



January 18, 2012

Submitted by email

Mr. Sergio Ibarra
City of Los Angeles, Major Projects
200 North Spring Street, City Hall, Room 750
Los Angeles, CA 90012
Email: Sergio.Ibarra@lacity.org

**RE: Draft EIR for the Boyle Heights Mixed-Use Community Project,
ENV-2008-2141-EIR**

Dear Mr. Ibarra:

On behalf of the Los Angeles Conservancy, thank you for the opportunity to comment on the Draft Environmental Impact Report (Draft EIR) for the Boyle Heights Mixed-Use Community Project. The Los Angeles Conservancy is the largest local preservation organization in the United States, with over 6,800 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.

The proposed project would demolish and replace in whole the historic Wyvernwood Garden Apartments. Opened in 1939 and spanning nearly seventy acres, Wyvernwood was the first large-scale garden apartment complex in Los Angeles and reportedly the largest of its kind in the country at the time. Wyvernwood remains largely intact today and is listed in the California Register of Historic Resources and has been determined eligible for the National Register of Historic Places. The Los Angeles Conservancy strongly believes the Draft EIR suffers from deficiencies. Wyvernwood can and should be preserved and rehabilitated as part of the Boyle Heights Mixed-Use Community Project.

The Draft EIR acknowledges the loss of Wyvernwood as a significant and unavoidable adverse impact to a cultural resource. Proposed mitigation measures -- including HABS and photo documentation-- are insufficient to reduce the impact to a less-than-significant level. Under CEQA, it is widely recognized that “[a] large historical structure [in this case, an entire historic district] once demolished, normally cannot be adequately replaced by reports and commemorative markers.”¹

¹ *League for Protection of Oakland's Historic Resources v. City of Oakland* (1997) 52 Cal.App.4th 896, 909.

I. Wyvernwood Garden Apartments is a Nationally-Significant Historic Resource, designed originally to meet many of the new project’s objectives

Built between 1938 and 1941, Wyvernwood was designed by architects David J. Witmer, and Loyall F. Watson, in collaboration with landscape architect Hammond Sadler. Wyvernwood was intended to provide middle-income and worker housing located close to jobs in downtown and nearby industrial centers. The complex was privately financed by the Hostetter Estate and insured by the newly formed Federal Housing Administration (FHA). Wyvernwood served as a testing ground for the FHA’s new program and a model for other garden apartments to follow, in Los Angeles and throughout the country by illustrating the modern yet affordable housing standards required of FHA-insured projects.

Following progressive garden city planning principles, Wyvernwood originally consisted of 143 two-story buildings carefully arranged on six super blocks (in total there are 256 buildings including garage structures, etc.).² The super block allowed individual units to have open vistas in multiple directions. The design creates both large and intimate green spaces and courtyards that take advantage of sunlight for passive heating, natural air for cross ventilation, and the existing topography for open space and drainage.³ To foster a sense of community, all 1,102 (now 1,187) one-, two- and three-bedroom units were spread out among attached row houses and apartment blocks facing common greens, with detached garages and service areas relegated to the periphery and the rear of the units.

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. As already stated, 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.

² An additional 9-10 buildings were added to Wyvernwood in the 1950s and 60s, bring the total number of apartment buildings onsite to 152 with 1,187 units (Wyvernwood Apartments – Historical Resources Technical Report)

In many ways Wyvernwood has stood the test of time. Despite ongoing deterioration and the need for reinvestment, as acknowledged within the Draft 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."⁴

a. Open space at Wyvernwood is a primary design feature and contributes to a high quality of life for residents.

The proposed project states the quality and usability of the open spaces would be substantially improved. We strongly believe the opposite, that the project will in fact diminish the amount, quality and usability of open space. Wyvernwood's innovative approach toward urban planning and open space design is what makes it unique and significant as a historic district. The property's extensive landscaping, mature trees, and flowing green space are integral to the garden city philosophy. Designers called for the separation of pedestrian and vehicular circulation, with few through roads so as to create safe play areas and recreational spaces away from traffic. Provisions were made for cars - - then a burgeoning form of transportation -- through a carefully-planned approach of limiting their impact and alternative to a more traditional pattern of development.

