate: Excavation adjacent to existing buildings is mentioned as potentially damaging. In the “Approved Project” MND a Mitigation Measure was required for Vibration Protection and Design Review. The current design has a deeper garage excavation, and is inadequately described for impacts on neighboring properties, especially the May Company <i>(Note Mitigation Measures were issued late in a separate document after this comment was prepared)</i>
Standard #10: New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired”	Misleading: Discussion of Standard #10 – known in historic preservation as “reversibility”-- has no place in the discussion of a newly constructed high rise building. The investment in a high rise building is unlikely to be reversed (the building demolished) in a foreseeable future. Mitigation Missing: However, if reversibility is claimed to mitigate the filling in of windows at the May Company building, then a Mitigation Measure should be added so that at the end of the land lease—if the building is removed—the windows are reopened.

### **Section 9: Error: The Conclusion That There Are “No Impacts To Surrounding Historic Resources” Is Incorrect**

The Historic Assessment then asks whether the Alexan Project—which alters the surroundings of the Historic District—affects the National Register Historic District and the surrounding 4 important landmarks by its new construction. The Historic Assessment uses Standard #9 again to assess these “indirect impacts”.

The Historic Assessment concludes that “the proposed new building’s height will not significantly alter or detract from the historic character of the area and will not diminish the ability of any district contributor to convey its historic significance.” This conclusion is in error.

As noted above, the Addendum analysis implies that as long as adjacent historic buildings maintain their status, and the Broadway District maintains its historic status, there must have been no adverse effect.

The errors in reaching a conclusion of “no effect” are described point by point in the following tables:

**Table 9: Are Project Impacts on District Resources Accurately Analyzed in MND Addendum?**

<b>District features</b>	<b>Is the 2015/16 Historic Assessment Accurate?</b>
<b>Buildings built to street line with articulated facades and entrances oriented to the street. Pedestrian-oriented street frontages</b>	<b>Accurate:</b> Alexan proposed to be built to street line
<b>Significance of district contributors and their architectural articulation is largely conveyed by their primary street-facing facades along Broadway and 9th</b>	<p><b>Inaccurate:</b> Although this discussion does portray characteristics of buildings in this dense urban environment, it is not entirely correct, and thus leads to a wrong conclusion. Although buildings are indeed seen and experienced from the street, the historic district is also experienced from inside the buildings by the people inhabiting them; from a distance where towers provide important landmarking function.</p> <p>Many buildings also have character-defining ornamentation throughout the façade—not just at street level, and the Standards would never encourage its removal. The statement that differences in height above five or six floors are not discernable is untrue.</p> <p>The Alexan at 6 stories taller than previously approved represents a substantial change that causes a drastic height incompatibility and would substantially impact the character of the historic setting.</p>
<p><b>Architectural articulation largely confined to street-front facades. Side and rear-facing facades typically constructed with minimal articulation in anticipation of future adjoining buildings</b></p> <p><b>“Their historic significance is experienced primarily from the street whereby differences in height above five or six stories are not readily discerned.</b></p> <p><b>“The proposed new building will not detract from the historic character of the area ... all (district) contributors will remain intact and their street facades fully visible.”</b></p>	
<b>Building heights vary in the older nearby buildings, and newer buildings are taller</b>	
<b>Height of historic buildings generally no higher than 150’—the</b>	<b>Inaccurate:</b> The Eastern Columbia Building and other

<p><b>“height limit line” set by City Hall. Addendum argues that building heights aren’t always the same in historic buildings, and new building are being built that are taller.</b></p>	<p>buildings had non-habitable spires or towers.</p>
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## **Section 10 - Error: Standard #9 Analysis Finding Contemporary Building Compatible**

As discussed in Section 3, the Historic Assessment states: “The ...guidance provided by the Park Service for reviewing new construction that may affect an historic resource...be it...an infill building within an historic district, strives for the same outcome: a balance between compatibility and differentiation.”

This is a misinterpretation of the Standards. The Standards, when following best practices today, would find the differentiation of the over-height, glassy, tower slab-on-podium building to be the antithesis of compatibility.

The Historic Assessment falls into a conclusive fatal trap: “Like the Approved Project, the Modified Project will be clearly differentiated from the surrounding historic buildings by its contemporary design and modern materials.” By this statement alone, the Project would have an adverse effect on the historic environment.

The Historic Assessment cherry-picks through applicable design guidelines promulgated to protect Downtown’s historic character and guide new construction. By falsely stating compliance, and by omitting important guidelines, the Assessment gives a false impression of compliance.

**Table 10: Is Compatibility Measured by the Standards Accurate in MND Addendum?**

<b>Secretary of the Interior Standards</b>	<b>Is the MND Assessment Accurate?</b>
<p><b>Standard #9:... “new 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.”</b></p>	<p><b>Inaccurate:</b></p> <p>The project’s 30% height increase and 40% size increase from Approved Project make the project incompatible under Standard #9.</p>
<ul style="list-style-type: none"> <li>• <b>Massing: rectangular plan, solid six story</b></li> </ul>	<p><b>Inaccurate:</b> The massing fails in compatibility due to</p> <p>#1 The rectangular plan fails in compatibility because it is a modernistic slab rather than a conventional</p>

<p><b>massing of podium, pedestrian-oriented retail storefronts, articulation of adjacent and surrounding building</b></p>	<p>building body with wings</p> <p>#2 The treatment as an above-ground parking structure façade, not as a building with windows. The podium as an architectural massing is a non-existent type in the historic districts and in American architecture prior to the 1960's.</p> <p>#3 The attempt to articulate the façade has led to design improvement, but has not reached the level where it would pass a conventional Design Review. The articulation is consistent with mid-century modern horizontality, in direct contract to the vertical or balanced horizontal/vertical articulation of all of the Downtown historic buildings.</p>
<p>• <b><u>Base, shaft, and cap or base, middle, and top</u></b></p>	<p><b>Inaccurate:</b></p> <p>#1 The base of historic buildings was typically the entrance level plus a mezzanine, scaled to humans and accentuating the building entry and storefronts at street level. It was not a six story parking podium.</p> <p>#2 The building top was generally ornamented and highly detailed. The top was built up or stepped back from the overall massing-- often pyramidally or "bookend" massed as an accentuation of verticality, for Deco-period buildings, or articulated with a cornice or other ornament for Beaux Arts buildings. A brise-soleil at the Alexan is out-of character.</p> <p>#3 The middle was treated with masonry or a terra cotta façade, with deeply punched openings accentuated vertically in Deco and as framed horizontally and vertically in Beaux Arts building</p>
<p>• <b><u>Height</u></b></p>	<p><b>Fails, is a pre-eminent topic omitted from discussion:</b> The single most important component of compatibility is height. The Alexan height is virtually double its surrounding historic buildings. The increase in height of 6 stories from the 2007 Project is substantial and renders the project incompatible.</p>
<p>• <b><u>Materials</u></b></p>	<p><b>Inaccurate :</b></p> <p>#1 The materials of the historic district were predominantly "lithic"—based in earth materials such as stone, terra cotta, brick, cast stone (concrete) etc. The exterior wall had deep returns of the same materials, emphasizing solidity and permanence. The lithic materials were always "dressed", worked, ornamented, or otherwise developed in an architectural language to eliminate the bare and uncivilized basic materials. In the Alexan all materials are treated as thinly as possible, raw, and</p>

	<p>panelized like a clipped on curtain wall rather</p> <p>#2 The proportion of glass in punched window openings was often large, but nothing as large as at the Alexan. Glass is treated as the wall material in the Alexan, which is never the case in historic buildings of Downtown.</p>
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**Table 11- Compatibility Cited in MND Addendum as Measured by Compliance with Downtown Design Guidelines (Selected Items)**

