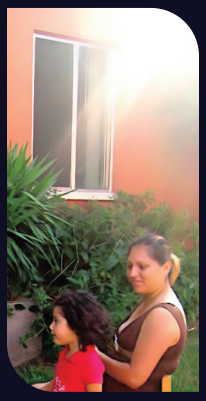
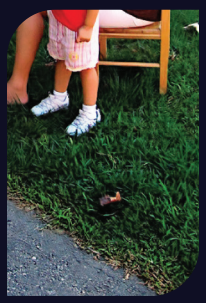
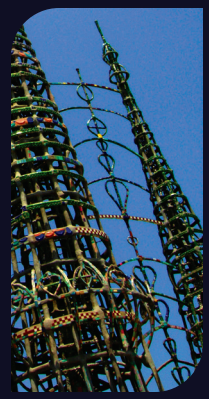




Using CEQA to Protect Your Community

LOS ANGELES CONSERVANCY

A brief guide to the California Environmental Quality Act



Did You Know?

Your Community Has a Right to Know & Act

Have you, or has someone you know, had to leave your home or seen a favorite gathering place demolished to make way for new development? What places mattered to you that are no longer there?

Did you know that you can do something about this?

Many people have seen the destruction of historic neighborhoods and sites without knowing that their voice could have made a difference. You have a say in how your community changes over time. There is a state law that gives you the right to know about development projects in your neighborhood and how they affect your community. Known as the **California Environmental Quality Act**, this law gives you a voice in the process and tools to help you protect important places, your quality of life, and the future of your neighborhood.

What Is the California Environmental Quality Act?

The California Environmental Quality Act, or "CEQA" (pronounced "SEE-quah"), was passed in 1970. CEQA declares it state policy to "develop and maintain a high-quality environment now and in the future, and to take all action necessary to protect, rehabilitate, and enhance the environmental quality of the state." It helps safeguard the natural environment as well as historic places that you and other members of the community consider too important to tear down. CEQA is the primary legal tool used in California to protect historic sites threatened with demolition.

At its simplest, CEQA requires a report to the public (called an "EIR" or "environmental impact report") describing how a proposed development project would affect the quality of life of communities, including our basic rights to clean air, toxic-free buildings, ease of traffic, and cultural heritage. It requires our government agencies to avoid or minimize those impacts to the extent feasible by examining alternative approaches to the project. The specific ways of reducing these impacts are developed through a public participation process in which the views of neighborhood residents must be taken into account.

Would new buildings result in more cars on the streets, increased congestion, and air pollution? Would the project tear down a historically significant building? CEQA gives you and your neighbors the right to have your voices heard when decisions about a proposed project are being made. CEQA does have limitations, however, and it does not guarantee that a historic building will be saved.

This booklet offers basic information about CEQA and how you can use it to empower, protect, and enhance your community. The examples show how various communities have used it in different ways. It is important to note that this is only one strategy to consider in your overall plan—one tool in your toolbox. But it is an important one.

At left: CEQA helps protect designated landmarks such as the historic bridges spanning the Los Angeles River, including the North Broadway Bridge (foreground) and the North Spring Street Viaduct. Photo by Kevin Break.

Why Care?
Understanding CEQA

Understanding CEQA and applying it to your organizing strategy can help you prevent the destruction of important landmarks in your community. You can help save a historic building or cultural space, protect your historic home, and actively participate in land use decisions that affect the quality of life in your neighborhood.

Historic buildings and neighborhoods serve as tangible links to our history and our collective memories. Because many cultural centers, residences, and small businesses occupy older buildings, preserving these spaces also maintains important anchors and services for the community.

Above: The 1927 McKinley Building on Wilshire Boulevard was demolished in 1998, erasing an important link to the community's past. Photo from L.A. Conservancy archives.

Top right: The Granados family home in El Sereno, one of nearly 1,000 homes threatened with demolition for the 710 Freeway extension. Photo courtesy Friezer Photography for the National Trust for Historic Preservation.

Losses That Might Have Been Prevented if CEQA Had Been in Place

With the postwar construction of freeways that crisscross Los Angeles, entire neighborhoods in East L.A., Boyle Heights, and elsewhere were paved over, divided, and destroyed. In the 1960s, before the passage of CEQA, the construction of the East Los Angeles Interchange in Boyle Heights isolated neighborhoods, displaced 10,000 people, and demolished 29,000 homes. At the time, community members protested, wrote letters to their councilmember, attended meetings, formed committees, and demonstrated in the streets. Despite their pleas, the project went forward. It is now the busiest freeway interchange in the United States.