Remarkably, several of the original planning principles for Wyvernwood -- pedestrian-friendly communities, communal open spaces, environmentally-sensitive siting and affordability -- have found renewed interest in New Urbanism and the green building movements today, and are among the project objectives. As stated in the Draft EIR, "overall, the project is intended to provide a walkable community with modern amenities and a high-quality design that promotes sustainability."⁵ In many ways Wyvernwood already meets these project goals with the existing 1939 development largely designed around modern-day sustainability principles.

A primary example of this is the central Mall, designed around an existing natural ravine on site to serve as a 40-foot-wide swale to absorb and channel storm water. Today the swale functions much as it was originally intended and forms the spine of Wyvernwood's 80-foot wide central landscaped mall, the east/west axis by which the overall development was subsequently arranged. The DEIR states "...conditions provide poor water penetration into the soil, resulting in pooling and standing water [and] parts of the Mall are prone to flooding where it does not drain adequately."⁶ However, analysis within the DEIR acknowledges the majority of storm water areas at Wyvernwood drain directly to catch basins currently onsite, further stating, "No system deficiencies or incidents of flooding have been noted."⁷ While deferred maintenance and evasive tree roots may have limited the effectiveness of the central drainage channel over time,⁸ cost-

⁴ Project Description, II-11

⁵ Project Description, II-17

⁶ IV. Environmental Impact Analysis, IV.J-90, 91

⁷ Hydrology Study, page 8, Section IV

⁸ IV. Environmental Impact Analysis, IV.J-91

effective remedies can be easily employed to repair this feature to optimal performance and address these perceived deficiencies.

b. Proposed project does not provide equivalent or higher quality open space

The Draft EIR repeatedly states the project will provide more open space than what currently exists and of higher quality. However, throughout the Draft EIR multiple discrepancies exist in regards to existing and proposed open space calculations. These inconsistencies lead to an overall lack of confidence in the project's analysis and accuracy. For instance, Figure 11-4 of the Project Description states there is currently 39.98 acres of existing open space at Wyvernwood; contradicting this data on page II-35 of the Project Description, it states there is currently 36.43 acres of open space. Figure II-15 of the Project Description states there will be 37.25 acres of proposed open space; yet on page II-34, the stated narrative calculates to 42.2 acres of proposed open space. In the Parks and Recreation section, the Draft EIR states, "In total, the project's public and semi-private open space/recreational areas would be approximately 21.5 acres."⁹ In the Aesthetics/Visual Quality/Views analysis, it states, "...semi-private and private courtyards, plazas, and open spaces would comprise an additional 13.5 acres of open space amenities for a total of approximately 24 acres of useable open space."¹⁰

The Draft EIR divides up the overall open space into many different types and categories, which makes it difficult to assess in terms of comparison to existing open space conditions. Excluding buildings, parking lots and other hardscape surfaces, the Conservancy estimates there is approximately 50 acres of existing open space at Wyvernwood. Applying the same type of analysis and using what was provided within the Draft EIR, in comparison, the Conservancy believes the proposed project actually provides about 24 acres of open space.

Additional analysis within the Draft EIR, when properly evaluated, also does not support the claim that the project will provide greater open space than what currently exists. For instance, hydrology analysis indicates the proposed project will have significant impacts, substantially increasing the amount of surface waters diverted to a downstream water body. This is due to an increase in impervious surfaces, 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.¹¹ Instead of a 4.7 percent increase, as stated, it is actually a 40 percent increase. The analysis does not take into account the existing imperviousness (IMP) of the Wyvernwood site, which is presently 54 percent. The proposed project will increase to 90 percent imperviousness.

Given the inconsistent open space calculations throughout the Draft EIR and flawed analysis elsewhere, we do not believe it is accurate or fair to state that open space will be

⁹ IV.J.4 Public Services – Parks and Recreation, IV.J-101

¹⁰ IV.A.1 Aesthetics/Visual Quality/Views, IV.A-19

¹¹ Hydrology and Water Quality Technical Reports, 9 of 13

increased or “substantially improved” than what currently exists on the project site.¹² The Final EIR should fully reevaluate its analysis and provide consistent and accurate data.