<b>Downtown Design Guide</b>	<b>Project complies?</b>
<b>Above grade parking limited to 3 level</b>	No
<b>Townhouse units at 5<sup>th</sup> story</b>	No- See below
<b>Southeast corner of podium pulled 12' away from northwest corner of Eastern Columbia Building</b>	Yes
<b>Sidewalks and setbacks section: On Retail Streets...the building street wall shall be located at or within a few feet of the back of the required average sidewalk width.</b>	Yes
<b>Fig 3-2 shows ground floor retail sidewalk treatment with human-scaled punched wall opening with awnings, individual storefront /display windows, and no visible security grilles.</b>	No Alexan has block long glass curtain wall/storefront), thin uprights
<b>Wall openings such as storefront windows and doors, shall comprise at least 75% of a building's street level façade. Clear glass shall be used.</b>	The implication is that there is a wall and visible support at street level wall—not all glass
<b>If at least 50% of the building frontage along a block face is occupied by one or more designated Historic Resources, the average setback of any new building shall match the average setback of the Historic Resources</b>	No: Setback of 26' for the residential slab above the parking podium does not comply
<b>Parking, loading, or circulation located above the ground floor shall be 1) lined by habitable floor area along all street frontages or 2) if the project sponsor demonstrates that it is not feasible to line the parking with habitable space above the ground floor, integrated into the design of the building façade</b>	No
<b>Fig 5-1 diagram shows a maximum of 3 parking levels</b>	No

<b>Any portion of a building that is above 150’—the pre 1957 height limit Downtown, is subject to tower standards and guidelines</b>	No
<b>Monolithic slab-like structures that wall off views and overshadow the surrounding neighborhood are discouraged</b>	No
<b>Generally, buildings should maintain a consistent street wall</b>	No
<b>Figure 6-3 shows “Tower set into a Base”—Usually the tower rises above the base and steps back from the street wall 20’ or more. The minimum street wall must be met by the base This form is not generally preferred (authors emphasis)</b>	No
<b>Base in Historic Downtown required to be 75’ minimum- 6 stories high—at street front</b>	Yes

**Table 12- Compatibility as Measured by Compliance with Historic Downtown Design Guidelines Cited in MND**

<b>Historic Downtown Los Angeles Design Guidelines (HDTLADG)</b>	<b>Project complies?</b>
<b>Page 131: “respond to the existing building context within a block”</b>	No
<b>Page 129-131 “build to the street”</b>	Yes/ No
<b>Build on corner lots and vacant parking lots</b>	Yes

**Table 12 (cont’d) Compatibility Omitted as Measured by Compliance with Historic Downtown Design Guidelines Cited in MND**

<b>Historic Downtown Los Angeles Design Guidelines (HDTLADG)</b>	<b>Project complies?</b>
<b>P. 28 Hill Street regularity</b>	No
<b>Consult design professionals who have expertise in design within historic districts</b>	No
<b>Build consistently with the street wall, particularly at corner sites</b>	Yes, and No above podium
<b>Design new buildings to respond to the existing building context within a block.</b>	No—responds in an abstract way to heights, and uses balconies aggressively which are not found in historic buildings; openings have overwhelmingly large scale ; horizontal mid-century emphasis with exposed floor slab in contrast to vertical massing of Deco



	buildings or balanced vertical/horizontal massing of Beaux Arts buildings
<b>Use compatible types of masonry such as terra cotta when constructing new structures in Historic Downtown</b>	No- building is glassy materials, exposed concrete slabs, and panelized large scale materials
<b>“Hill Street has less spectacular decorative building ornament on its buildings than found elsewhere downtown. But what Hill Street lacks in brilliance, it makes up for in regularity, order, rhythm, and balance”</b>	No- building interrupts regularity of street. Busyness of façade “outshouts” the resolved aesthetics of all surrounding historic buildings
<b>Street wall: “The street wall in Hill Street remains fairly continuous throughout—is created by the lack of setbacks at the line of the sidewalk and by the consistent building heights that span from block to block”</b>	No- Alexan height is aggressively taller, interrupting the consistency of the district. The 26’ setback above the podium is a mid-century stylistic approach, has no relationship to block or U shaped historic buildings
<b>Scale: “The historic buildings... on Hill Street are the same as those on other streets, but their widths are slightly, yet consistently wider</b>	No – the width of the Alexan building with a horizontal treatment for over 200 feet of street frontage
<b>Scale: Storefront enclosure ensures that at night the entire lower façade does not assume the form of a metal roll-down door”</b>	Unclear
<b>Building Type and style: Building styles found on Hill Street include the classical Beaux Arts and Romanesque.</b>	No

**THE PROJECT’S IMPACTS ARE SIGNIFICANT  
WHEN ANALYZED USING BEST PRACTICES**

The interpretation of Standards #9 and 10 in the MND Addendum Historic Assessment to evaluate impacts of the Alexan DTLA provides an incomplete analysis and thus an erroneous conclusion. The cherry-picking through design guidelines to make a case for compatibility when the building is not compatible supports that erroneous conclusion.

- There are better analytical tools to analyze effects of new infill construction such as the Alexan on historic districts and adjacent historic buildings. They look not at whether a district’s or a building’s entire significance will be lost, or whether portions of a building or district will be materially damaged, but

whether the new building's form and integrity contributes to or does not harm the significance of the surrounding whole.

- Standard #9 has been re-examined and the National Park Service has issued new and corrected guidelines (“Revising Preservation Brief 14”), which recognize that the Standard itself was somewhat “off target” when evaluating new infill buildings in or adjacent to historic Districts.
- Standard #9 might be paraphrased to read “The new Alexan Project shall not destroy historic materials, features, and special relationships that characterize the District. The new Alexan Project shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features of the neighboring listed buildings and the buildings within the District boundary to protect the historic integrity of the District and environs.”

The revised Preservation Brief:

- “Does include a section on new additions in densely-built urban environments, which is much the same as infill construction...*Height and setback from the street should generally be consistent with those of the historic building and other surrounding buildings of the district.*” (This author’s italics)
- “Another topic that is not included in the brief because it is not a new addition is new construction on the site of an historic building or adjacent to a historic property. New construction as it relates to historic buildings may sometimes also be considered infill. It is reviewed in rehabilitation projects from the standpoint of how it impacts the character of the historic building and, when applicable, the historic district in which it is located. *The historic property must remain predominant.* “ (This author’s italics)

*The Alexan Project was not analyzed in the MND Addendum from this most critical perspective.* In fact, this perspective is the overarching most valid perspective for assessing the Project’s impacts on the overwhelmingly historic environs. *The Project’s violation of long-standing height limits and its predominance over the entire population of historic resources is the predominant analysis which the Addendum omitted and which should be addressed in an EIR.*

Nationwide the practice of using Standard #9 has been changing:

- Because experience showed that the “faking” of incompatible styles into historic districts was not a real problem, and “differentiation” was achievable with a “hyphen” or subtle materials changes, not a complete reversal of style.

- The real problem was compatibility of new construction and the necessity of allowing the historic buildings to remain whole, visible, and predominant. Most jurisdictions who have tackled the issue emphasize compatibility when it comes to district infill or adjacent new construction. **“Differentiation” is achieved by knowledgeable and nuanced design rather than stark contrast or aggressive cookie cutter contemporary design such as Alexan.**
- Because the adverse effects of new buildings affecting historic districts were not only the issues of rehabilitation (avoiding material damage and loss of historic features). They were the issues of the new building’s height, color, visual effect, design, setbacks, etc. **The historic consultant needed a broader focus and an understanding of district integrity.** Then the analysis could carefully elucidate whether new construction’s effect might divide a district; overwhelm the district buildings; draw attention away from the signature focus of the district; disrupt the patterning of lots and buildings of the district; etc.

