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Statement of Adrian Scott Fine, Director of Advocacy, Los Angeles Conservancy, before the Advisory Council on Historic Preservation Working Group on the United States Postal Service Nationwide Disposal Program.

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Good afternoon chairman and members, I am Adrian Scott Fine, Director of Advocacy for the Los Angeles Conservancy, a nonprofit preservation organization that covers and represents all of Los Angeles County.

Our involvement with the USPS disposal of historic properties and Section 106 has primarily focused on USPS-owned properties in Venice and Santa Monica to date, though we anticipate similar actions in the future for the cities of Glendale, South Gate and Culver City. Venice is completed and Santa Monica is still outstanding, with each being an example of a USPS relocation initiative.

In both Venice and Santa Monica, the Conservancy has been a part of a coalition of organizations coming together to ensure the historic post office was 1) reconsidered for continued use as a post office and an important community anchor, through the USPS appeals process; and 2) provided adequate long-term protection if transferred out of Federal ownership.

While this has been a learning process for the Conservancy and the USPS, we have encountered two primary challenges, including:

1) Application, consistency and predictability of Section 106. As intended as a process and, more importantly, in practice, our experience has produced mixed results, in terms of its initiation and the good faith effort by the USPS to consult and consider alternatives from the beginning.

The timing by the USPS has been a primary challenge, with Section 106 initiated well after a decision had already been made to close and sell the facility. Consultation has been inconsistent also, where the Conservancy was accepted as a consulting party in Venice, yet, in nearly identical circumstances, denied after repeated requests in Santa Monica.



When consultation did occur, it was brief and suspended abruptly and, in the case of Venice, the sale and disposal was initiated prior to the completion of Section 106. Only after our insistence and reaching out to the Advisory Council for assistance did this particular issue get addressed, albeit still rushed.

2) Adverse effect findings and application of covenants by the USPS. In addressing adequate long-term protection, the Conservancy believes the USPS has failed to meet this standard, and have formally disagreed with their findings of no adverse effect. An inadequate and one-size-fits-all covenant template is part of the problem. The USPS is relying on this sole approach even when there is no entity identified that is willing to accept, monitor, and enforce a covenant.

In Venice the City of Los Angeles agreed to accept a covenant to help facilitate a stalled process and allow it to transfer to an owner that planned to rehabilitate and reuse the historic building. To ensure enforcement and the protection of important character-defining features, including New Deal artworks, the Conservancy believes a city-held covenant alone is not adequate to satisfy Section 106. We strongly believe any covenant held by a local government must be tied to a public process to ensure transparency, such as when done in tandem with local landmark designation. An alternative to this is when a covenant is granted to a qualified preservation nonprofit organization that has experience managing similar covenants and conservation easements.

To conclude and in the interest of problem solving, the Conservancy believes there needs to be:

- 1) An early and good faith effort at Section 106 consultation by the USPS and the consideration of preservation alternatives from the beginning, not the end of the process;
- 2) An expansion of mitigation tools beyond the current USPS covenant template; and
- 3) In the absence of something else, a strengthening of the covenant to address recipients and their wherewithal to ensure adequate long-term protection; the need for high-quality baseline documentation prior to any sale, commissioned by the USPS using a qualified preservation professional; the removal of any “good cause” provision allowing for the voluntary extinguishment of a covenant by covenant holders in the future; and improved public access requirements.

Thank you for convening this Working Group, with the Advisory Council taking up this important preservation issue that not only affects communities in Los Angeles County but throughout California and nationwide.

Adrian Scott Fine

Adrian Scott Fine
Director of Advocacy