II. The Draft EIR Contains Narrowly Defined Project Objectives that Favor New Construction over Preservation

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.”¹³ 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.”¹⁴

Courts often refer to the EIR as “the heart” of CEQA, providing decision makers with an in-depth review of projects with potentially significant environmental impacts and analyzing alternatives that would reduce or avoid those impacts.¹⁵ The CEQA Guidelines require a range of alternatives to be considered in the EIR that would feasibly attain most of basic project objectives but would avoid or “substantially lessen” the project’s significant adverse environmental effects. The lead agency cannot merely adopt a statement of overriding considerations and approve a project with significant impacts; it must first adopt feasible alternatives and mitigation measures.¹⁶

The list of project objectives guide the development through a range of reasonable alternatives, and determines the feasibility of an alternative, but certain objectives in the Draft EIR clearly favor demolition and foreclose consideration of less harmful alternatives. In some instances, statements within the Draft EIR misstate project objectives, again indicating preference for new development. For instance, the applicant states its objective to feature “substantial amount of *new* housing stock.”¹⁷ The objective within the Draft EIR actually as stated is to “increase the amount and quality of the housing stock.”¹⁸

One objective specifically aims to “remove existing on-site buildings and improvements,” that the applicant claims encroach upon public water and storm drain easements. As an objective that seems to favor demolition over rehabilitation of the site, and is cited as one of only two “ongoing problems” that the Partial Preservation Alternative C does not correct, the project objective to remove an unspecified number of buildings that encroach on unidentified easements is a contrivance to discourage the preservation of Wyvernwood.

¹² Project Description, II-34

¹³ Public Resources Code §21001 (b), (c).

¹⁴ *Sierra Club v. Gilroy City Council* (1990) 222 Cal. App.3d 30, 41; *also see* PRC §§ 21002, 21002.1.

¹⁵ *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.

¹⁶ PRC §§ 21081; *Friends of Sierra Madre v. City of Sierra Madre* (2001) 25 Cal.4th 165, 185.

¹⁷ Page V-88

¹⁸ Page 11-12

The California Supreme Court has explained that an EIR must avoid an artificially narrow statement of project objectives.¹⁹ An objective is a goal, not the means to an end. This contrived objective should be revised to comply with CEQA by reflecting a legitimate project goal. For example, the objective could be restated as the protection or enhancement of public water and storm drain easements.

If restated, there should be supporting backup analysis as justification. Specifically only the easement for a water main owned by the Metropolitan Water District (MWD) is detailed in the Draft EIR. MWD retains the right to request removal of the garages, driveways and sidewalks if it is necessary to excavate, but no request from MWD regarding removal of the improvements or to correct encroachment on their easement is included in the Draft EIR.²⁰ As for the storm drains, no easement or encroachment is mentioned in the hydrology or storm drain technical reports and no illustrations have been supplied as to the location of the purported easement and encroachments.

Despite this stated project objective, there is no corresponding preservation alternative provided that addresses this perceived issue with the MWD easement, in terms of removing the buildings and structures which encroach upon the easement. Our understanding is this affects approximately 25 residential buildings and garage structures. Their removal could still maintain eligibility as an historic district while addressing this specific project objective. Further, this could demonstrate how Partial Preservation Alternative C comes even closer to meeting nearly all of the project objectives.

a. Partial Preservation Alternative C partially meets most of the project objectives

Despite project objectives that skew in favor of demolition, the Partial Preservation Alternative C is still able to partially meet most of the project objectives. Refinements to this alternative can address these concerns and further achieve more of the project objectives.

Partial Preservation Alternative C can 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 with subterranean parking that replaces the approximately 8 acres of surface parking lots currently onsite.

Similarly, less drastic measures can be made to improve site access for emergency vehicles. Adding street signage for Wyvernwood’s interior circulation, coordination and periodic updates with the responding police and fire stations to map access routes and

¹⁹ *In re Bay Delta* (2008) 43 Cal.4th 1143.

²⁰ Draft EIR, Appendix M.2, Domestic Water System Study by Stantec Consulting Services, Inc., p. 3 of 8. According to this report, the reverse easement deeded by MWD is silent on requirements for the residential building.

develop an emergency response plan, and if necessary, appropriate widening of select walkways can ensure Wyvernwood is properly protected and served.

Despite a lack of discernable increase in crime statistics within the reporting district in which Wyvernwood is located (Hollenbeck Community Police Station), relatively simple measures could be accomplished to address the project objective for maximum safety. This could include minor improvements such as additional lighting on site and in building stairwells, new mirrors at “blind” corners, and regular maintenance of trees and landscaping.

