



May 20, 2013

City of Los Angeles
City Planning Commission
200 North Spring Street, Room 532
Los Angeles, CA 90012
CPC@lacity.org

RE: Boyle Heights Mixed Use Community Project (Wyvernwood), Summary of Concerns

Attention: Commission Executive Assistant and Members of the City Planning Commission

I am writing to the City Planning Commission to provide a summary on behalf of the Los Angeles Conservancy in regards to the proposed Boyle Heights Mixed Use Community Project. As this project calls for the complete demolition of the historically-significant Wyvernwood Garden Apartments, we wanted to provide a summary of the primary concerns. The Conservancy hopes these will be addressed as part of the City Planning Commission's May 30, 2013 meeting and any subsequent meetings on the proposed project.

Since this project was first announced in 2007 the Conservancy has been heavily involved and working closely with the community and, where possible the owner, the Fifteen Group Land and Development. We have done this all while fully participating in the EIR process and proactively looking for alternatives. The Conservancy has long maintained a position, based on our in-depth experience with other Los Angeles garden apartment developments, that the Wyvernwood community can and should be preserved and rehabilitated. We believe there is a viable preservation alternative available that can meet many of the identified project objectives while still preserving the strong and cohesive community that exists at Wyvernwood today.

On the following dates the Conservancy has submitted written comments and testimony in regards to this project:

- July 25, 2008 comments on the NOP;
- January 18, 2012 comments on the Draft EIR;
- January 25, 2013 comments on the Final EIR; and,
- January 9, 2013 testimony on the Vesting Tentative Tract public hearing.

We have met with the Department of City Planning staff to discuss our concerns and issues on March 4 and, most recently April 9, 2013. Throughout these various opportunities to comment and discuss the proposed project, the Conservancy has repeatedly raised a series of substantive issues and concerns in regards to the EIR process, including errors and incomplete information and the need for a full evaluation and analysis of preservation alternatives to reduce associated impacts. These same issues and concerns have also been brought up by numerous community groups and organizations as there is significant opposition to the proposed project.

Below is a brief outline of outstanding concerns regarding the proposed Boyle Heights Mixed Use Community project:

1. Wyvernwood will be demolished, a nationally-significant historic resource that reflects innovative principles of the Garden City Planning Movement as well as sustainability.

When opened in 1939 Wyvernwood was hailed as “America’s largest privately-owned community of rental homes,” widely published at the time in regional and national publications including *Architect and Engineer*, *Architectural Forum*, *Architectural Record*, and *California Arts and Architecture*. Locally, the *Los Angeles Times* featured Wyvernwood in its August 25, 1939 article, “Development Hailed Housing Achievement,” stating, “although every building is surrounded by large garden areas – well planted with beautiful trees – there is no obstruction of air and sunlight on the interiors... every dwelling has cross draft ventilation with at least two exposures and more than half have the benefit of three exposures.”

Wyvernwood is further significant as a primary example of the garden apartment movement within the United States. At one point it was the largest example of its type. What Wyvernwood represents in physical form is a distinctly mid-20th century idea of housing, resulting from changing social ideals that called for a healthier approach to residential living. In 2007 the American Planning Association (APA) recognized the important role of garden apartments for their good design, function, sustainability, and community involvement, including an example from Pittsburgh (Chatham Village) on its listing of Great Places in America. As acknowledged within the EIR, Wyvernwood already meets a majority of the project’s guiding principles, including a “safe community; high-quality community design; meaningful, usable open space for recreational activities; and affordable housing for low and very low income families.”¹

2. The EIR and Vesting Tentative Tract recommendation for approval rely on misleading information, unsubstantiated analysis, and errors. The applicant has provided to the City a series of factually erroneous arguments which the City has relied on and references as the basis for their findings that reject the Partial Preservation Alternative C – the environmentally superior alternative in the EIR – as not being able to meet project objectives and financial feasibility.

For example:

Underground water and storm water drain utilities are inaccurately identified as a major impediment to preservation. A prime example of this err in analysis is the applicant’s ongoing assertion that pre-existing underground utilities at Wyvernwood – a Metropolitan Water District (MWD) water feeder line and a City of Los Angeles storm water drain line – a) require the removal of approximately thirty apartment buildings; b) make it difficult to obtain financing; and c) limit the owner’s ability to obtain permits for construction on the property. In regards to preservation, the Vesting Tentative Tract staff

¹ Project Description, II-11

recommendation relies heavily² on this inaccurate assumption and states it “cannot be achieved without the demolition of the existing improvements.”³

Based on the Conservancy’s own research and consultation with experts, we wholeheartedly disagree with statements regarding underground utilities being an insurmountable problem requiring the removal of historic buildings. We do not believe there is a factual basis or any substantive evidence that supports these conclusions. Rather it is a self-imposed contrivance by the applicant to discourage the preservation of Wyvernwood. Through independent research and consultation with experts and representatives at MWD and the City’s Bureau of Engineering, we have presented evidence that directly refutes the applicant’s claim and have presented this to City Planning staff on April 9, 2013.