**Table 13: Compatibility of Alexan Project using Preservation Brief #14:**

<b>Compatibility of new construction adjacent to historic buildings or district—Preservation Brief #14</b>	<b>Compatible?</b>
<b>Height consistent with those of historic buildings</b>	No
<b>Setback from the street should be consistent</b>	Yes and No
<b>Historic propert(ies) must remain predominant</b>	No

**National Park Service Integrity Guidelines:**

Appendix B of the Historic Assessment Memorandum cites the National Park Service definition of integrity as the appropriate standard to assess the integrity of an historic resource. If Standard #9 is used as the analytical tool, then the analysis should have described the character and integrity of the Broadway Commercial and Theater National Register District and the other surrounding historic resources and districts, and evaluated whether that integrity is enhanced or diminished by the Alexan DTLA Project. **As addressed in the table below, the Alexan Project fails on all counts.**

**Table 14: Effects from Alexan Project on District Integrity**

	<b>Description of Vicinity</b>	<b>Description of Project</b>	<b>Alexan Enhance District?</b>
<b><u>Design:</u> Combining of elements</b>	<b><u>Form:</u> Historic resources share an aesthetic which</b>	<b>Emphasis on horizontality and aesthetic emphasis on</b>	No

creating form, plan, space, structure and style	emphasizes the articulation of structure and civilizes it—most often emphasizing in the Deco period the verticality. Deep set windows with	raw projecting concrete slabs a modernistic and incompatible expression	
	<u>Plan:</u> Massing of buildings in dense urban areas generally involves an aesthetic base shaft and top. Greatest artistic expression is in pyramidal massing of Deco buildings and exuberance at base and top	Massing on “the matchbox and the muffin”—the 1960’s era podium building—is a direct contrast and conflict with historic resources. Using a podium to hide parking expresses the parking function of a building near street level, obscuring the opportunity for interaction of humans with urban life.	No
	<u>Plan:</u> Due to need for daylight in historic buildings for office, hotel, or residential use, the plan for certain sites involved a U shape oriented to the street or other form with wings.	Plan is a “slab plan”	No
	<u>Space:</u> Spaces, openings, entrances are shaped and appropriately scaled to human occupancy and relative importance	Abstract spaces with human scale unimportant. Focus on looking out exclusively--entire glass walls abstract and dematerialize space. Lobbies and retail spaces architecturally unshaped—shell spaces which get veneered with materials	No

	<b>Style:</b> The styles in the District stem from the eras preceding, during, and after the Depression--predominantly Beaux Arts and Art Deco.	The style of the building is mid-century modern revival, recalling the post-war development of Los Angeles residences.	No
	<b>Structure:</b> The use of steel and concrete structures, as opposed to the bearing wall structures of earlier eras, characterize the District. The structures are always clad in a unit material	The proposed Project does not clad the building—as in post 1960’s buildings, the exterior is a “skin” hung beyond in large panels, arranged as if a 2D drawing rather than as a work of architecture.	No
<b>Setting:</b> Physical environment	Urbanistic features addressed above... Street wall created urbanistically has articulated planes. Balconies are rarely if ever found, except as a feature integrated into	Use of balconies and accentuation of unadorned “layer cake” floor slabs	No
<b>Materials:</b> Physical materials and their use and configuration	<b>Exterior façade:</b> Visible materials employed for cladding are “lithic” or originating from earth—terra cotta, stone, concrete.	<b>Exterior façade:</b> Exterior materials are predominantly glass. Horizontal expression of projecting floor slabs.	No
	<b>Exterior façade:</b> Configuration of glass is deep set, often with spandrels of a differing material	<b>Exterior façade:</b> Modern planar treatment of glass and other materials as a thin and taut stretched “skin”	No
	<b>Exterior façade:</b> Proportion of glass		No
<b>Workmanship</b>	Craftsmanship and	Elimination of craft and	No

<b>p: Physical evidence of crafts from given period</b>	<b>“hand of man” evident is ornamentation: all buildings provide extensive high-quality materials with artistically designed ornament in a known language of ornament.</b>	<b>art—emphasis on assembling factory-made planar parts</b>	
	<b>Concentration of ornament at specific locations: Ornament is visible, principally owing to its use at bases (public entrances), principal facades, and “crowns” (tops) of buildings</b>	<b>Absence of scale and detail at any level- large scale planar finishes</b>	No
	<b>Workmanship is evident in the use of materials which can be handled by a man—unit masonry and terra cotta for example;</b>	<b>Giant scale in panelized building materials</b>	No
<b><u>Feeling:</u> Expression of the time</b>	<b>The era of the 1920’s and 30’s buildings expressed optimism and exuberance in verticality—a celebration of building height (with elevators and new structural systems)</b>	<b>Mid century modern revival that is currently in vogue harks back to the late 1950’s and 60’s Los Angeles residences with horizontal expression</b>	No
<b><u>Association:</u> Direct link to important event or person</b>	<b>Connection to local historical development of downtown LA at a time when the center city around Spring Street and</b>	<b>Mid-century modern revival style has no connection to Los Angeles downtown</b>	No

	<b>Broadway was indeed the center for retail and merchandising, for finance, for theater and movies, etc.</b>		
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**Analysis: Los Angeles CEQA Thresholds Guide- Aesthetics:**

The Alexan meets the threshold for a significant impact on aesthetics. The Los Angeles CEQA Thresholds Guide states:

“Urban features that may contribute to a valued aesthetic character or image include: structures of architectural or historic significance or visual prominence; consistent design elements (such as setbacks, massing, height, and signage)...Aesthetic character may be purposely generated, nurtured, or preserved, as is the case with City-generated scenic corridors and historical districts...The introduction of contrasting features or development into aesthetically valued urban areas can overpower familiar features, eliminate context or associations with history, or create visual discord where there have been apparent efforts to maintain or promote a thematic or consistent character.”

The impact to aesthetic views of historical resources is significant when “The amount or relative proportion of existing features or elements that substantially contribute to the valued visual character or image of a neighborhood, community, or localized area, . . . would be removed, altered, or demolished[.]” (L.A. CEQA Thresholds Guide, at p. A.1-3[.] )

**Table 16: Alexan Project Significant Impacts Under LA CEQA Thresholds Guide**

<b>Los Angeles CEQA Thresholds Guide</b>	<b>Is Project compliant?</b>
<b><u>Preservation of aesthetic character of district</u></b>	No
<b><u>Do not introduce features to overpower</u></b>	No Alexan <b>substantially</b> overpowers the adjacent Eastern Columbia building and neighboring historic buildings due to its massive height and bulk.
<b><u>Do not create visual discord</u></b>	No.

	Project creates visual discord with surroundings due to modern sub-slab architecture and height and mass that is out of scale with surrounding historic buildings.
<u><b>Altering views valued for visual character</b></u> <b>The impact to aesthetic views of historical resources is significant when “The amount or relative proportion of existing features or elements that substantially contribute to the valued visual character or image of a neighborhood, community, or localized area, . . . would be removed, altered, or demolished[.]” (L.A. CEQA Thresholds Guide, at p. A.1-3[.])</b>	<p>No.</p> <p>The impacts to the Eastern Columbia Building are significant, and the visual character of the building and surrounding historic properties will be substantially altered because they will be effectively dwarfed, and significantly blocked, by this behemoth development project. The height, bulk, and spacing of the project in relation to the Eastern Columbia Building would remove the historic landmark from the view shed of the public, and is thus a significant impact under the Thresholds.</p>
<u><b>Compatibility of massing, size, scale and architectural features</b></u> <b>“If new construction is proposed, give key consideration to compatibility with the massing, size, scale, and architectural features of the historical resources.”</b>	No
<u><b>New construction reduce viability of a district</b></u> <b>Determine the impacts to the setting and character of the area as well as whether the new construction might indirectly reduce the viability of a district or grouping of historic resources. (Page D 3-5)</b>	<p>No.</p> <p>The impacts to the historic setting of the Eastern Columbia Building and neighboring historic resources will be substantial due to the new Alexan having the</p>



	potential to reduce the viability of the historic district and the grouping of the nearby historic resources.
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## ***Section IV***

### ***Mitigation Measures***

Further, both the 2006/7 MND and this 2015/16 MND provide an unacceptable Mitigation Measure that “kicks the can down the road”. According to the mitigation measure, in order for the design of the building to be compatible with adjacent historic resources, a qualified preservation architect must review the plans after approval and prior to issuance of building permits. However, as addressed in this report, the core elements of height, massing, placement of the tower and configuration are already incompatible with adjacent historic resources. Thus, the mitigation measure is unacceptable and infeasible to mitigate significant impacts. Only minor design changes should be reviewed in this type of post-approval mitigation, and even then, only when it is clear that such measures will in fact be enforced to protect the adjacent resources. Such a potential mitigation measure might be considered a satisfactory solution:

- when a proposed project is not as egregiously out of character
- when the future clearance is delegated to a Preservation Officer – perhaps at the State level because of the National Register District.
- when the mitigation is required in steps—at Schematic Design, Design Development, and Construction Documents.

