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**Submitted electronically**

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February 23, 2015

**RE: Mitigated Negative Declaration, 904 La Brea Project**

Dear Ms. Choi:

On behalf of the Los Angeles Conservancy, thank you for the opportunity to comment on the Mitigated Negative Declaration (MND) for the 904 La Brea Project. The Conservancy is very concerned about the precedent this project might set regarding the treatment of an identified historic resource and its adherence to the California Environmental Quality Act (CEQA).

The MND states the following:

"The Project does not involve the demolition of any historic resources. The existing buildings on the Project Site that would be demolished do not represent historic resources subject to CEQA. The applicant has been issued a demolition permit to remove the existing buildings at 926 and 932 La Brea Avenue. As the Project will have a less than significant impact, no mitigation measures are required or recommended."

What the MND does not acknowledge is that the Mole-Richardson Building was demolished (June 10, 2014) at this site prior to the submission (October 30, 2014) of the proposed project. The unexpected demolition of this prominent Art Deco building was met with widespread shock and concern by the local community and among preservation organizations including Hollywood Heritage, the Art Deco Society of Los Angeles, and the Los Angeles Conservancy. Given that this building was identified previously as being eligible for the local, California, and National Register, its demolition resulted in a significant impact where an Environmental Impact Report (EIR) was required.

Instead it appears the project applicant (904 North La Brea (LA) Owner, LLC) circumvented the CEQA process and demolished a historic resource located within the project area only five months before officially submitting the project to the city. Given this short timeframe it is logical to conclude that a project of this scope was not only anticipated but known at the time of demolition. The MND references analysis and studies completed as part of a Phase I Environmental Site Assessment by TOR Environmental as early as November 20, 2013, nearly seven months prior to the demolition of the Mole-Richardson Building.



Had the project applicant followed CEQA, an EIR would have been required and the need to evaluate a range of preservation alternatives. In the absence of adhering to the CEQA process, the Conservancy believes the project applicant must be held accountable for their actions and mitigation measures adopted as part of the MND and project approval.

## **I. Significance of the Mole-Richardson Building**

The former Mole-Richardson building at 900 North La Brea Avenue was designed by master architects Morgan, Walls, and Clements. Completed in 1930 as the home of Moderncraft Laundry Company, The building most recently served as a studio supply retail store operated by the Mole-Richardson Company. Morgan, Walls, and Clements were a prolific local architectural firm known for their theater designs and commercial work from the 1920s and 30s, though the firm's lineage spanned from 1864 to 2006 and operated under a variety of names. The principals were Octavius Morgan, J.A. Walls, and Stiles O. Clements and the firm was responsible for the design of several notable structures, including many significant Art Deco designs that helped advance that architectural style in the region. These include the former Richfield Building (1928, demolished), the Dominguez-Wilshire Building (1930), and the Pellisier Building and Wiltern Theatre (1931).

The design of the Mole-Richardson building featured a proportionate blending of Zigzag and Classical Moderne detailing including intricate, chevron-patterned grillwork and was valuable to a study of the evolution of the Art Deco architectural style in Los Angeles. Although its central pylon tower had been removed long ago, the building retained a high degree of original design integrity. Please see attached Exhibit A with photographs of the former Mole-Richardson building.

## **II. California Environmental Quality Act (CEQA)**

A key policy under 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>

Courts often refer to the EIR as "the heart" of CEQA because it provides decision makers with an in-depth review of projects with potentially significant environmental impacts and analyzes a range of alternatives that reduce those impacts.<sup>3</sup> Based on objective analyses found in the EIR, agencies "shall mitigate or avoid the significant effects on the environment whenever it is feasible to do so."<sup>4</sup>

Under CEQA Guidelines Section 15378, a "project" is defined as "the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment..." A public agency cannot subdivide a single project into smaller individual subprojects in order to avoid the responsibility of considering the environmental impact of the project as a whole.<sup>5</sup>

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<sup>1</sup> Public Resource Code, Sec. 21001 (b), (c).

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

<sup>3</sup> *County of Inyo v. Yorty* (1973) 32 Cal.App.3d 795; *Laurel Heights Improvement Association v. Regents of the University of California* (1993) 6 Cal.4th 1112, 1123.

<sup>4</sup> Public Resource Code, Sec. 21002.1.

<sup>5</sup> *Orinda Assn. v. Board of Supervisors* (1986) 182 Cal.App.3d 1145, 1171.



### **III. Demolition of Mole-Richardson Building Prior to Project Submittal Circumvents CEQA Process**

The Los Angeles Department of Building and Safety records indicate that the application for a permit to demolish the Mole-Richardson building was submitted on April 10, 2014 and the permit was issued five days later. The structure was demolished on June 10, approximately five months before the applicant officially submitted the 904 La Brea Project to the Los Angeles Department of City Planning on October 30. Figure 2.2 Aerial Map within the MND that indicates the Project Site boundaries clearly shows the Mole-Richardson building prior to its demolition.

The pre-emptive demolition of an historic building prior to project submission represents a flagrant abuse of CEQA, the very purpose of which is to avoid or minimize adverse impacts to the extent feasible by examining alternative approaches to a project. The project applicant's actions instead precluded any opportunity for the public to comment on the future of the Mole-Richardson building, and have cost this Hollywood neighborhood and Los Angeles as a whole an irreplaceable gem of Art Deco design that potentially could have been adaptively reused as part of the project.

### **IV. City Must Hold Applicant Accountable and Address Loss of Cultural Resource Through Appropriate Mitigation Measures**

The Conservancy strongly believes that the city needs to acknowledge the circumvention of the CEQA process in this case and mandate mitigation measures as part of the MND project approval. Otherwise the city risks setting a precedent and sending the wrong message for others to follow in the future if it chooses not to address this issue.

There is a range of possible mitigation measures that could be considered, including establishing a one-time fund or other approaches that are meaningful and in nexus with the loss of a significant, Art Deco historic resource. The range and selection of mitigation measures should be in coordination with the Office of Historic Resources with input from the Los Angeles Conservancy, Hollywood Heritage, and the Art Deco Society of Los Angeles.

Thank you for the opportunity to comment on the MND for the 904 La Brea Project and allowing us to point out this error in the CEQA process. Please feel free to contact me at (213) 430-4203 or [afine@laconservancy.org](mailto:afine@laconservancy.org) should you have any questions.

#### **About the Conservancy**

The Los Angeles Conservancy is the largest local historic preservation organization in the United States, established in 1978 to preserve and revitalize the significant architectural and cultural heritage of Los Angeles through advocacy and education.

Sincerely,



Adrian Scott Fine  
Director of Advocacy



Attachment: Exhibit A

cc: City Councilmember Tom LaBonge, Council District 4  
Michael LoGrande, Department of City Planning  
Ken Bernstein, Office of Historic Resources  
Hollywood Heritage  
Art Deco Society of Los Angeles