III. The Final EIR Should Evaluate a Greater Range of Feasible Preservation Alternatives that Retain Wyvernwood’s Eligibility as a Historic District

The Draft EIR is inadequate in its consideration of preservation alternatives. Only Partial Preservation Alternative C attempts to meet some of the project objectives and still retain eligibility as a historic district. Rehabilitation Alternative B, which does not include any new construction, is considered a “no project” alternative, demonstrating a disingenuous approach that lacks real consideration of rehabilitation as a viable alternative. Given the scale of this project, there should be a sincere attempt to consider and evaluate a greater range of preservation alternatives within the Final EIR to reduce the significant impacts of this project.

Other alternatives may be available but have not been analyzed within the Draft EIR. The recent work of an architectural studio class at Cal Poly Pomona demonstrates the range of alternatives that could be considered within the Final EIR. Seven teams of twenty-one students developed alternatives that meet many of the project objectives while also retaining at least fifty percent of the existing Wyvernwood historic district. While a fifty percent threshold is not optimal in terms of maintaining eligibility as an historic district, various teams preserved more than sixty percent by crafting various permutations that add new commercial uses along with infill development. Nearly all of the projects retain much of the central portion of Wyvernwood and its historic character.

IV. Large-scale historic garden apartments across the nation and in Los Angeles have been successfully rehabilitated and preserved

The DEIR repeatedly claims the rehabilitation of Wyvernwood, in whole or partially, is financially infeasible. Analysis provided, however, does not substantiate this conclusion. The Conservancy is concerned that there has not been serious consideration of rehabilitation as a viable alternative. Throughout the country, other large-scale garden apartment communities have been successfully preserved and rehabilitated, employing creative approaches of ownership, financing and incentives.

- In **Washington, DC, Mayfair Mansions Apartments** were rehabilitated in March 2009 through a phased project. Completed in 1946, Mayfair Mansions is a historic garden apartment community, listed on the DC and National Register of Historic Places. It is significant as one of the first designed for working- and

- In Los Angeles, **Lincoln Place in Venice** is currently undergoing rehabilitation. Lincoln Place is a 33-acre garden apartment complex built between 1949 and 1951 and a significant example of moderate-income rental housing built in Los Angeles following World War II to alleviate the severe housing shortages.²¹ Conditions here are likely much more severe in comparison to Wyvernwood however, as the complex has suffered for years of deferred maintenance and care. The project includes a two-phased rehabilitation of 45 buildings and 696 housing units. \$56 million is being invested in the total project costs. Owners are adhering to the *Secretary of the Interior's Standards for Rehabilitation*, as the project intends to use federal historic tax credits as well as Mills Act financial incentives to help offset the rehabilitation costs. The project also includes sensitive infill construction on land where 7 apartment buildings were previously demolished.
- Throughout the country, examples like these and others demonstrate how historic garden apartment communities can be rehabilitated, upgraded on an incremental basis, and continue to provide high quality housing and be economically viable. For instance, the largest garden apartment community in **Los Angeles, Park La Brea**, has successfully managed to maintain its historic buildings and character while also upgrading residences, attaining market rate rents, and doing so without completely vacating the overall complex.
- Another example is **Village Green in Baldwin Hills**, converted from rental units to condominium ownership in the 1970s, it has been continuously maintained and updated with regular infrastructure improvements (site work, plumbing, electrical, roofing, HVAC, etc.) since it was opened in 1942. Currently through a Mills Act agreement, leadership is undertaking a 10-year rehabilitation plan to improve infrastructure, all while residents remain in their homes. Village Green is similar to Wyvernwood, as it also consists of nearly 70 acres, though lower in density with 629 units (in comparison to 1,187 units).
- Throughout the **D.C.-metro area of Virginia**, which has the highest concentration of large-scale garden apartments in the nation, many have been successfully maintained and rehabilitated, employing creative approaches toward

²¹ Historical Resources Technical Report, page 19, June 2011

financing and homeownership (condo and co-op). **Colonial Village**, for instance, the first FHA-insured large-scale garden apartment housing project in the country, was built between 1935 and 1940. In the late 1970s, a phased development plan was approved for the 55-acre site and 245 buildings, calling for 75 percent of Colonial Village to be preserved while allowing some demolition and new construction to occur. Today Colonial Village continues to thrive and provide high-quality housing while also maintaining its eligibility as a historic district.