For example:

Claims of the Partial Preservation Alternative’s infeasibility lack merit as details of the rehabilitation costs are not provided or substantiated anywhere in the EIR.

Despite repeated requests for additional information, the Conservancy has not received an answer to why rehabilitation of Wyvernwood would cost two to three times more than what it does elsewhere. Furthermore, the two-prong threshold for financial feasibility is self-imposed by the applicant, and sets the bar so that even an alternative that builds ninety-two percent of the proposed 4,400 units was determined to be financially infeasible.⁴ Not only does this call into question the financial solvency of the proposed project, the analysis is not evaluated against CEQA thresholds to demonstrate that “the additional costs or lost profitability are sufficiently severe as to render it impractical to proceed with the project.”⁵ The EIR fails to provide compelling analysis that the Partial Preservation Alternative C is infeasible. We strongly believe that the Fifteen Group’s financial model for estimating rehabilitation costs lacks transparency and is unsubstantiated.

For example:

Claims that rehabilitation of Wyvernwood cannot achieve modern living conditions, ADA compliance, or sustainability outcomes are inaccurate. Wyvernwood has been allowed to deteriorate and there is deferred maintenance. However, Wyvernwood can be improved and attain better performance through green operations and maintenance without calling for full demolition and replacement. The EIR and the Vesting Tentative Tract recommendation however repeatedly state Wyvernwood’s historic buildings and lack of modern standards “can be remedied only through a major rebuilding of the property.” Further it states, “[T]he existing units to be rehabilitated would continue to be substandard in size and lack a number of modern amenities after the identified improvements.”⁶ The Conservancy strongly disagrees and substantial evidence supports our position, at Lincoln Place in Venice, Chase Knolls in Sherman Oaks, and elsewhere in Los Angeles, California.

² Vesting Tentative Tract No., pages 143, 144, 155, 156, 171, 176, 177, 180, 193, 204, 205, and 215.

³ Vesting Tentative Tract No. 71943, Page 193

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

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

⁶ Vesting Tentative Tract No. 71943, Page 153

The same can be said for similar garden apartment developments across the country, such as Buckingham Village in Arlington County, Virginia where rehabilitation and sensitively-designed additions allow for additional bedrooms and baths.

The California Historic Building Code is available to provide code flexibility for historic buildings to achieve performance standards equivalent to current building codes while still retaining their historic integrity. Some ground-floor apartment units can also be adapted or added onto to offer ADA-accessible units. Improvements to the site can also offer an opportunity to upgrade telephone and sewer capacity for modern conveniences, such as rerouting wastewater from the at-capacity Camulos trunk sewer line to the underutilized Eighth Street line. Existing sustainability features at the site should also be retained and upgraded, as is occurring with the rehabilitation of Lincoln Place in Venice.

For example:

Claims that Partial Preservation Alternative C will result in a new “unavoidable impact” through housing displacement are unsubstantiated. The applicant states all existing units would need to be vacated at the commencement of rehabilitation work. In the EIR and the Vesting Tentative Tract recommendation, statements are repeatedly made that the “Alternative would result in a new significant and unavoidable impact associated with housing displacement.”⁷ Further, in regards to making value judgments, it questions “whether historic preservation is more important than tenant relocation.”⁸ These types of conclusions present resident retention and preservation as an either-or fallacy. We strongly believe the displacement and relocation issue under Partial Preservation Alternative C is being represented as more problematic than it really is, as the applicant has not demonstrated compelling analysis that supports the need to completely vacate Wyvernwood under a rehabilitation scenario.

Phasing the rehabilitation of large-scale housing developments, in Los Angeles and across the country, is not uncommon. This practice ensures an ongoing income stream while making necessary upgrades and improvements. Rehabilitation can occur on a unit-by-unit or building-by-building basis as vacancies occur with the costs absorbed over several years. Alternatively, a grouping of 3-15 buildings can be rehabilitated at a time, which would allow a limited number of families to be relocated to available vacancies in existing or new units within Wyvernwood. Our understanding is this has been done previously at Wyvernwood, in 1999/2000 when the current owners remodeled kitchens and replaced windows in all of the existing buildings. It is unclear how Wyvernwood is unique from other developments in this respect, now requiring, as the applicant states, that all aspects of rehabilitation occur within a single point in time.

