



April 20, 2011

Submitted electronically

Mr. Hadar Plafkin, Project Coordinator
Department of City Planning
Los Angeles City Hall
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Los Angeles, CA 90012
Email: hadar.plafkin@lacity.org

Re: Green Hollow Square/Barry Building – ENV-2009-1065-EIR – Draft EIR

Dear Mr. Plafkin:

On behalf of the Los Angeles Conservancy, we submit these comments on the draft environmental impact report (DEIR) for the Green Hollow Square project which impacts the historic Barry Building. The Los Angeles Conservancy is the largest local historic preservation organization in the United States, with over 6,000 members throughout the Los Angeles area. Established in 1978, the Conservancy works to preserve and revitalize the significant architectural heritage of Los Angeles through advocacy and education. Since 1984, the Conservancy's all-volunteer Modern Committee has worked to raise awareness about Los Angeles' unique collection of mid-twentieth century modernist structures.

The Conservancy has long been an advocate for the protection of the Barry Building and for its ability to continue to function successfully as originally intended, and potential to be adaptively reused. With a feasible and environmentally superior alternative identified in the DEIR that would retain and incorporate the Barry Building as part of the new development, we strongly urge the City and the applicant to adopt a modified version of Alternative 4: Preservation Alternative as the preferred project.

I. The Barry Building is Los Angeles Historic-Cultural Monument #887

The Barry Building was designed by Los Angeles-based architect Milton Caughey (1911-1958) and completed in 1951 when postwar development was beginning to redefine Brentwood's San Vicente Boulevard commercial corridor. The distinctive and highly intact International Style building is arranged around a central courtyard which features integrated planting beds. A notable feature of the building's sustainable design is the integration of louvers which shield south- and west-facing office windows from the sun's heat and glare.

In addition to its architectural significance, the Barry Building is a beloved community and cultural landmark as evidenced by the hundreds of residents who voiced their support for the nomination in 2007. The Conservancy worked closely with the Brentwood community to support designation of the Barry Building as a City of Los Angeles Historic-Cultural Monument (HCM),

having repeatedly met with the Friends of the Barry Building, Councilmember Rosendahl's office, and representatives of the owners.

a. Every effort should be made to avoid demolishing a designated historic resource

As a designed Historic-Cultural Monument, the City and the Cultural Heritage Commission, its appointed panel of experts, has recognized the Barry Building as important to Los Angeles' heritage. We believe as a designation historic resource, every effort should be made to retain and reuse the Barry Building. If the Green Hollow Square project is approved and the Barry Building were demolished, its loss would call into question the City's ability to protect our cultural heritage when clear adaptive reuse options exist.

Although Los Angeles' current Cultural Heritage Ordinance cannot prevent the demolition of a Historic-Cultural Monument, it does allow the City to delay demolition. This delay period allows for further consideration of preservation alternatives, which has been successful in the past. As a result, there have been very few instances when a Historic-Cultural Monument has been demolished to make way for new development (excluding loss because of fire, earthquake damage, etc.).

The 1985 demolition of the Philharmonic Auditorium Building (HCM #61) remains an ever-present reminder that our city's landmarks can be vulnerable. Despite receiving HCM designation in 1969 for its rich cultural heritage and architectural significance, this prominent landmark opposite Pershing Square was demolished for a mixed-use development project that never materialized. Twenty-six years after its demolition, the site remains a parking lot.

b. The Barry Building is also a historic resource under CEQA

As a locally designated landmark, the Barry Building is presumed to be historically significant under the California Environmental Quality Act (CEQA) and its demolition as proposed under the current project would constitute a significant adverse impact. In 2009 and again in 2010, the Conservancy submitted comments on the Notice of Preparation for two versions of the proposed project (previously named Brentwood Town Green), both of which called for the demolition of the Barry Building despite its status as a designated landmark. In addition to the Conservancy's comments, which stressed the need to consider an alternative in the DEIR that would adaptively reuse the Barry Building, letters were submitted by dozens of local residents strongly urging the applicant to retain the landmark Barry Building.

II. Under CEQA, the Lead Agency Must Deny Approval When Feasible Alternatives or Mitigation Measures Would "Substantially Lessen" Adverse Impacts

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."¹ To this end, CEQA "requires public agencies to deny approval of a project with significant adverse effects when feasible alternatives or

¹ Public Resource Code, Sec. 21001 (b), (c).

feasible mitigation measures can substantially lessen such effects.”² 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 or avoid those impacts.³ 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.”⁴