a. The estimated rehabilitation costs and financial analysis is unsubstantiated and flawed

Economic analysis within the Draft EIR is not considered paramount under CEQA. The applicant, however, relies heavily on this type of analysis to demonstrate why various alternatives are infeasible. CEQA defines feasibility as “capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social and technological factors.”²² In order to prove economic infeasibility the applicant must provide specific “evidence that the additional costs or lost profitability are sufficiently severe as to render it impractical to proceed with the project.”²³

Economic analysis appears skewed in several instances. For example, under the Partial Preservation Alternative C, \$80 million is estimated for the hard construction costs to rehabilitate 83 existing buildings or 648 units, excluding site work and soft costs. No specific scope of work or detailed line item analysis is provided to explain the exorbitantly high \$124,146 per unit construction cost. When compared to Lincoln Place, which offers similar-sized units and type of construction, the estimates for Wyvernwood appear to be much higher. For instance, per unit costs at Lincoln Place are estimated at \$53,000 for rehabilitation-only units, and \$70,763 for those that also include modernized kitchens and an added bath in 2-bedroom units.²⁴

At Lincoln Place and elsewhere, rehabilitation generally involves upgrades which include improving building and site infrastructure to meet current-day demands, refurbishing interior spaces while keeping character-defining features like hardwood flooring intact, modernizing kitchens or baths where appropriate, and to install energy- and water-saving features. Such improvements extend the service life of these well-thought-out 60 and 70 year-old buildings for many more decades.

Without supporting information and documentation for the estimated rehabilitation costs, Wyvernwood’s almost double per unit cost comparison to Lincoln Place lacks justification. It also calls into question the accuracy of the overall rate of return and gross margins calculated in the Alternatives Financial Feasibility Report, as the development cost is based on the unsubstantiated rehabilitation costs. Despite the statement that “available financial incentives for historic preservation are accounted for in the feasibility

²² CEQA Guidelines, § 15364

²³ Citizens of Goleta Valley v. Board of Supervisors, (1988) 197 Cal. App. 3d 1167, 1181

²⁴ Historical Property Contract Program, City of Los Angeles, Lincoln Place Apartments, May 25, 2011

analysis,”²⁵ no available analysis demonstrates serious consideration of financial incentives such as the Federal Historic Rehabilitation Tax Credit, Low Income Housing Tax Credit, the Mills Act, or charitable tax deductions that could occur through façade and/or conservation open space easements. Further, financing that other types of affordable housing has secured, such as HUD assistance, is not addressed.

Overall the various arguments that state rehabilitation cannot be phased, is financially infeasible, and would result in tenant displacement due to higher post-rehabilitation rents, stem from the unspecific rehabilitation costs and flawed financial analysis.

b. Rehabilitation can be phased to limit tenant displacement and associated costs of relocation

The Draft EIR acknowledges that Partial Preservation Alternative C is the environmentally superior alternative that would have the fewest significant and unavoidable impacts.²⁶ However, the analysis states this alternative would “create a new impact that would be significantly greater than the project in that it would displace the current tenant population,” and presents 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.

The applicant’s consulting construction contractor²⁷ that provided the preliminary rehabilitation estimates concluded that phasing the rehabilitation work would “increase two to three times” the estimated cost. While reasons such as the inability to negotiate volume discounts and cost escalation over time are given for the large increase, the timing, scope, and details of the potential phasing are not provided to determine whether cost savings could occur with different types of phasing schedules. Further, this does not take in account the ability to accept bids for overall or phased rehabilitation work, often taken at a single point in time which can address cost containment and savings through volume discounts.

As has been the case at Village Green in Baldwin Hills, 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. Such scheduling could also be phased so that as each trade completes a grouping of buildings, they can move on to the next group, thereby benefiting from economies of scale and worker experience while still not requiring complete relocation of all tenants simultaneously.