## Section V - Figures

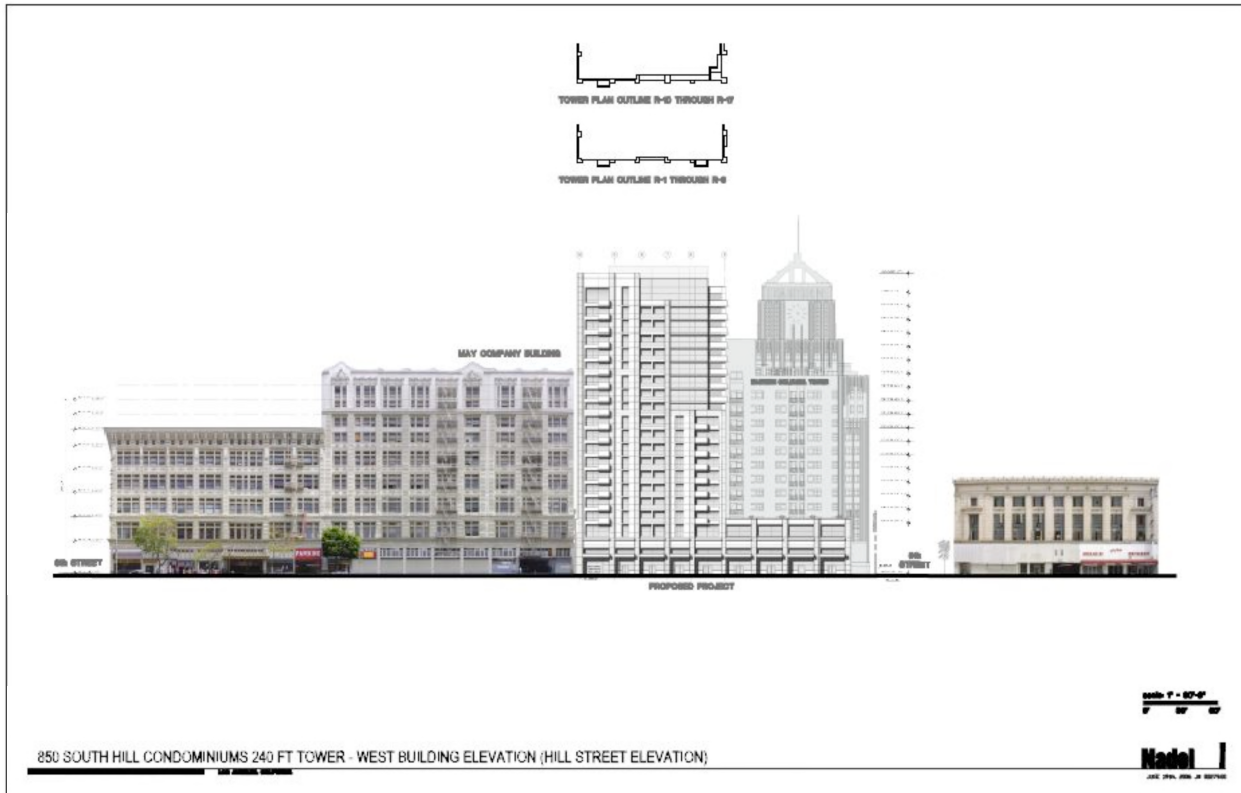


Figure I - The 2006 design assessed in the 2006 MND is shorter and offset to the Eastern Columbia Building, thereby not obscuring the historic view of the clock tower.



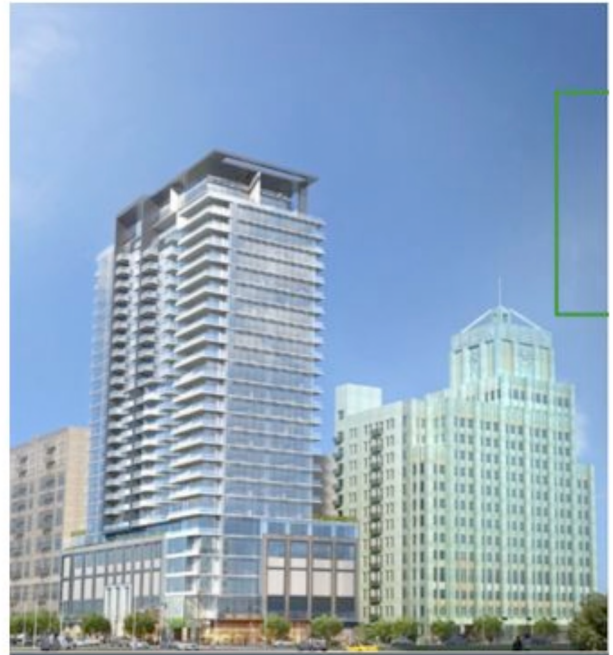
Figure II - View of the Hamburgers/May Company building seen from corner of Hills Street and 8th Street, which is the only present angle that the view of the clock tower is blocked. The original design's tower height and location would have had a much smaller impact as the historic view was partially blocked from this location. By moving the tower to

*the South, the new design covers the Western face of the clock tower blocking the historic view. (Photo was taken from the Northwest corner 8th and Hill.)*

Current



View Looking North on Hill Street



*Figure III - The Addendum provided several discrepancies in depicting the views to the Eastern Columbia Building due to the new design. As seen on the left, the addendum depicts as a view from Hill Street, which is really looking Northeast from Ninth Street. The specific view is likely simulated from what could be window of the building situated on the Southwest corner. The clock tower would not be visible if the view was actually from 9th Street as the angle would cause it to be obscured by the proposed tower in the new design. These images obscure the true views of the building, making the visibility of the Eastern Columbia actually larger than it would be.*

## ***Section VI***

### ***Conclusion***

Based on the foregoing analysis, this report concludes that the differences in project design between the Alexan Project as addressed in the Addendum, and the 2007 Project analyzed in the 2007 MND, cause significant unmitigated impacts to historic resources. The Alexan Project's significant impacts to historic resources were not addressed in the MND nor properly addressed in the Addendum and should be fully addressed in a comprehensive Environmental Impact Report.

## ***Section VII***

### ***Bibliography***

#### **Reports:**

Chattel Architecture.....Historic Resources Assessment and Impacts for 850 S. Hill Street © June 27, 2006

Historic Resources Group ..... Historic Assessment 850 S. Hill Street © January 9, 2016

National Park Service...National Register Inventory for Broadway Theater and Commercial District Sept. 12, 1978

Parker Environmental Consultants .....Alexan Project Initial Study/Addendum © April 22, 2016

#### **Other Official Records:**

Los Angeles County Assessors Office Maps and Tax Records

Los Angeles City Building Permits

MAP 1

## Central City Community

"The Historic Core, extending from **First Street** to approximately **Eleventh Street** between **Los Angeles** and **Hill Street** grew out of the expansion of the "pueblo" of Los Angeles in the 1800's."