Today, CEQA helps safeguard communities by giving residents legal tools to protect their neighborhoods. A good example of this is the decades-long grassroots campaign opposing the 710 Freeway extension through El Sereno, South Pasadena, and Pasadena. In this case, CEQA was used in conjunction with federal environmental laws to halt the destruction of almost 1,000 homes and the division of four nationally recognized historic districts.

In 1973, the City of South Pasadena obtained an injunction prohibiting the California Department of Transportation (Caltrans) from building the extension until an environmental impact report (EIR) was properly completed. Another injunction resulted from a 1999 lawsuit filed by the National Trust for Historic Preservation, the City of South Pasadena, and a coalition of community and preservation groups. As a result of this broad-based call for an alternative to demolition, Caltrans and the Federal Highway Administration are still exploring sensitive approaches to the project.

How It Works:
The Environmental Impact Report

CEQA requires that project impacts on historical resources be recognized and considered by the city, county, state, or other governmental agency (the "**lead agency**") responsible for approving a project that could destroy or otherwise adversely affect these resources. In some cases, the lead agency determines that the project will not have negative environmental impacts or that its impacts can be avoided by requiring the developer to meet certain conditions, or "mitigation measures." If the project poses significant environmental impacts that cannot easily be avoided, an **environmental impact report (EIR)** is prepared.

The EIR is considered the heart of CEQA, providing the public and decision makers with an in-depth review of a project's environmental impacts and feasible alternatives that would reduce those impacts. **The EIR process is the best opportunity for members of the public to promote alternatives to demolition**. If an EIR studies a feasible alternative to demolition, the lead agency may be required to change the project to reduce its impact on historical resources.

What Is a Historical Resource?

In order to take full advantage of legal protections under CEQA, it is essential to first **establish the significance of the building being threatened**. To automatically qualify as a "historical resource" under CEQA, and trigger the requirement for an EIR, any building targeted for demolition must be: (1) listed or determined eligible for listing in the National Register of Historic Places or the California Register of Historical Resources; or (2) listed in a city register of historic landmarks. However, a resource does not have to be officially designated in order to trigger the requirement for an EIR under CEQA.

This is where *your* role is so important. If a building threatened with demolition is not already listed in a historic register, members of the public must convince local officials that it qualifies as historic and is worthy of protection. Community activists need to research the site; share your stories; and submit documentation, photos, and expert testimony early in the environmental review process to show why the building is significant and meets local or state requirements for historic status.

A Different Strategy: Negotiating with the Developer

In some cases, the developer can be convinced to change its project or sell the property, especially in the face of well-organized community opposition. Community activists can help by bringing forward potential buyers committed to reusing the site in a way that is consistent with the needs of the community. You can also ask your City Council representative or County Supervisor to convene and mediate discussions between the community and the developer. If the EIR does not comply with CEQA, a viable lawsuit may be the last chance to prevent demolition. Efforts to work with the developer can significantly strengthen your position.

On rare but noteworthy occasions, local residents have worked with the developer and garnered enough financial support to buy the property and adapt the space to continue serving the community.

Top photo: The preservation of the Michael White Adobe (circa 1845) in San Marino was supported by the community when it was threatened with demolition in 2008. Photo by L.A. Conservancy staff.

Bottom photo: The Self Help Graphics & Art Building houses a thriving cultural center for Chicana/o art in the heart of unincorporated East Los Angeles. Photo by Edgar Garcia.

What You Can Do

Monterey County Jail

In December 1970, legendary labor leader Cesar Chavez was detained for twenty days at the Monterey County Jail in Salinas, California after refusing to stop a widespread lettuce boycott organized as part of the United Farm Workers movement. His detention was an important moment in our country's labor history.