The assertion that Wyvernwood would require complete vacancy is a faulty assumption with no credible analysis to demonstrate this necessity. We believe the need for relocation

⁷ Vesting Tentative Tract No. 71943, Page 155

⁸ Vesting Tentative Tract No. 71943, Page 168

is unsubstantiated and estimating \$21,722,100⁹ for total relocation is not entirely necessary if there is a phased rehabilitation, further calling into question the accuracy of the EIR's Alternatives Financial Feasibility Report.

For example:

Statements purporting superior open space are incorrect and the proposed publicly available, privately maintained useable open space does not adhere to parkland dedication requirements. The EIR and the Vesting Tentative Tract recommendation states the quality and usability of the open spaces would be substantially improved with the proposed project. As stated previously, we strongly believe the opposite, that the project will in fact diminish the amount, quality and usability of open space. As with the EIR, the Vesting Tentative Tract recommendation includes multiple and contradictory data in terms of accounting for the actual total acreage of open space. The Vesting Tentative Tract recommendation characterizes the current open spaces as “small fragments” with “limited use.”¹⁰ Excluding buildings, parking lots and other hardscape surfaces, the Conservancy estimates there is approximately 50 acres of existing open space at Wyvernwood. This includes the large Mall and courtyard greens which are characterized as anything but small. In comparison, applying the same type of analysis using information within the EIR, the Conservancy believes the proposed project actually provides about 24 acres of overall open space, significantly less than what exists today.

As proposed, the applicant would set aside 10.5 acres of publicly available, privately maintained (and privately owned), useable open space. This amount of open space is deemed deficient by the City, less than the minimum threshold, and does not comply with parkland dedication requirements.¹¹ This should be reflected in the Vesting Tentative Tract recommendation and fully acknowledged.

For example:

Associated project impacts in regards to hydrology analysis are presented in error. The EIR and Vesting Tentative Tract recommendation incorrectly states that the project will have no impact relative to hydrology.¹² The impact is due to an increase in impervious surfaces proposed through the project, which again does not support statements that the proposed project would result in more open space. Analysis within the Hydrology and Water Quality Technical Reports incorrectly calculates the percentage increase in imperviousness of the project.¹³ Instead of a 4.7 percent increase, as stated, it is actually a 40 percent increase. The Conservancy has raised this issue previously as we first drew attention to this error in our Draft EIR comments on January 18, 2012.

3. The EIR only provides one true preservation alternative that retains Wyvernwood's eligibility as a historic district. Given the scale of this proposed project, there should be a

⁹ Financial Feasibility of Project Alternatives Technical Report, 26

¹⁰ Vesting Tentative Tract No. 71943, Page 179

¹¹ Vesting Tentative Tract No. 71943, Page 106

¹² Vesting Tentative Tract No. 71943, Page 85

¹³ Hydrology and Water Quality Technical Reports, 9 of 13

sincere attempt to consider and evaluate a greater range of preservation alternatives within the EIR to reduce the significant impacts of this project and avoid demolishing a California Register-listed historic district. Unfortunately Partial Preservation Alternative C – the only preservation alternative provided within the EIR -- is not fully developed nor were serious attempts made to see how it might meet project objectives through a preservation-based approach. The Conservancy strongly believes there are other preservation alternatives available but have not been analyzed within the EIR.

A modified Partial Preservation Alternative C can also occur, to include some amount of retail or commercial space to meet the underlying purpose of the proposed project for a “mixed-use community featuring a substantial amount of new housing stock integrated with retail, office, and service uses.” More housing and civic amenities could be incorporated in residential towers greater than the 7-story buildings proposed in this alternative, particularly along Olympic Boulevard, or within compatible infill construction. Similarly, less drastic measures can be made to improve site access for emergency vehicles.

4. **Partial Preservation Alternative C is a) the environmentally superior alternative; b) meets many project objectives; c) substantially lessens the greatest number of significant adverse impacts, and d) avoids demolishing a California Register-listed historic district.** This alternative retains approximately 60 percent of the Wyvernwood historic district (count by number of buildings) 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 the greatest number of adverse effects associated with the project which is why the EIR considers it to be the environmentally superior alternative.

Further, despite narrowly defined project objectives that favor new construction over rehabilitation, the Partial Preservation Alternative C is also still able to partially meet many of the project objectives. Refinements to Partial Preservation Alternative C can address many of the concerns identified in the EIR analysis and further achieve more of the project objectives.