(Central City Community Plan I-9)

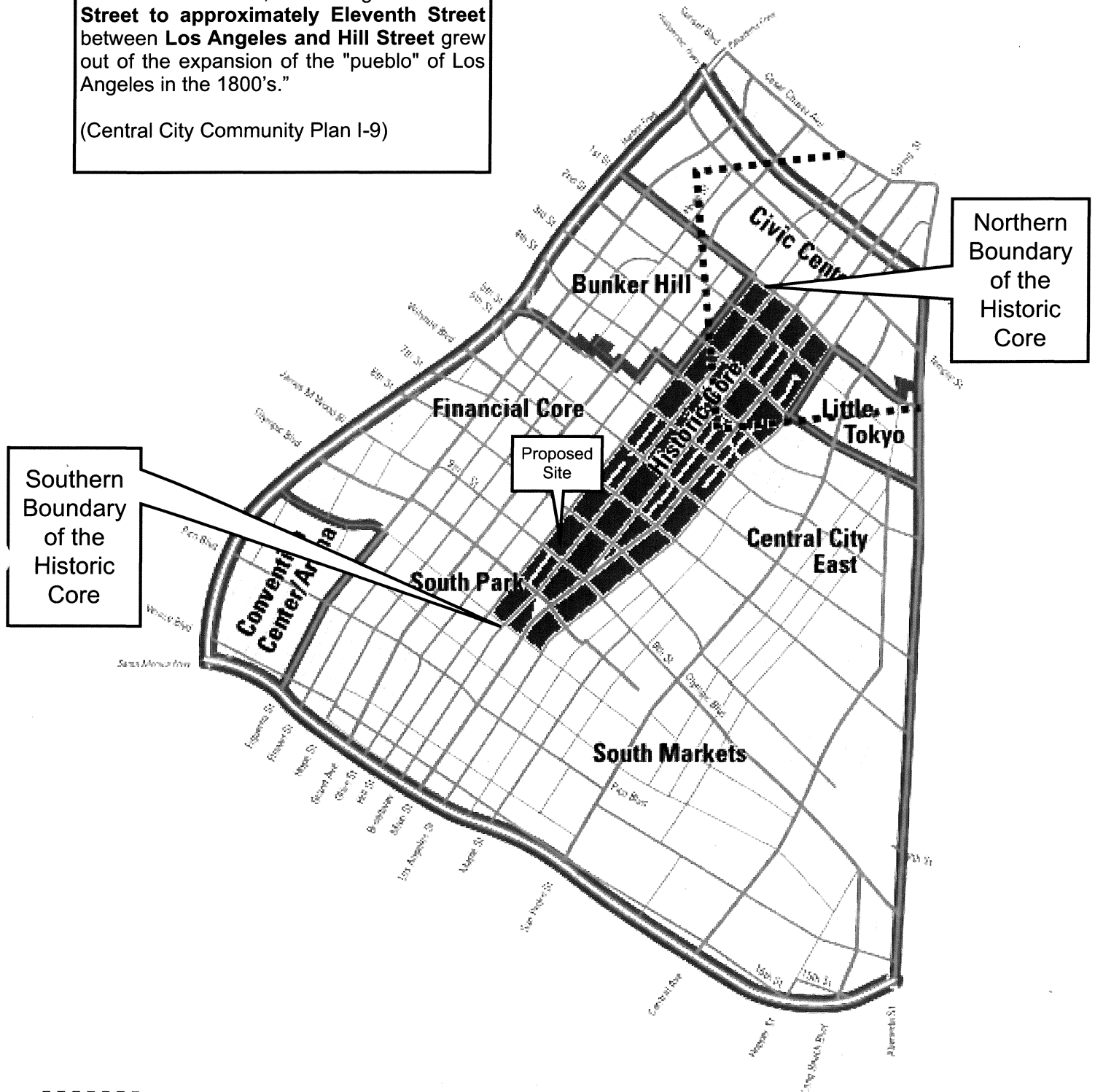


Figure 1  
Downtown Neighborhoods & Districts



MAP 2



Redevelopment  
Project

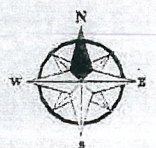
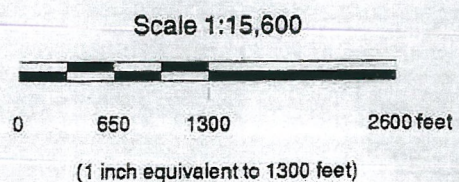
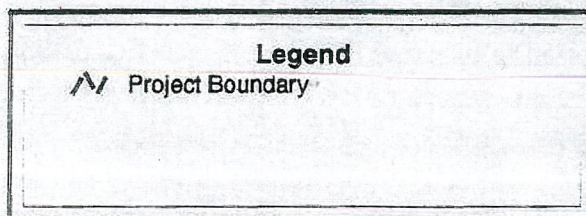
Exhibit 6