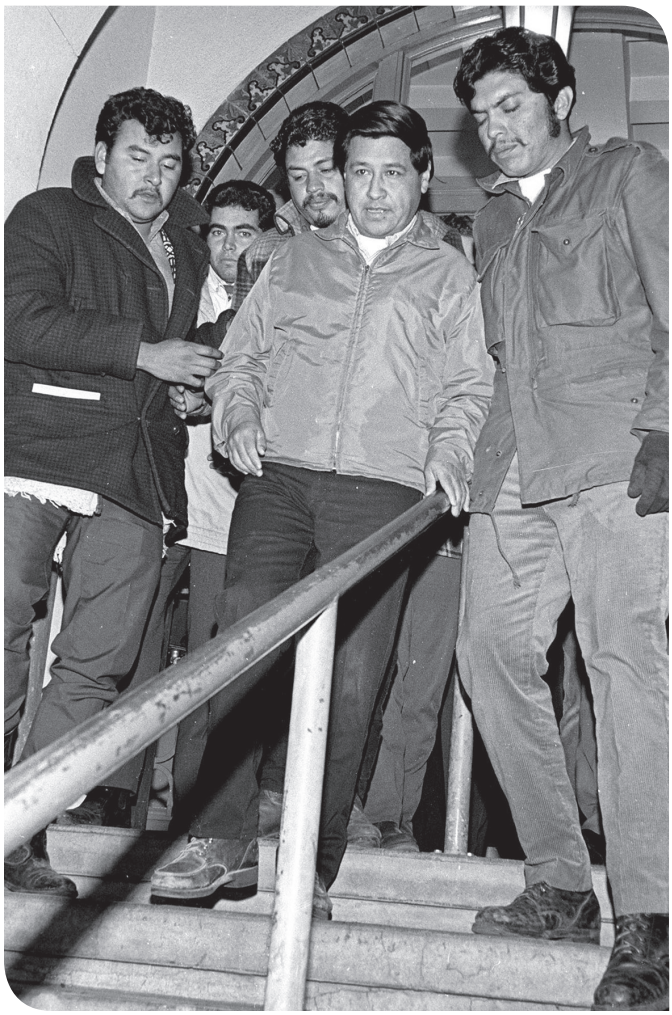
When Monterey County announced plans to demolish the jail in 2001, the County denied that the building was historic and issued a demolition permit without preparing an EIR. Local activists and community historians testified at hearings about the jail's cultural and architectural significance, and later filed a lawsuit to stop its demolition.

Although the County dismissed the public testimony as "unsubstantiated opinion," the court disagreed and ordered the County to prepare an EIR. If there is a "fair argument" made that a building may qualify for the California Register of Historical Resources, it must be treated as historic for purposes of CEQA review. The jail is still standing today and is listed in the National Register of Historic Places, although its ultimate fate remains unresolved.

At right: Cesar Chavez leaves the Monterey County Jail in Salinas with supporters on December 24, 1970. Photo courtesy *Monterey County Herald.*

Document the history of the building. Is the building a significant gathering place for the community? Does it have artistic, cultural, or architectural value? Did an important event happen there? Talk to your neighbors and document their memories; gather old photos and newspaper clippings that tell the story of the site. Find out the criteria for listing a resource in a local or state historic register, and point out reasons why the building appears to meet one or more criteria. For tips on more in-depth research, contact the Los Angeles Conservancy or visit www.laconservancy.org.

Prepare a landmark nomination. In cities with a historic preservation ordinance, buildings that have been listed as city landmarks automatically trigger review under CEQA and other protections under local law. These processes give the public an opportunity to propose alternatives to the project. For more information about how to nominate a building for landmark designation, contact the L.A. Conservancy or visit www.laconservancy.org.



We need to help students and parents cherish and preserve the ethnic and cultural diversity that nourishes and strengthens this community... and this nation.

-Cesar E. Chavez

Step 1:
The Scoping Process

Before an EIR is released, the lead agency must first determine which environmental impacts and alternatives to the project should be studied. The process of deciding what topics should be evaluated in the EIR is called "scoping." The lead agency issues a **Notice of Preparation** of an EIR, which is a document that describes the project and invites public input.

In addition to posting notices at the project site, the lead agency is required to mail copies to organizations and individuals who have requested notice in writing. Notices must also be published in the local newspaper and posted at the County Recorder's office. A thirty-day review period is required to allow members of the public to respond to the Notice of Preparation. Sometimes the lead agency will also hold a public scoping meeting.

At this stage in the process, it is important for community activists to

provide lots of information about the significance of a building threatened with demolition. It is also helpful to provide specific suggestions on how the proposed project can be changed to save the historic building and meet most of the developer's goals.

CEQA is flexible enough to allow historic buildings to adapt to changing needs over time. This means that, for example, an abandoned building that was once an important gathering place can be altered or expanded to meet the developer's needs, while still maintaining its presence in the community.

Wyvernwood Garden Apartments

Built in 1939, Wyvernwood was the first large-scale garden apartment complex in Los Angeles. Spanning more than seventy acres in Boyle Heights, the site has been determined eligible for listing in the National Register of Historic Places. Wyvernwood is also significant for its close-knit community: family ties spanning generations have shaped its unique sense of place.