The DEIR acknowledges that “the project would have a significant impact on historic resources with respect to the demolition of the Barry Building.”⁵ Proposed mitigation measures -- including HABS and photo documentation -- would not reduce the impact to a less-than-significant level.⁶ Additionally, proposed mitigation measure E-2 to make “a good faith effort” to sell the Barry Building to a third party for relocation to a different site, cannot be considered meaningful mitigation unless the applicant provide the financial resources to ensure compliance with the terms of the mitigation measure and identifies and secures an appropriate site as detailed in Galvin Preservation Associates letter in Appendix N of the DEIR. Furthermore, insufficient analysis in the DEIR fails to provide the necessary level of information to assess the feasibility of relocation and the identification of appropriate receiving locations.

a. A feasible preservation alternative exists that would eliminate negative impacts to the Barry Building

Alternative 4: Preservation Alternative has been identified in the DEIR as the environmentally superior alternative that can avoid negative impacts to a historic resource, and slightly reduce the time frame, and impacts from, construction. Under Alternative 4, the Barry Building would be retained and new tenant spaces developed around it. While Alternative 4 would result in slightly reduced square footage when compared to the proposed project (approximately 3,000 square feet or under 5% less space), it would retain the originally planned 427 parking spaces and meet the primary objective for a development that provides a mix of retail, office and restaurant uses catering to the Brentwood community. As the DEIR states, “the main difference between this alternative and the proposed project is the retention of the historic-cultural monument, the Barry Building.”⁷

Unlike other alternatives, the DEIR lacks an explicit, definitive statement regarding the feasibility of Alternative 4. Faced with insufficient and incomplete analysis, we can only conclude that Alternative 4 meets most of the project objectives and is feasible. The arguments set forth in the Draft EIR that the preservation alternative might be less effective in architectural design, sustainability, or pedestrian connectivity than the proposed project, or that retaining the Barry Building might impede the owner’s competitive or economic goals are imprecise,

² *Sierra Club v. Gilroy City Council* (1990) 222 Cal.App.3d 30, 41; also see Public Resource Code §§ 21001, 21001.1.

³ *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.

⁴ PRC §21002.1.

⁵ Green Hollow Square. Draft EIR. February 2011. IV.E-17.

⁶ Under CEQA, it is widely recognized that “[a] large historical structure, once demolished, normally cannot be adequately replaced by reports and commemorative markers.” *League for Protection of Oakland’s Historic Resources v. City of Oakland* (1997) 52 Cal.App.4th 896, 909.

⁷ Green Hollow Square. Draft EIR. February 2011. VI-65.

speculative and largely unsubstantiated. Furthermore, the fact that an environmentally superior alternative, in this case, the preservation alternative, may be more costly or fails to meet all project objectives does not necessarily render it infeasible under CEQA.⁸ The objections against Alternative 4 are not compelling and ultimately fail to establish the infeasibility of the preservation alternative.⁹ Ultimately, the lead agency cannot merely adopt a statement of overriding considerations and approve a project with significant impacts; it must first adopt feasible preservation alternatives and mitigation measures.¹⁰

III. Additional Refinements Can Be Made to Improve Alternative 4

The Barry Building, a two-story commercial structure comprised of several retail spaces oriented around a central courtyard, provides the same use as the proposed project. Its elegant design provides great flexibility for being adapted to fit the needs of the Green Hollow Square project while maintaining the building's historic status and meeting most of the project objectives. While Alternative 4 readily offers a feasible preservation alternative, further refinements should be considered to more fully integrate the Barry Building with the proposed new development in terms of scale and massing, architectural design, materials, and shade/shadow. Further design enhancements can also more fully meet the project objectives regarding sustainability and energy efficiency, and pedestrian connectivity.

a. The site can be designed with more integration and compatibility between Barry Building and new construction

The Gruen Associates report in Appendix M is only one method of incorporating new construction around the Barry Building. It is one that attempts to retain the Barry Building while building the Green Hollow Square design around it. If selected as the preferred project, we urge reconsideration of the project design from the standpoint of retaining the Barry Building in place. By developing the site plan and new construction with the Barry Building as the centerpiece, an improved Alternative 4 can become a project that meets the project objective where "the buildings are integrated with one another and clearly relate to each other in terms of proportion, height, mass, and façade."

As an HCM, the City's Cultural Heritage Commission can offer guidance and feedback on the development of new infill construction that is appropriate and complimentary with the character-defining features of the Barry Building and landscape.

b. Barry Building, which incorporates sustainable design, can be enhanced with additional sustainability elements

One of the project objectives calls for a project "that meets LEED standards and includes energy efficient features that minimize the project's ongoing effects on the environment."¹¹ Although an

⁸ Guideline § 15126.6(a).

⁹ Under CEQA, findings of alternative feasibility or infeasibility must be supported by substantial evidence. Public Resources Code § 21081.5.

¹⁰ PRC § 21081; *Friends of Sierra Madre v. City of Sierra Madre* (2001) 25 Cal.4th 165, 185.