Community  
Redevelopment  
Agency

City  
of  
Los Angeles



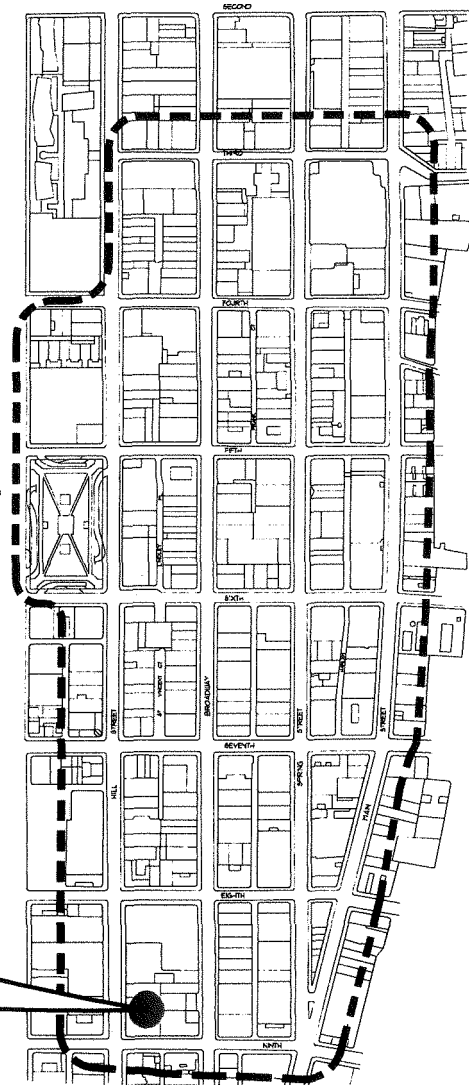
Prepared by  
CRA GIS Team  
May 2002





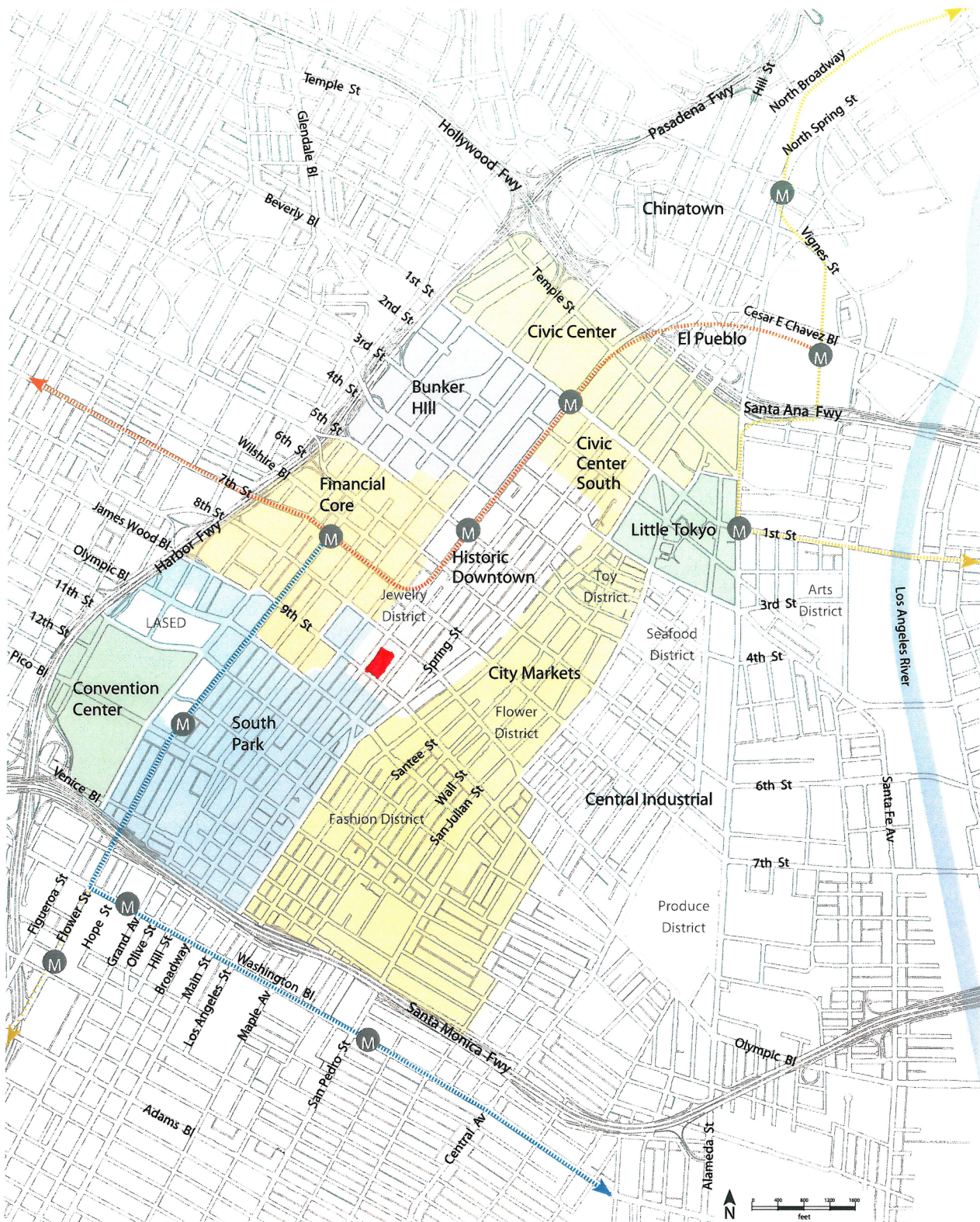
MAP 3

STUDY  
AREA  
BOUNDARY



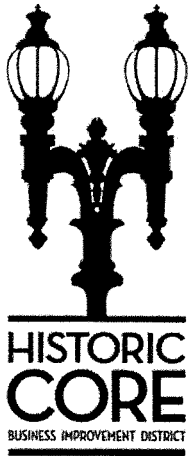
## Proposed Site

MAP 4

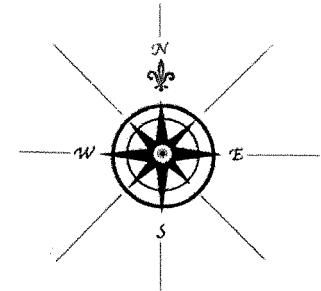
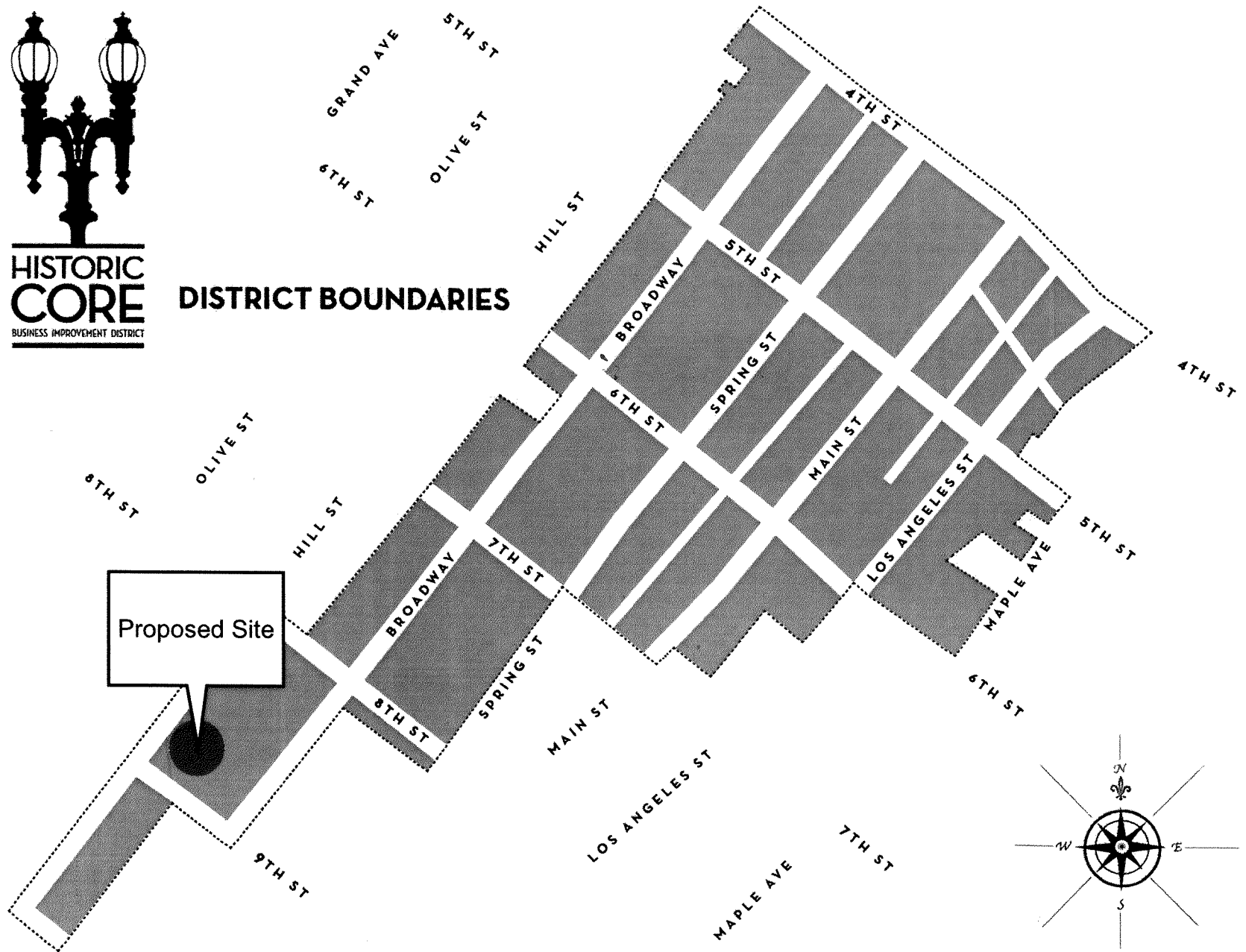