In January 2008, the owner announced plans for a $2 billion, 4,400-unit mixed-use project that would quadruple the site's density and destroy Wyvernwood's park-like setting. Wyvernwood residents quickly mobilized to oppose demolition.

Leaders of Comité de la Esperanza, a longtime residents' group, knocked on doors to let their neighbors know about the proposed project and organized a march to the public scoping meeting. With City Council staff and the media looking on, hundreds of residents loudly protested against the project.

The future of Wyvernwood remains uncertain, but the residents' message is clear: our homes and community matter, and we will influence the changes that affect our neighborhood.

Top photo: 2001 soccer tournament at Wyvernwood, known as Mundialito de la Esperanza. Photo by Roberto Mojica, El Comité de la Esperanza.

Bottom photo: Wyvernwood residents and supporters march through the historic garden apartment complex to the EIR scoping meeting in 2009. Photo by Gumaro Oviedo, El Comité de la Esperanza.

What You Can Do

Building the Record

In order to successfully challenge the lead agency's approval of a project that would demolish a historic building, evidence must be presented to decision makers during the environmental review process. Relevant documents should be submitted to the lead agency far enough in advance of the final decision to allow time for careful consideration and deliberation, although they may be submitted up until the close of the final public hearing at which the project is approved. These documents may include:

- Expert reports and studies regarding the building's eligibility for historic listing.
- Photos, video, news coverage, and newsletter articles conveying the site's significance.
- Expert information relating to the feasibility of alternatives, such as letters from the Los Angeles Conservancy and/or historic preservation architects and engineers.
- Examples of successful preservation projects around the state or nation—citing success stories of similar projects helps the public and decision makers visualize the end result.

At right: The Boyle Hotel (1889) is one of the most prominent and historic structures on L.A.'s Eastside. The hotel has served as home to countless mariachi musicians, who practice their craft in the adjacent Mariachi Plaza. Photos by Miguel Gandert.

Share your memories. Submit a letter during the scoping process explaining why the historic site is important, including personal stories, interviews, newspaper articles, old photos, flyers, and mementos.

Share your ideas. Provide specific suggestions on how the project can be changed to save the historic building and accomplish at least some of the developer's goals. The project goals should be listed in the Notice of Preparation.

Keep informed. Submit a written request to the Planning Department staff assigned to the project asking to receive notice of future public meetings and documents released for public comment.

Develop clear and concise messaging. Work with others to create talking points that summarize the building's significance and the goals of your campaign. You and others can use the talking points for clarity and consistency in speaking with other residents, potential allies, media, and public officials.

Meet with elected officials. Contact your City Councilmember or County Supervisor early in the process. Meet with them or their staff to explain why the building is important, and ask for their help in identifying possible solutions or mediating discussions with the developer.

Seek media coverage. Favorable press coverage is essential to swaying public opinion and persuading elected officials. Community activists need to build relationships with the media by hosting press events, issuing press releases, and submitting letters to the editor.

Step 2:
Draft Environmental Impact Report

Following the scoping process, the lead agency prepares a draft version of the EIR that is released to the public for comment. In general, the public review period for a Draft EIR ranges from thirty to sixty days.

The EIR must contain a summary of the proposed project and its environmental consequences—including a list of significant negative impacts—and study a reasonable range of alternatives to the project that would reduce those impacts. It must also address the issues raised in your comments on the Notice of Preparation during the previous scoping process. You should receive a copy of the EIR, most likely on disk, if you asked for notification in the previous step. If not, check the Planning Department page on the lead agency's website to download a copy. EIRs are very lengthy documents; you can get much of what you need from the Executive Summary.

In commenting on the Draft EIR, community activists will need to continue advocating for alternatives that can save the historic building while meeting most of the developer's goals. Would reducing the size of the proposed project help save the historic building? Can the historic building be modified or expanded to meet the owner's needs? Historic preservation efforts are rarely successful if they oppose demolition without offering an alternative that takes into account the developer's financial needs and other project goals. A purely anti-demolition stance may be discounted as extreme and inflexible.

Although CEQA helps safeguard historic buildings, it does not dictate how they should be used. **It's easier to build public and political support for an alternative solution that meets most of the goals of the proposed project.**

Built brick by brick by community members, the Maravilla Handball Court (1923) is the oldest handball court in East Los Angeles. "It is my passion to save the legacy of my people, my community, and our Chicano culture," says Maravilla Historical Society President Amanda Pérez, who grew up in the Maravilla neighborhood. "We want this place to be a beacon for all to come and step into the past, present, and future." Photos by Steve Saldivar (top) and L.A. Conservancy staff (left).

