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- **“Initial Submissions”**: Compliant submissions received no later than by 4:00 p.m. Thursday of the week prior to the meeting, which are not integrated by reference or exhibit in the Staff Report.

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SECONDARY

SUBMISSIONS

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All materials in response to a Recommendation Report or additional comments which were received by the Commission Executive Assistant electronically no later than 24 hours prior to the Commission meeting AND which do not exceed ten (10) pages including exhibits are included in this file.

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March 18, 2019

VIA EMAIL: CHC@LACITY.ORG

Honorable Members of the City of Los Angeles Cultural
Heritage Commission
Los Angeles City Hall
200 North Spring Street
Los Angeles, California 90012

Re: 8150 Sunset Boulevard – Relocation of Lytton Bank Building – Request for Extension of Stay

Dear Honorable Cultural Heritage Commissioners:

We submit this letter on behalf of our client, AG SCH 8150 Sunset Boulevard Owner LP (the **"Owner"**), in the above entitled matter. We write to express our strong opposition to the continuance of this matter for an additional 180-day stay on demolition (the "**Stay Extension**") as the Cultural Heritage Commission (the "**Commission**") and the City Council cannot, as a matter of law, grant this extension.

The City of Los Angeles (the "**City**") approved the 8150 Sunset Boulevard Project (the "**Project**") in December 2016; however, the Project saw several attempts to delay, including unsuccessful litigation. In August 2016, Friends of Lytton Savings filed an application to designate and declare the former Lytton Savings and Loan Building located on the Project site (the "**Bank**") as a Historic-Cultural Monument. The Commission voted to take the property under submission, and later recommended the City Council designate the Bank as requested in the application. On December 15, 2016, after approving the Project and certifying the EIR, and adopting a statement of overriding consideration authoring the demolition of the Bank, the City Council also approved listing the Bank as a City Historic-Cultural Monument.

The Owner submitted the Bank's demolition permit application to the City on October 10, 2018. Pursuant to Los Angeles Administrative Code ("**LAAC**") Section 22.171.14, the City referred the Bank's demolition permit application to the Commission and, at its November 1, 2018 public hearing, the Commission filed its objection and stayed the demolition for 180 days per LAAC Section 22.171.15.

The law on this matter is very clear. As stated in LAAC Section 22.171.15:

> "If the Commission, or the Department acting on the Commission's behalf, finds at the end of the first 100 days of the Stay that the preservation of the Monument cannot be fully accomplished with[in] the 180-day Stay period, and the Commission determines that preservation **can be satisfactorily <u>completed</u>** within an additional period not to exceed an additional 180-day Stay, the Commission may recommend to the City Council that the Stay be extended to accomplish the preservation. No request for an extension shall be made after the expiration of the original 180-day Stay.
>
> The Commission's recommendation for an extension of the Stay shall set forth the reasons for the extension and the progress to date of the steps taken to preserve the Monument. If it appears that the preservation may be **<u>completed</u> within the time extension requested,**

> the City Council may approve the request for extension of the Stay **not to exceed an additional 180 days** for the purpose of **completing** preservation of the Monument." **(Emphasis Added.)**

Over the course of these last few months, under great cost and time, the Owner has complied with its Project approvals and worked with the Commission in a transparent and good-faith manner to try to preserve the Bank, including (i) commissioning and submitting a preservation relocation feasibility study prepared by a qualified and award-winning historic architect; (ii) advertising the Bank for sale in three historic preservation websites; and, (iii) appearing multiple times before the Commission to provide progress reports. The result from these report and efforts, discussed in greater detail below, is clear: preservation of the Bank as a Historical-Cultural Monument cannot be completed within the 180-day Stay period nor can it be satisfactorily completed within the Stay Extension.

As such, we respectfully express our strong opposition to the Stay Extension which unduly delays demolition of the Bank and Project construction.

Relocation Feasibility Study Indicates Bank Preservation Cannot Be Achieved in 180 Days

There are no facts to indicate preservation of the Bank can be completed within the initial Stay period or Stay Extension.

