

Appendix J

LA Conservancy NOP Comment Letter



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December 21, 2020

Sent Electronically

Mr. Bradley Furuya
City of Los Angeles, Department of City Planning
221 N. Figueroa Street, Room 1350
Los Angeles, CA 90012
Email: Bradley.furuya@lacity.org

RE: Notice of Preparation for the 11973 San Vicente Boulevard Project Draft Environmental Impact Report

Dear Mr. Furuya:

On behalf of the Los Angeles Conservancy, I am writing to comment on the Notice of Preparation (NOP) for the 11973 San Vicente Boulevard Project. The subject property, also known as the Barry Building, is Historic-Cultural Monument (HCM) #887.

The Los Angeles Conservancy is extremely concerned by the proposed demolition of a designated HCM for no other reason than to clear the lot without an identified replacement project. Such action creates a dangerous precedent and incentivizes future property owners from pursuing similar outcomes, as well as encouraging demolition by neglect. Should the City of Los Angeles approve the proposed demolition of this HCM without a replacement project, it will severely erode protections upheld by the City's historic preservation program and result in a potential circumvention of the California Environmental Quality Act (CEQA).

I. 11973 San Vicente Boulevard, known as the Barry Building, is a designated Historic-Cultural Monument.

Completed in 1951 and designed by local architect Milton Caughey for owner David Barry. The Barry Building is an excellent example of Mid-Century Modern commercial architecture. The building incorporates elements of the International Style, that include an elevated second story, clean lines, a horizontal orientation, and an interior courtyard with cantilevered stairways.



In 2007, the City of Los Angeles designated the Barry Building as Historic-Cultural Monument #887 because it is an excellent and intact example of Mid-Century Modern Architecture.

II. Demolition by neglect is being used as a tactic to circumvent historic preservation regulations and CEQA.

For over ten years the property owners, that includes Charles T. Munger, has sought to demolish the historic Barry Building. Redevelopment plans have varied from condominiums to retail complexes, and each of these iterations have included the complete demolition of HCM #887.

In 2012, the City released its Final EIR for the Green Hollow Square Project, which called for the demolition of the Barry Building as well as altering the Coral Tree Median (HCM #148). Countless neighborhood advocates voiced their opposition to the project which prompted then Councilmember Bill Rosendahl to voice his opposition. Throughout the EIR process a clear preservation alternative emerged that would have allowed for the retention and reuse of the Barry Building alongside proposed new development. The owner rejected this despite its meeting a majority of identified project objectives. Unwilling to compromise or consider alternatives, in 2013 the owners requested to withdraw their zoning entitlements request, thus ending the proposed Green Hollow Square Project.

In 2016, the property owners used seismic concerns as a means to evict its commercial tenants. Since their eviction the property has remained boarded up and neglected. Overtime, character defining features that included metal window shutters have been removed or disappeared from the property. This action was not approved or reviewed by the City's Office of Historic Resources staff.

Such actions are undoubtedly demolition by neglect which occurs when property owners intentionally allow a historic property to suffer severe deterioration, potentially beyond the point of repair. Property owners who take this approach often use it as a means to circumvent historic preservation regulations and to later justify total demolition of historic resources. Should the City reward this behavior by granting demolition, it is setting a dangerous precedent for future proposed demolitions of Los Angeles's historic resources. Such actions are occurring with greater frequency so we urge the City to stand firm in this case and pursue actionable demolition be neglect deterrents.

III. Alternatives to the proposed demolition of the Barry Building must be considered.

A key policy under the California Environmental Quality Act (CEQA) is the lead agency's duty to "take all action necessary to provide the people of this state with historic environmental qualities and preserve for future generations examples of major periods of California history."¹ To this end, CEQA "requires public agencies to deny approval of a project with significant adverse

¹Public Resource Code, Sec. 21001 (b), (c).



effects when feasible alternatives or feasible mitigation measures can substantially lessen such effects.”² The fact that an environmentally superior alternative may be more costly or fails to meet all project objectives does not necessarily render it infeasible under CEQA.³ Reasonable alternatives must be considered “even if they substantially impede the project or are more costly.”⁴ Likewise, findings of alternative feasibility or infeasibility must be supported by substantial evidence.⁵

Demolition of the Barry Building without a replacement project is a blatant violation of CEQA. The proposed project is completely unnecessary and an effort to circumvent historic preservation regulation for its future development. It is the City’s duty as the lead agency to deny the proposed project as stated by CEQA law.

As with the proposed Green Hollow Square Project, a preservation alternative remains feasible for the applicant. Such an alternative works in tandem with new development. Historic Preservation and new development are not mutually exclusive. Successful preservation for the Barry Building is a “win-win” solution whereby the historic building can be rehabilitated and sensitive new development may occur on the vacant portion of the parcel.

IV. Conclusion

The Conservancy strongly opposes the demolition of the historic Barry Building HCM #887. The proposed demolition with no replacement project is in strict violation of CEQA law and therefore must be denied by the lead agency. For nearly a decade the Conservancy has advocated for “win-win” solutions for the Barry Building and we remain committed to this outcome.

The Conservancy urges the City of Los Angeles to reconsider its current environmental review process for this proposal as a replacement project as necessary, in addition to the full exploration of adaptive reuse alternatives. The proposed demolition of the Barry Building is unnecessary and will create a harmful precedent. Such a precedent undermines all efforts of the Office of Historic Resources and the City’s historic preservation program

The Conservancy welcomes an opportunity to work with the City and the applicant to determine how potential preservation alternatives and a “win-win” outcome can be achieved.

About the Los Angeles Conservancy:

The Los Angeles Conservancy is the largest local historic preservation organization in the United States, with nearly 5,000 members throughout the Los Angeles area. Established in 1978, the

² *Sierra Club v. Gilroy City Council* (1990) 222 Cal.App.3d 30, 41; also see Public Resources Code §§ 21002, 21002.1.

³ Guideline § 15126.6(a).

⁴ *San Bernardino Valley Audubon Soc’y v. County of San Bernardino* (1984), 155 Cal.App.3d 738, 750; Guideline § 15126(d)(1).

⁵ Public Resources Code § 21081.5.



Conservancy works to preserve and revitalize the significant architectural and cultural heritage of Los Angeles County through advocacy and education.

Please do not hesitate to contact me at (213) 430-4203 or afine@laconservancy.org should you have any questions or concerns.

Sincerely,

A handwritten signature in black ink that reads "Adrian Scott Fine". The signature is written in a cursive, slightly slanted style.

Adrian Scott Fine
Director of Advocacy