What You Can Do

Cathedral of Saint Vibiana

In 1996, the Roman Catholic Archdiocese of Los Angeles attempted to demolish the Cathedral of St. Vibiana. Built in 1876, it is the oldest structure in the historic core of downtown Los Angeles.

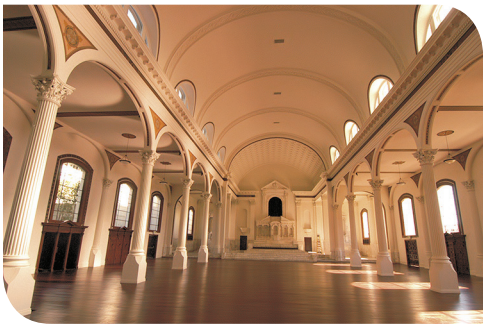
With the wrecking ball poised a few feet from the cathedral, the Los Angeles Conservancy obtained a temporary restraining order to stop the destruction because the Archdiocese did not have a demolition permit. The City then attempted to circumvent CEQA by revoking the cathedral's designation as a local historic landmark, hoping this would exempt the building from CEQA review. The Conservancy filed a second lawsuit and obtained a preliminary injunction, based on the City's failure to prepare an EIR proving that there were no feasible alternatives to demolition.

As a result of the lawsuit, the Archdiocese ultimately chose to develop a new cathedral complex at another downtown location. A preservation developer bought the former cathedral and transformed it into a thriving performing arts venue and event space.

At right: The restored interior and exterior of the former Cathedral of St. Vibiana, now a thriving performance and event space. Photos by Gary Leonard (top) and Ben Welsh (bottom).

Read the Executive Summary. The EIR can be lengthy and difficult to understand. Start by reading the Executive Summary for an overview of the project and its goals, environmental impacts, and possible alternatives.

Read the Historic Resources/ Cultural Resources section of the EIR. Learn about how the lead agency has analyzed the historic and cultural significance of the existing building or property, and what project alternatives have been considered that would preserve some or all of the historic resource.



Attend public meetings. When the lead agency holds meetings on the project, it is essential for community members to show up and voice their concerns. Because political pressure to approve a project can be intense, it is important that the community be well organized to rally against demolition.

Bring in the experts. If the lead agency says that a historic resource cannot be saved because of its location or poor condition, get help from an architect, engineer, or friendly developer who specializes in historic buildings. They can present an alternative proposal, evaluate its costs, or challenge negative claims by the owner.

Talk to an attorney. Seek the advice of an attorney who specializes in CEQA to help you participate most effectively in the EIR process. In many instances, CEQA lawyers represent community groups on a *pro bono* basis or at a reduced rate, especially if you are well organized. For names of attorneys who specialize in CEQA and historic preservation law, you can contact the Los Angeles Conservancy.

Step 3:
Final Environmental Impact Report

The Final EIR must respond to all comments and questions submitted during the Draft EIR review period, as well as evaluate the feasibility of alternatives that would preserve the historic building. Based on the analyses in the Final EIR, the lead agency will then decide whether or not to approve the proposed project.

Although the lead agency is not required to solicit comments on the Final EIR, there are typically additional hearings before local review boards and commissions—such as the Planning Commission or City Council committees—where the public can testify and submit written information.

In the final stage of the process, the lead agency will "certify" the EIR and approve the proposed project or an alternative project. They may also approve a list of requirements, or "mitigation measures," that must be completed in order to reduce environmental impacts. If adverse environmental impacts cannot be avoided, the lead agency will adopt a "statement of overriding considerations," expressing the agency's determination that the advantages of proceeding with the project outweigh the detriment of losing a valuable historic resource, and explaining why. This determination may, in some circumstances, be challenged in court.

What You Can Do

Continue to submit new information. It is extremely important for the community to participate in every step of the EIR process. Although it is most effective when submitted early on in the process, testimony and information supporting the significance of a building or the feasibility of an alternative can be submitted at any time before the final decision on the project.

Lincoln Place Garden Apartments

Completed in 1951, the Lincoln Place Garden Apartment complex in Venice is one of Los Angeles' few examples of large-scale garden apartment design. In 2001, the previous owner announced a full-scale demolition and redevelopment plan to build hundreds of market-rate condominiums.

The fight to save Lincoln Place evolved into an epic preservation and tenant-rights battle with illegal demolitions, CEQA lawsuits, multiple hearings before the State Historical Resources Commission, and, ultimately, evictions.