¹¹ Green Hollow Square. Draft EIR. February 2011. II-34.

analysis of Alternative 4 in the DEIR states that “retention of the Barry Building may also affect the energy efficiency and other environmental sustainability goals of the project under objective 1,”¹² the final EIR should scrutinize any claimed environmental benefits of the proposed project through an analytical comparison of analogous benefits achieved through a rehabilitated Barry Building. The Barry Building is equally capable of incorporating most of the sustainable design features planned for the project like high-efficiency toilets, fixtures, and irrigation system, and air conditioning controlled by computerized systems if its rehabilitation coordinated with the overall project to meet LEED certification. In addition, retaining the Barry Building maintains the embodied energy in the structure’s initial construction and reduces the amount of construction waste from wholesale demolition that would otherwise go into a landfill through demolition.

The project can also take advantage of the original design intent of the Barry Building which was built with sustainability principles in mind, including its “green” features in the form of window louvers framing the second floor windows facing San Vicente Boulevard (south) and the louvered screens in the courtyard (west), both of which provide solar shading that allows the building occupants to benefit from passive cooling. The building’s energy efficiency can be enhanced with several types of sustainable design features including solar panels, more efficient heating and cooling systems, and improved glazing performance to reduce operational greenhouse gas emissions.

The selection of drought tolerant landscaping for the Green Hollow Square project will enhance the project’s sustainable design and is commendable. Opportunities exists to achieve this same goal through Alternative 4 by retaining some of the mature plantings and specimens in the courtyard of the Barry Building which also carry historical significance, as called out in the Historic-Cultural Monument designation. The project can meet the intent for sustainable design by incorporating and introducing drought tolerant plants to the existing courtyard in appropriate spaces.¹³

c. Barry Building lends itself to project’s envisioned pedestrian network and gathering spaces.

Another stated set of project objective calls for a commercial project that both, “creates a sense of place for customers and community,” and “provide[s] a design that emphasizes a cohesive, well-defined pedestrian network, within which there are generous public spaces for walking and sitting.”¹⁴ One of the key features of the Barry Building is its orientation around a central courtyard that opens onto San Vicente Boulevard. This courtyard, with its numerous integrated planting beds, is a quintessential example of the type of public gathering spaces that architects of the mid-twentieth century often incorporated into the design of commercial buildings. The unique sense of place provided by the Barry Building’s courtyard is one of the site’s features that

¹² Green Hollow Square. Draft EIR. February 2011. VI-65.

¹³ The courtyard of the Barry Building includes several raised planting beds that form part of the building’s original design. Within these planting beds are several mature plant specimens including a deciduous magnolia, a dracaena, cycads, and three mature palms of various species. These plants, which form the dominant plantings within the courtyard and are associated with its historical significance, should be retained, while drought tolerant plantings can be sensitively introduced in numerous locations among the courtyard’s planting beds.

¹⁴ Green Hollow Square. Draft EIR. February 2011. II-34.

the Brentwood community most identifies with; numerous comment letters received on the NOP for this project emphasized the unique layout of this sheltered courtyard and the opportunities it providing as a gathering space.

While the DEIR states that Alternative 4 “would also not provide the same type of well-defined pedestrian network that would be provided by the proposed project given the retention of the Barry Building,”¹⁵ opportunities do exist to adapt the Barry Building to create a more unified pedestrian network throughout the project site. An example of the this type of flexibility could include the creation of breezeways, achieved through re-allocation of ground floor retail space, to provide direct access to the courtyard from the western and eastern sides of the building. Opportunities may also exist to convert a portion of the roof into usable space to address the height difference between the Barry Building and the taller new buildings.

IV. Impacts to the Coral Trees along Median of San Vicente Blvd. (HCM #148)

The Conservancy is also concerned with the project’s optional design feature for a mid-block turn lane across the San Vicente median. We concur with the finding that allowing removal of some coral trees for new mid-block crossings could have a cumulative impact on the continuous, uninterrupted nature of this linear monument (HCM#148). To avoid setting a precedent, we ask that the optional mid-block turn lane not be adopted as part of any project.

The Conservancy remains committed to working with the applicants, members of the community, and the City Council office to develop a plan that meets the project objectives, respects community priorities, and retains the historic Barry Building and landscape. Thank you for the opportunity to comment on the DEIR for the Green Hollow Square project. Please feel free to contact me at (213) 430-4203 or afine@laconservancy.org should you have any questions.

Sincerely,



Adrian Scott Fine
Director of Advocacy

cc: Councilmember Bill Rosendahl, Council District 11
Ken Bernstein, Department of City Planning, Office of Historic Resources
Brentwood Homeowners Association

¹⁵ Green Hollow Square. Draft EIR. February 2011. VI-65.