²⁵ Appendix N.2, Alternatives Financial Feasibility Report, Page 2

²⁶ V Alternatives, V-174

²⁷ Morley Builders

To demonstrate the apparent threshold and scale that could support a phased rehabilitation, the applicant asserts that only Alternative #3D can be phased, which includes the retention and rehabilitation of 6 buildings at Wyvernwood, to be reused as a community center. Alternative #3C, which retains only 17 residential buildings and 126 units -- the least amount of all the residential rehabilitation alternatives -- the applicant apparently believes is too large in scale, stating, "it would not be possible to phase this scale of renovation, so all existing residents would be eligible for relocation benefits."²⁸

The applicant states all existing units would need to be vacated at the commencement of rehabilitation work. 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. It is unclear how Wyvernwood is unique from other developments in this respect, 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 is unsubstantiated and estimating \$21,722,100²⁹ for relocation is not entirely necessary if there is a phased rehabilitation, further calling into question the accuracy of the Alternatives Financial Feasibility Report. We believe an onsite and phased rehabilitation is feasible and would greatly reduce the estimated costs associated with any need for limited relocation, and should be reflected within updated analysis.

V. Rehabilitating Wyvernwood is acknowledged as the environmentally superior alternative and can be achieved while meeting the project's sustainability goals and objectives, including LEED for Existing Buildings certification

The project seeks to attain LEED Silver certification; however, reuse of the existing historic buildings at Wyvernwood is an inherently green and sustainable practice. It is certainly not environmentally sustainable to demolish 256 existing buildings. According to the USGBC, LEED-certified existing buildings now surpass LEED-certified new construction, a trend that is expected to grow.³⁰ When a building is demolished and replaced, research demonstrates that it can take more than 30 years before any cumulative energy savings is achieved through even the most energy-efficient replacement building.³¹

The adverse environmental impact of building 4,400 housing units and up to 325,000 square feet of commercial/retail space is tremendous, requiring enormous expenditures of energy, materials, and non-renewable resources. Even with proposed recycling and the best case scenario, the project will generate 11 tons of demolition and construction solid waste per day over a period of 15 years (43,560 tons overall with project build out to

²⁸ Financial Feasibility of Project Alternatives Technical Report, 17, 18

²⁹ Financial Feasibility of Project Alternatives Technical Report, 26

³⁰ "Huge Growth for LEED retrofits," www.greenbuildingpro.com, December 8, 2011

³¹ National Trust for Historic Preservation, Sustainability Program

2030).³² Further, in comparison to current annual operating solid waste generation at Wyvernwood, the project will result in a net 78 percent increase annually, or 9,179 tons of waste per year. Operational impacts of this project are significant, as stated in the analysis provided, and cumulatively would increase the need for waste disposal capacity at the County's unclassified landfills.

The perceived deficiencies at Wyvernwood can be improved without full demolition and replacement. Wyvernwood could attain better performance through green operations and maintenance. In addition to an overall rehabilitation of each unit, upgrades can be made to modernize the electrical and plumbing systems and sustainability features such as low-flow water fixtures, tankless water heaters, and energy-efficient appliances and lighting can be installed. Some ground-floor apartment units can also be adapted to offer ADA-accessible units. 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.

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. For instance, current technologies for bio-swales, coupled with appropriate maintenance, can improve rainwater infiltration and retention at the Mall. Other improvements, including native plantings, updated irrigation systems, and ongoing maintenance, can repair the dead grass, dirt, standing water, and erosion that have occurred in some of the landscaped areas throughout years.

The Final EIR should fully scrutinize any claimed environmental benefits of the proposed project within a broad context. For instance, financial analysis does not appear to consider the cost savings of not demolishing 256 building or the substantial expenditure associated with regrading the entire site and associated soil export, as currently proposed. Once again, this calls into question the accuracy of the Alternatives Financial Feasibility Report.

VI. Conclusion

The Conservancy strongly believes that other potentially feasible alternatives exist and should be explored for Wyvernwood while also meeting many of project objectives. Thank you for the opportunity to comment on the Draft EIR for the Boyle Heights Mixed-Use Community Project.

Please add the Conservancy to the notice list for this project as the environmental review process continues and feel free to contact me at afine@laconservancy.org or 213-430-4203 should you have any questions.

³² Utilities and Service Systems – Solid waste, IV.L-105

Sincerely,

A handwritten signature in black ink that reads "Adrian Scott Fine". The signature is written in a cursive, slightly slanted style.

Adrian Scott Fine
Director of Advocacy

cc: Councilmember José Huzier, Council District 14
Office of Historic Resources