5. **The structure of the EIR and its narrowly defined project objectives favor new construction over preservation.** The EIR is designed to give preference to new construction over preservation. Where project objectives generally guide a development through a range of reasonable alternatives, and determine the feasibility of an alternative, certain objectives in this EIR clearly favor demolition and foreclose consideration of less harmful alternatives. For instance, one objective specifically aims to “remove existing on-site buildings and improvements.” In other instances, statements within the EIR misstate project objectives, again indicating preference for new development.
6. **The proposed project and density of development a) is not physically suitable for the Wyvernwood site and Boyle Heights; b) will directly result in increased traffic congestion; and c) does not comply with the City’s existing General Plan or Community Plan.** Going from a density of 29 to 67 dwelling units per acre and increasing the number of housing units from 1,200 to 4,400 (by 73 percent) will result in significant

long-term impacts on existing infrastructure throughout Boyle Heights. The EIR fully acknowledges this will result in significant and unavoidable impacts, particularly with traffic congestion. Even with all recommended mitigation measures in place, 6 intersections remain unresolved. Given all of these factors the proposed project will dramatically change the existing pattern and character of development in Boyle Heights.

The proposed High-Medium density housing does not meet the City's General Plan or Community Plan in terms of the location and need for this type of proposed development being "easily accessible by public transit."¹⁴ Specifically the proposed project does not support nor is it consistent with the City's General Plan Land Use Chapter, Goal 3A in at least six of the ten identified areas, including the following:

- "Conservation of existing residential neighborhoods"
- "Conservation of National Resources"
- "Provision of adequate infrastructure and public services"
- "Reduction in traffic congestion"
- "Improvement of air quality"
- "Enhancement of recreation and open space requirements"

Further, the proposed project does not comply with the Boyle Heights Community Plan as it is inconsistent and out-of-character with the surrounding community. Although stated issues to be addressed within the plan, the proposed project does not meet the following:

- "Preserve the existing low scale character of the community."
- "Preserve the continuity of the streetscape and enhance community identity."
- "Mitigate the adverse impacts of new high density residential development such as bulk, open space and parking."
- That High-Medium density housing be provided only within a 1/4 mile radius from proposed MetroRail Station stops.

Despite claims that the proposed project is "easily accessible by public transit,"¹⁵ it is in fact 1.25 miles from two MetroRail Gold Lines stations. This distance is far greater than the required .25 mile radius set forth in the City's policy and Community Plan for the location of the project's proposed High-Medium density housing.

Only through the proposed land use changes would the proposed project be compatible and only to the project site, not the surroundings. The EIR's Compatibility of Design section fully acknowledges and reaches this same conclusion, again stating the proposed project is not consistent. When substantial evidence demonstrates otherwise, why is this continually being disregarded in the EIR and Vesting Tentative Tract recommendation?¹⁶

¹⁴ Boyle Heights Community Plan

¹⁵ Vesting Tentative Tract No. 71943, Page 187

¹⁶ Page IV. G-75

- 7. Preserving Wyvernwood is a) more sustainable; b) better for the environment; and c) avoids and reduces serious public health problems associated with the proposed project.** Partial Preservation Alternative C that keeps and rehabilitates Wyvernwood avoids demolishing more than 250 buildings. Most importantly, it avoids the debris and solid waste otherwise generated by the proposed project (11 tone of demolition and construction debris -- per day -- for 15 years; and 78 percent more solid waste per year once completed).

Nevertheless the Vesting Tentative Tract recommendation fails to acknowledge the environmental damage that will occur through the proposed project. It fundamentally ignores that the Partial Preservation Alternative C is the environmentally superior alternative and recognized internationally as the more ecologically sustainable approach than demolition. In terms of assessing damage to the environment, another impact of demolition will be the loss of a California Register-listed and National Register-eligible historic district. Rarely does this occur in the City of Los Angeles and the Conservancy is very concerned about setting precedent in this case, certainly not at the scale of Wyvernwood and a historic district encompassing approximately 250 buildings as well as a designed landscape. Despite planning to recycle 50 percent of the demolition debris and using recycling bins, it will take decades to pay off the costs of the proposed project to the environment in terms of energy, carbon, water, materials, toxicity, etc.

Remarkably the Vesting Tentative Tract recommendation states, “There appears to be no potential public health problems caused by the design or improvement of the proposed subdivision.”¹⁷ It completely ignores and omits any reference to the proposed project’s localized and regional air quality impacts during construction which are identified in the EIR as significant and unavoidable even with mitigation measures in place. These impacts are in direct conflict with the General Plan and its Air Quality Element goals. It will directly impact nearby schools and be in effect for at least 15 years. The proposed project will only increase the severity of this public health problem.

Conclusion:

The Conservancy looks forward to discussing this project further with the City Planning Commission. We truly believe a preservation alternative is not only viable but possible as a win-win opportunity. Should you have any questions, please feel free to contact me at afine@laconservancy.org or by phone at 213-430-4203.

Sincerely,



Adrian Scott Fine
Director of Advocacy

Attachment(s) A, B, C and D

¹⁷ Vesting Tentative Tract No. 71943, Page 215