In 2010, following years of negotiations, the Los Angeles City Council approved a settlement agreement between the Lincoln Place Tenants Association and the current property owner that will rehabilitate all existing buildings, enable eighty-three evicted tenants to return, and reactivate hundreds of rent-stabilized units on the Westside.

Top photo: Detail of Lincoln Place Garden Apartments in Venice. Photo by Ingrid E. Mueller.

Bottom photo: Community members rally in support of Lincoln Place Garden Apartments on Martin Luther King, Jr. Day in 2006. Photo courtesy Venice Arts Council.

CEQA Workshops Available

Are you interested in finding out more about CEQA and how you can use it to protect and enhance the historic resources in your community? The Los Angeles Conservancy can present workshops for ten or more people who are working on an active preservation advocacy issue and who need technical advice on how to proceed. For more information, please contact the Conservancy at (213) 623-2489 or info@laconservancy.org.

For More Information

Some of these links go to downloadable Adobe PDF files; you can download the free Adobe Acrobat Reader at www.adobe.com/reader.

Everyday Heroes:
Thirty-Five Years of the California Environmental Quality Act
Inspirational resource with case studies and a chapter specifically addressing historic resources; prepared by the Planning and Conservation League Foundation
www.pcl.org/projects/everydayheroes.html

Guide to Understanding CEQA in the City of Los Angeles:
An Easy-to-Use Primer on the California Environmental Quality Act
Older, but still relevant, document specific to Los Angeles; prepared by the City of Los Angeles Environmental Affairs Department
www.ci.la.ca.us/ead/pdf/CEQA_handbook.pdf

California Environmental Resources Evaluation System (CERES) CEQA Website
Database with more advanced, comprehensive CEQA information, including case law
http://ceres.ca.gov/ceqa

California State Law and Historic Preservation: Statutes, Regulations, and Administrative Policies Regarding Historic Preservation and Protection of Cultural and Historical Resources (California Office of Historic Preservation, Technical Assistance Series #10)
http://ohp.parks.ca.gov/pages/1054/files/statelaws.pdf

At right: The Maravilla Handball Court is part of the National Trust for Historic Preservation's "This Place Matters" campaign, spearheaded locally by the Los Angeles Conservancy, which identifies important historic sites that merit national attention. Photo by Steve Saldivar.

About the Los Angeles Conservancy

The Los Angeles Conservancy is a nonprofit membership organization that works through education and advocacy to recognize, preserve, and revitalize the historic architectural and cultural resources of Los Angeles County. A group of concerned citizens founded the Conservancy in 1978 as part of the community-based effort to prevent demolition of the Los Angeles Central Library. With 6,000 members and hundreds of volunteers, the Conservancy is now the largest group of its kind in the U.S. For more information, visit www.laconservancy.org.

Credits

Funded by the California Community Foundation

This project is assisted by a Partners in the Field challenge grant from the National Trust for Historic Preservation.

Design by Robert Loza, SolSoul Designs
Text by Los Angeles Conservancy staff
Spanish Translation by Accent on Languages, Inc.
Printing sponsored by UPrinting.com

Front cover photos:
Top left: Wyvernwood Garden Apartments, Boyle Heights (Jesus Hermosillo)
Top right: Historic photo of El Centro Grocery next to Maravilla Handball Court, East L.A. (Maravilla Historical Society)
Middle left: Detail of wall mosaic on Self Help Graphics & Art Building, East L.A. (Edgar Garcia)
Bottom right: Watts Towers of Simon Rodia, Watts (Abbey Hambright)

Special Thanks

Mitchell Abbott, Richards, Watson & Gershon
Susan Brandt-Hawley, Brandt-Hawley Law Group
Eli Flores, The Graff Lab, Pico Union Housing Corporation
Gumaro Oviedo, El Comité de la Esperanza, Wyvernwood Garden Apartments
Michael Palumbo, Lincoln Place Tenants Association
Ami Pascual Spear, M.C.P./Principal, Pascual Spear Associates
Amanda Pérez, Maravilla Historical Society
Carolina Sarmiento, El Centro Cultural de Mexico, Santa Ana
Janna Shadduck-Hernandez, UCLA Downtown Labor Center

Los Angeles Conservancy
523 West Sixth Street, Suite 826
Los Angeles, California 90014
213 623 2489 tel, 213 623 3909 fax
www.laconservancy.org
info@laconservancy.org

Copyright 2010 by the Los Angeles Conservancy. All rights reserved.