To the contrary, in compliance with the Project's Mitigation and Monitoring Program Mitigation Measure HIST-3, the Owner commissioned a feasibility study to determine if the Bank could be preserved through relocation (the "**Feasibility Study**") with Dick Gee of the Spectra Company. Mr. Gee has over 25 years of preservation and rehabilitation experience throughout the Southern California area – in the City, he has worked on the El Capitan Theater, the Eastern Columbia Building, the L.A. Memorial Coliseum, and the Cathedral of Saint Vibiana; and he is recognized with numerous awards, including those from the California Preservation Foundation and the Los Angeles Conservancy.

The Feasibility Study found the following:

1. **Scenario 1**: Physically moving the Bank as a singular, intact piece would not be feasible because it is too large to move through City streets or within any existing required transportation route to relocate the building off-site.
2. **Scenario 2**: Physically moving the Bank by partially disassembly into smaller pieces would not be feasible because it would comprise the integrity of the Bank. While technically possible, the disassembly would require shoring and structural engineering, detailed disassembly plans, and an identified relocation site. Even then, the actual disassembly would result in substantial damage to and loss of the Bank's building fabric which would require extensive patching and repair – so much so that it would result in material impairment in the Bank's status as a City Historic-Cultural Monument.
3. **Scenario 3**: Building a new building using the original building's plans while retaining, relocating, and reinstalling as many of the salvaged Bank's characteristic defining features as possible to the new building is the most technically feasible option but would still result in a material impairment in the Bank's status as a City Historic-Cultural Monument due to the loss of the original Bank structure and its original building fabric. However, the cost of such an undertaking ranges from \$15.17 million to \$18.97 million, before including the cost to demolish the existing structure;

purchase a new site; relocate the salvaged items; landscape/hardscape the new site; upgrade and redesign as necessary from the original building plans per the current building code; procure furniture, fixtures, and equipment; install new signage; or relocate art works.

Assuming Scenario 3 was financially feasible, constructing a new building at a site by the end of the Stay Extension is impossible because of the time involved in the procurement of a new site; compliance with environmental review and entitlement approvals at the new site; resolution of potential litigation over the new approvals; processing of building and street permits for the Bank's demolition, salvage, and delivery; salvage of the Bank's character-defining features; delivery of those features to the new site; actual construction of the new building; installation of those features in the new building; calls for building inspection; and issuance of a certificate of occupancy.

All of these items would far exceed the maximum time allowed for an extension under the clear provisions of the Administrative Code.

No Organizations Have Approached the City or Owner for the Bank or Its Relocation

To date, no parties have approached the City or the Owner in a manner consistent with Project Mitigation Measure HIST-3. Mitigation Measure HIST-3, as approved by the City Council, requires:

> "If the study concludes it is feasible to relocate the Bank, the structure's availability in historic preservation websites shall be advertised for a period of not less than thirty (30) days by the applicant. **Any such relocation efforts shall be undertaken in accordance with a Relocation and Rehabilitation Plan prepared by the party taking possession of the structure to be moved.** The Relocation and Rehabilitation Plan shall be **developed in conjunction with a qualified architectural historian, historic architect, or historic preservation professional** who satisfies the Secretary of the Interior's Professional Qualifications Standards for History, Architectural History, or Architecture, pursuant to 36 CFR 61. The Plan shall include relocation methodology recommended by the National Park Service, which are outlined in the booklet entitled "Moving Historic Buildings," by John Obed Curtis (1979)." **(Emphasis Added.)**

Since a technically feasible option was found in Scenario 3, the Owner created an advertisement in coordination with and approval from the Office of Historic Resources staff. The Owner marketed the Bank on three historic preservation websites– (i) the National Trust for Historic Preservation[1], (ii) Preservation Directory[2]; and, (iii) Circa for more than the required 30-day period[3].

To date, the Owner received one inquiry from an individual in Detroit, Michigan. The individual noted that he would want to relocate the building in two years, well beyond the 180-day period. Furthermore, the inquiry did not have a Relocation and Rehabilitation Plan prepared.

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[1] National Trust for Historic Preservation, https://realestate.savingplaces.org/properties/lytton-savings/.