**Figure 1-1** The Design Guide Applies to the Highlighted Districts

MAP 5



## DISTRICT BOUNDARIES



MAP 6

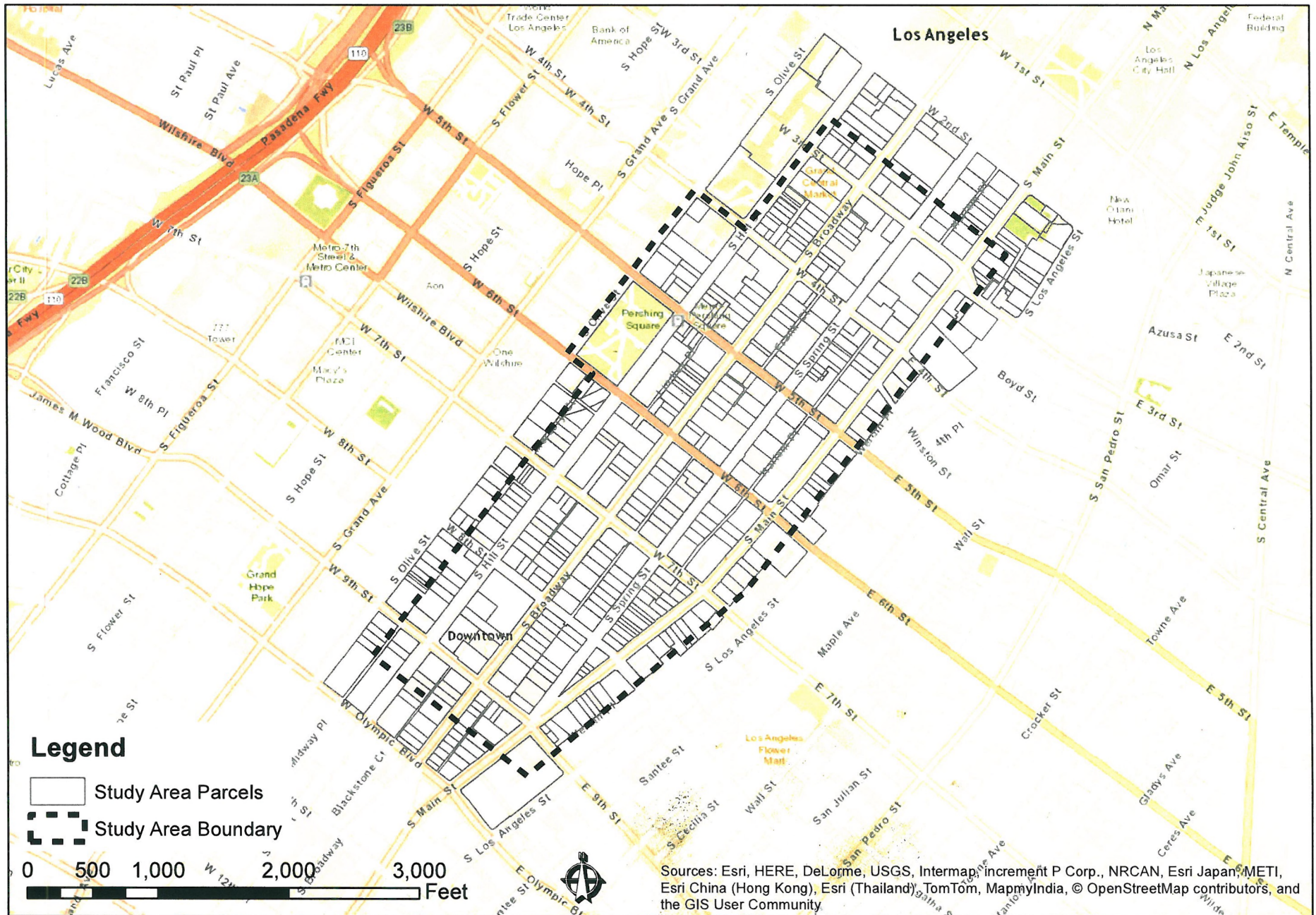






MAP 7

# HISTORIC RESOURCE SURVEY BOUNDARY MAP



# Charles J. Fisher

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## Summary of qualifications

A versatile and independent professional with extensive skills in the historic preservation of real estate preservation, including research, documentation, advocacy. Accomplishments include the successful nomination of over 160 Los Angeles Historic Cultural Monuments, and spearheading the establishment of the Highland Park Historic Preservation Overlay Zone, the largest HPOZ in the city of Los Angeles, and the first HPOZ in Los Angeles to include a commercial district. Steps in creating the HPOZ involved initial advocacy, working with city officials to authorize an historic survey, supplemental research on contributing structures. Demonstrated ability in researching and standardizing data for information systems. An enthusiastic and innovative problem solver who produces quality work and gets along well with others. Three-time President of the Highland Park Heritage Trust; Chair of the Highland Park Historic Preservation Overlay Zone Design Review Board; a founding member of the Los Angeles HPOZ Alliance; serving two years as the President of the Heritage Coalition of Southern California (2005-2006); Co-Chair (with The Late David Cameron) of the Cultural Resources Committee of the Los Angeles Conservancy (1991-1996); Commercial Chair for the Los Angeles Conservancy Modern (Modcom) committee (2009-2011); Presently serving as Vice Chairman for the Los Angeles Conservancy Modern (Modcom) Committee. Serve on Land Use Committee, Historic Highland Park Neighborhood Council (2010-Present).

## Professional experience

2005 - Present                      Historian (on call) with ICF International, LA office

2004 – Present                      Historian 4 Hire                      Los Angeles, CA

### Historical Research, Preservation Advocacy

- Successfully researched, submitted and or advocated over 155 Historic Cultural Monument nominations for the City of Los Angeles, starting in 1987 along with three in Ventura County.
- Extensive advocacy to Neighborhood Councils on historic issues.
- Preparing and filing Mills Act applications for owners of historic properties.
- Successful nominations result in increased property values and change of use in terms of adaptive reuse, resulting in entire districts improved.
- Preparing numerous historic resource reports required by redevelopment agencies under California Environmental Quality Act (CEQA).
- Clients include The Art Deco Society of Los Angeles (Firestone Tire Building, HCM 1020), Murray Burns, president of the Historic Preservation Overlay Zone Alliance (Arthur B. Benton Residence, HCM 827, Marshall Flats, HCM 823, and Mary Stilson Residence, HCM 824); Ambassador-Hill Association (Franklin T. Briles Residence, HCM 809); St. Andrews Square Association (J. A. Howsley House, HCM 805, Ernest Borgmeyer House, HCM 810); Silver Lake Homeowners Association (Modification of Disney Site to Include Site of the Animators School HCM 163). Notable nominations include Santa Fe's Arroyo Seco Bridge, HCM 339 (Adapted

for the MTA Gold Line); the Zeigler Estate, HCM 416 (now on the National Register of Historic Places); Casa de Adobe, HCM 493 (re-nominated after original nomination failed); Hodel Residence and Tea House, HCM 802, designed and built by famed Russian architect Alexander Zelenko; Octagon House, HCM 413 (Heritage Square) and identifying and nominating the Purviance Residence, a previously unknown early work by R M Schindler, HCM 844, The Los Angeles Department of Water and Power General Office Building, HCM 1022, for the Los Angeles Conservancy Modern Committee (See list of nominations, attached)

1976 – 2004 Transamerica Real Estate Tax Service CA

**Supervisor of Bonds and Assessments (Coordinator II)**

- Responsible for maintenance and utilization of the automated files for improvement bond information for over 100 government agencies. Extensively utilized computer and word processing applications.
- Created, compiled and maintained automated bond plant for Los Angeles division, coordinated all billing for customers on improvement bonds and irrigation districts
- Cut down penalty losses in department by over 95%,
- Processed over 35,000 conversion new orders annually

**Real Estate Tax Examiner**

- Worked extensively with property tax maps and legal descriptions. Learned in real world how to do property research.
- Processed an average of 250 to 300 orders daily

**Publications and Lectures**

Highland Park (Images of America), © 2008, Arcadia Publishing, Charleston, SC, ISBN 978-0-7385-5570-6

Garvanza (Images of America), © 2010, Arcadia Publishing, Charleston, SC, ISBN 978-0-7385-8120-0

Currently in draft form, an updated book of Los Angeles Historic Cultural Monuments. Numerous published photographs of landmark buildings in Los Angeles. Extensive use of original language written for monument descriptions included in the book Landmark L.A. published by Cultural Heritage Commission, edited by Jeffrey Herr. Presentations include talks on both preservation issues and historical subjects.

