



January 25, 2013

**Submitted by email**

Mr. Sergio Ibarra  
City of Los Angeles, Major Projects  
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Los Angeles, CA 90012  
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**RE: Final EIR for the Boyle Heights Mixed-Use Community Project, ENV-2008-2141-EIR**

Dear Mr. Ibarra:

On behalf of the Los Angeles Conservancy, we submit the following comments on the Boyle Heights Mixed-Use Community Project, which proposes to completely demolish the historically significant Wyvernwood Garden Apartments. The Conservancy strongly believes and has long maintained the position that the Wyvernwood community can and should be preserved and rehabilitated.

Opened in 1939 and spanning nearly seventy acres, Wyvernwood is the first large-scale garden apartment development in Los Angeles. Hailed as a major achievement when built, Wyvernwood is significant in part as the first of its kind but also due to its innovative design and Garden City principles. It is listed in the California Register of Historic Resources and eligible for the National Register of Historic Places.

**I. The Partial Preservation Alternative substantially lessens the greatest number of adverse impacts**

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."<sup>1</sup> To this end, CEQA "requires public agencies to deny approval of a project with significant adverse effects when feasible alternatives or feasible mitigation measures can substantially lessen such effects."<sup>2</sup>

Alternative C, the Partial Preservation Alternative, retains at least half of the historic district and maintains its eligibility for the National Register, as well as avoids significant adverse impacts on historic resources, aesthetics, and operational air quality. It reduces

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<sup>1</sup> Public Resources Code §21001 (b), (c).

<sup>2</sup> *Sierra Club v. Gilroy City Council* (1990) 222 Cal. App.3d 30, 41; also see PRC §§ 21002, 21002.1.

the greatest number of adverse effects and can be considered the environmentally superior alternative. Further, despite narrowly defined project objectives that favor new construction over rehabilitation, the Partial Preservation Alternative is also still able to partially meet many of the project objectives.

## **II. Claims of the Partial Preservation Alternative’s infeasibility lack merit**

The Final EIR fails to provide compelling and substantiated analysis that the Partial Preservation Alternative is infeasible. CEQA guidelines define “feasible” as “capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors.” Findings supporting an alternative’s feasibility or infeasibility must be supported by substantial evidence.<sup>3</sup>

### **a. Rehabilitation costs are unsubstantiated, rendering the economic feasibility analysis unreliable**

The basis for the claimed infeasibility is the economics of rehabilitating Wyvernwood’s two-story wood-framed apartment buildings. However, no detailed analysis or line item accounting are provided to support the stated extraordinarily high rehabilitation cost—which at \$125,000 per unit is more than double that of current renovations underway on similar buildings at Lincoln Place in Venice. It is unreasonable to conclude that the Partial Preservation Alternative is financially infeasible or speculate about future rent levels without more detailed information.

Furthermore, the two-prong threshold established for financial feasibility is entirely self-imposed by the applicant, and sets the bar so high that even an alternative (Alternative D: West End Preservation) that builds 92 percent (4,061 units) of the proposed 4,400 units was determined to be financially infeasible.<sup>4</sup> Not only does this raise serious questions regarding the financial solvency of the proposed project, the provided analysis is not evaluated against established CEQA thresholds to demonstrate that “the additional costs or lost profitability are sufficiently severe as to render it impractical to proceed with the project.”<sup>5</sup>

## **III. The Partial Preservation Alternative can be refined to meet more of the project objectives**

Large-scale garden apartments in Los Angeles and across the nation have been successfully rehabilitated and preserved. Lincoln Place in Venice and Chase Knolls in Sherman Oaks are just two local examples currently undergoing extensive rehabilitation. In addition, Village Green in Baldwin Hills is utilizing the Mills Act preservation incentive to upgrade its buildings and infrastructure over time without displacing

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<sup>3</sup> PRC §§ 21061.1, 21081.5

<sup>4</sup> See Alternative D: West End Preservation in V. Alternatives of the “Boyle Heights Mixed-Use Community Project Draft Environmental Impact Report,” October 2011.

<sup>5</sup> *Citizens of Goleta Valley v. Board of Supervisors* (1988) 197 Cal. App. 3d 1167, 1181.

residents. All three have been able to make necessary improvements and still provide a reasonable return on investment.

The Partial Preservation Alternative can be refined to create a true mixed use, mixed income project representing a combination of current New Urbanism and past Garden City planning principles. Such refinements can incorporate commercial and civic uses, sufficient parking, and enhanced green spaces for stormwater management and a greater range of uses to meet more of the project objectives. Creative design solutions can also address some of the perceived deficiencies related to safety, infrastructure, and circulation with cost-efficient and targeted measures.

The Conservancy works to find win-win solutions, which we feel is possible and a strong priority here. The Partial Preservation Alternative provides this opportunity. Wyvernwood as it exists today is a true sustainable design that has succeeded in fostering a thriving community for generations. We urge the City to independently verify the rehabilitation costs and financial analysis, and seek a preservation solution that protects Los Angeles' first large-scale garden apartment development and the remarkable community it has cultivated.

**About the Los Angeles Conservancy**

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

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

Sincerely,



Adrian Scott Fine  
Director of Advocacy

cc: Councilmember José Huzier, Council District 14