[2] Preservation Directory, https://www.preservationdirectory.com/HistoricRealEstate/PropertyDetail.aspx?id=4013.

[3] Circa, https://circaoldhouses.com/property/lytton-savings/.

In addition, the Owner worked in good-faith with the preservation community and actively pursued potential buyers:

- The Owner researched and inquired into the "Keeping It Modern" grant from the Getty Foundation but found the Bank could not qualify for the grant because the grant is only available to significant, public-owned buildings that serve a public function and is not available to privately-held or commercial properties.

- From the public comment at Commission meetings, the Owner heard there was an active interest from non-profit organizations, individuals, and municipalities to relocate the Bank. The Owner reached out to these groups.

  At its February meeting, the **Palm Springs Historic Preservation Board** mentioned the Bank and Board-member Dick Burkett "realizes [the Bank] is not a project the Palm Springs Historic Preservation Board would take on." The Bank was not agendized or discussed again in their March 12, 2019 meeting.

  LA Metro's Joint Development Senior Manager said LA Metro is focused on creating transit-oriented developments and any internal-LA Metro development guidelines call for the preservation of historic fabric that exists on a site itself, not for a relocation.

  The **City of Palm Spring**'s Director of Economic Development, Jay Virata, also shared that Bank relocation was not an endeavor he would likely take on and that "[it would be easier] to move Palm Springs to Sunset and Crescent Heights."

  The **City of West Hollywood**'s Deputy City Manager, Oscar Delgado, stated the City of West Hollywood had no interest in the Bank and no specific available site would be suitable for the Bank.

- The Architect's Newspaper published four articles regarding the Bank's pending demolition, with the most recent on June 18, 2018. These four articles have not produced an interested party, feasible receiver site, or any fundraising to date.

After more than three months of advertising and active outreach, the Owner and the City have not received <u>any</u> direct communications from any organizations inquiring about the purchase of the Bank or its relocation to another site. Without a buyer or interested party, any undertaking to relocate the Bank per Scenario 3 is substantively delayed and impossible to fully complete within the initial 180-day Stay or satisfactorily complete within the Stay Extension.

"Friends of Lytton Savings," the most frequent advocate for the stay of the demolition permit, has not, and is not capable of, raising any funds to relocate the building or any part of it. According to the IRS website, "Friends of Lytton Savings" is not registered as a not-for-profit 501(c)(3) or registered with any designation for that matter. Additionally, a search of the California Secretary of State's website of registered entities does not include any listing related to "Friends of Lytton Savings". To date, not a single cent has been raised, and it is unclear what mechanism exists to raise funds to relocate the Bank.

It is further interesting to note that "Friends of Lytton Savings" has not reached out to the property owner to discuss any logistics, instead choosing to focus their efforts solely during Cultural Heritage Commission public comments.

The only public evidence of "Friends of Lytton Savings" existence are a Facebook page (273 followers) and a Twitter page (1,000 followers). Curiously enough, neither the Facebook or Twitter pages have publicized the availability of the Bank, the relocation analysis, or any fundraising efforts to date.

Conclusion

For the foregoing reasons, we respectfully request that the Commission remove the stay that is prohibiting the City from issuing the demolition permit. Granting the Stay Extension would violate the City's authority proscribed by LAAC Section 22.171.15 and would result in additional delay to the Owner, who has complied fully with the provisions of Mitigation Measure HIST-3 and now seeks to commence construction of the Project.

Sincerely,

Edgar Khalatian

cc: Renee Weitzer, Council District 4
Ken Bernstein, Department of City Planning
Lambert M. Giessinger, Department of City Planning
Kimberly A. Huangfu, Deputy City Attorney
Lucy Atwood, Deputy City Attorney

DAY OF HEARING

SUBMISSIONS

The following submissions by the public are in compliance with the Commission Rules and Operating Procedures (ROPs), Rule 4.3c. Please note that "compliance" means that the submission complies with deadline, delivery method (hard copy and/or electronic) AND the number of copies. The Commission's ROPs can be accessed at **http://planning.lacity.org**, by selecting "Commissions & Hearings" and selecting the specific Commission.

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