Lectures on various historic subjects, including historic buildings, architects, local history and Charles Fletcher Lummis

**Education**

1975 – 1976 California State University Los Angeles, CA

**Baccalaureate work for Pre-Law, Political Science**

1971 - 1974 East Los Angeles College Los Angeles, CA

**Associate of Arts, Political Science**

**Awards received**

City of Los Angeles Citation for research and Historic Cultural Monument nomination on The Black Cat, HCM 939 (2009)

California Preservation Foundation Award for research on Palomar Hotel

(2006)

Los Angeles Conservancy Preservation Award for research on Palomar Hotel (2006)

Los Angeles Conservancy Preservation Award for research on St. George Hotel (2005)

Certificate of Appreciation from Highland Park Heritage Trust (2000)

California Preservation Foundation Award for Historic Work on Arroyo Seco Bridge (1997)

Certificate of Appreciation for HPOZ work from Los Angeles Conservancy (1996)

Outstanding Contribution to Preservation from the Los Angeles Cultural Heritage Commission (1996)

USC School of Architecture Spirit of Preservation Award (1995) (second recipient)

Certificate of Merit for renewal work from Los Angeles City Council District One (1992)

Certificate of Appreciation Eagle Rock Valley Historical Society (1992)

Certificate of Appreciation from Los Angeles Conservancy (1990)

**H.C.M.s I have Written and or Researched and Advocated  
In the City of Los Angeles**

- #163, Site of Walt Disney Studio (Wrote a nomination in 2005 to annex the site of the animators school.)
- #338, Drake House
- #339, Santa Fe's Arroyo Seco Bridge
- #366, Latter House and Arroyo Stone Wall
- #369, Johnson House and Arroyo Stone Wall
- #370, Herivel House and Arroyo Stone Wall
- #371, Tustin House and Arroyo Stone Wall
- #372, Mary P. Field House and Arroyo Stone Wall
- #373, Arroyo Stone House and Arroyo Stone Wall
- #374, G. W. E. Griffith House
- #375, Putnam House
- #376, William U. Smith House and Arroyo Stone Wall
- #377, Ollie Tract (except Lot 7)
- #378, Wheeler-Smith House
- #379, Morrell House
- #380, Reeves House
- #389, C. M. Church House
- #392, Treehaven, Guest House and Grounds
- #393, Wiles House and Grounds
- #394, Ernest Bent/Florence Bent Halstead and Grounds
- #395, H. Stanley Bent House (Including Carriage House and Front Fountain)
- #400, Sunrise Court
- #402, Frederic M. Ashley House
- #404, Los Angeles Railway Huron Substation
- #411, Robert Edmund Williams House (Hathaway Home for Children)
- #412, Garvanza Pumping Station and Site of Highland Reservoir

#413, Octagon House (Heritage Square)

#416, Ziegler Estate

#418, George W. Wilson Estate (Site of - Destroyed by Fire on December 14, 1989)

#437, A. H. Judson Estate (Site of - Demolished in 1992)

#442, Albion Cottages and Milagro Market

#443, Bowman Residence (Exterior only)

#464, Fargo House

#469, Ivar I. Phillips Dwelling

#470, Ivar I. Phillips Residence

#481, Mauer House

#482, Arthur S. Bent House

#483, J. B. Merrill House

#491, James B. Booth Residence and Carriage House

#492, Arroyo Seco Bank Building

#493, Casa de Adobe

#494, Kelman Residence and Carriage Barn

#503, Wachtel Studio-Home and Eucalyptus Grove

#508, Gilmore Gasoline Service Station

#516, St. Johns Episcopal Church

#528, Dr. Franklin S. Whaley Residence

#529, Montecito View House

#539, J. E. Maxwell Residence

#540, Piper House (Site of - Destroyed by Fire in 1992)

#541, Reverend Williel Thomson Residence

#549, Highland Theatre Building

#550, A. J. Madison House

#556, Charlie and Nettie Williams Home

#558, Department of Water and Power Distributing Station No. 2



#564, E. A. Spencer Estate

#565, Charles H. Greenshaw Residence

#575, Security Trust and Savings Bank (Highland Park Branch)

#581, York Boulevard State Bank - Bank of America and Store Fronts

#582, W. F. Poor Residence

#585, Occidental College Hall of Letters Building (Savoy Apartments)

#611, Minster Residence

#612, Bircher-Share Residence

#613, Scholfield House

#614, Welford House

#778, Murdock Residence

#781, Mills Cottage

#796, Jacobsen Duplex

#802, Hodel Residence and Tea House

#805, J. A. Howsley House

#809, Franklin T. Briles Residence

#810, Edward J. Borgmeyer House

#823, Marshall Flats

#824, Mary Stilson Residence

#827, Arthur B. Benton Residence

#839, Paul Landacre Cabin

#840, Amsalem A. Ernst House

#844, Purviance Residence

#849, Nickel-Leong Mansion

#854, Cline Residence and Museum

#855, Statton Residence

#858, One Hundred North Sycamore

#859, Orchard Gables Cottage

#861, Monsignor O'Brien House

#868, O'Neil Duplex No. 1

#870, San Marino Villas (Site of - Illegally Demolished in 2014)

#872, Raphael Junction Block Building (New York Suspender Factory-California Ice Company)

#874, Garber House

#877, Wilkins House

#878, Arwin Manor

#889, McNary House

#890, Waite Residence

#893, Castera Residence

#894, Monroe Cottage

#897, Haven of Rest

#899, Charles C. Chapman Building

#913, Blackburn Residence

#915, Victor Rossetti Residence

#916, Petitfils Residence

#922, Edward A. "Tink" Adams House

#923, Kennedy-Solow Residence

#924, Bigford Residence

#929, Oliver Flats

#927, Sturdevant Bungalow

#928, Chateau Alpine

#931, Castle Crag

#932, Clarence G. Badger Residence

#939, The Black Cat

#943, Heerman Estate

#944, Hermon Car Wall

#949, Bank of America – Echo Park Branch

#950, Original Echo Park Clubhouse

#951, James F. Real Studio-Office

#952, Kaye Residence

#971, Villa Palombo-Togneri

#972, Shire Art House

#973, Henry Shire Residence

#979, Venice West Café

#984, Spreckels Building

#975, Sun Realty Building

#986, Lento Brick Court

#992, T. R. Craig Residence “Peppergate Ranch”

#994, Arensberg-Stendahl Home Gallery

#996, Garden of Oz

#997, Clifford Clinton Residence

#998, Boettcher House

#999, Marsh Duplex

#1004, Richard Henry Dana Branch Library

#1009, Heritage Square Museum (Contributed to nomination)

#1010, North Sycamore Chateau

#1015, Stein House

#1017, Young-Gribbling Residence

#1018, Thorsen Residence

#1020, Firestone Tire Building

#1022, Los Angeles Department of Water and Power General Office Building (aka The John Ferraro Building)

#1024, Lechner House

#1025, Durex Model Home

#1026, Sherwood House

#1027, John Ansen Ford Residence

#1028, Stewart Farmhouse (Nomination written by West Adams Heritage Association, wrote earlier report on the history and significance of the house)

#1037, Southaven

#1038, Gibbons-Del Rio Residence

#1041, Donnelly House

#1061, Abraham Gore Residence

#1068, J. W. Blank Residence

#1069, Hlaffer-Courcier Residence

#1070, The Polynesian

#1071, York Boulevard Church of Christ

#1073, Charles C. Hurd Residence

#1083 Zeiger House

#1084 Villa Manola

#1090 Wilshire Professional Building

#1094 Gillespie House

#1097 Fifth Church of Christ Scientist

#1099 Fernbacher Flats

#1100 Polito House

#1103 Sheldon-Graves House

#1104 Hammers Residence

#1109 Casa de Mi Sueño

#1110 Restovich House

#1114 Redwine Building

#1116 Albert Van Luit Complex

#1117 Welfer Residence

#1130 Hollywood Palladium

**Approved by Cultural Heritage Commission**

**Under consideration by Cultural Heritage Commission**

Norton Court

Norton Flats

**Submitted to Cultural Heritage Commission**

Chateau Emanuel

F and W Grand Silver Store Building

Hollywood Reporter Building

Holt House

Lindsay Olive Orchard

Schaefer House

Spinning Wheel Apartments

**Landmarks I have Written and or Researched and Advocated  
in the City of Sierra Madre**

#49 Blumer Farmhouse

#51 Webster House

**Landmarks I have Written and or Researched and Advocated  
In the County of Ventura**

#169 William Ford Residence

#170 Acacia Mansion

**Under consideration by Ventura County Cultural Heritage Commission**

**Landmarks I have Written and or Researched and Advocated  
In the City of Ojai**

#20 Arbolada Residence "B"