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April 3, 2024

VIA EMAIL

The Honorable Hydee Feldstein Soto
Los Angeles City Attorney
City Hall East
200 N. Main Street, Rm 800
Los Angeles, CA 90012

Re: Nomination of 12305 5th Helena Drive as a Historic Cultural Monument (Council File No. 23-0953)

Dear Honorable City Attorney Feldstein Soto:

The Bank family, Roy and Brinah Bank, owners of the single-family home located at 12305 5th Helena Drive (the “Helena House”), ***strongly opposes*** the City’s proposed designation of Helena House as a Historic Cultural Monument (HCM). In addition, the Brentwood Community Council, the Brentwood Homeowners Association, the South Brentwood Homeowners Association, the Brentwood Park Property Owners Association, the Mandeville Canyon Association, and many individual homeowners in the area also oppose the designation.¹ The Bank family and homeowner organizations are working together to develop a mutually acceptable resolution of this matter with the City, which could include relocating the Helena House to a publicly accessible site ***before*** it is considered for HCM designation.

The matter is pending before the City Council. We believe that there is an opportunity to resolve the issues with respect to the house and avoid litigation. We ***respectfully request that the City agree to extend the time by which the Council must act by 60 days*** (until June 16, 2024), as provided for by the Los Angeles Administrative Code, § 22.171.10(f). Our client consents to the extension. The additional time may be helpful in reaching this resolution, achieving long-term public access to the Helena House, and ***avoiding potential litigation***.

If the City Council designates the Helena House as an HCM, the Helena House would remain where it is today – on private property, behind a privacy gate, and inaccessible and

¹ The Brentwood Community Council represents approximately 36,000 stakeholders in the Brentwood community, including 13 homeowners’ associations, multi-family residential dwellers, business organizations, schools, religious groups, volunteer service groups, and public safety and environmental organizations.

invisible to the public. Designating the Helena House as a HCM will cause the surrounding area to become a tourist attraction, endangering the safety and peace and quiet of the community.

Designation will also put Bank family and nearby residents at risk to intruders and others seeking to access and see the Helena House. People have already tried to enter the property without permission and have flown drones over it. The City will bear this potential liability. (See ABC 7 news report linked [here](#).)

Designation also would force the Bank family to pursue all legal remedies, including filing litigation against the City to protect their rights and the rights of the surrounding community. We and our co-counsel, Glaser Weil, will have no choice but to pursue immediate legal action.

The City has already acted in violation of the Bank's family rights. Further, as described in our March 4, 2024 letter to the Council's Planning and Land Use Management (PLUM) Committee, the City's designation of the Helena House as an HCM violates the California Environmental Quality Act, the City's HCM designation criteria, City Code provisions related to proper HCM designation procedures, the Bank family's due process rights, and would amount to an unconstitutional taking of the family's property, among other violations.²

To continue working toward a resolution that is satisfactory to the City, the Bank family, and affected community organizations, we respectfully request that the City extend the time to act on the Helena House's proposed HCM designation and allow the City, the community, and the Bank Family to create a suitable plan to resolve this issue.

Very truly yours,



George J. Mhlsten
of LATHAM & WATKINS LLP

cc: Councilmember Traci Park
John Heath, City Attorney's Office
Lucy Atwood, City Attorney's Office
Mr. Ken Bernstein, City Planning
Mr. Lambert Giessinger, City Planning
Ms. Melissa Jones, City Planning
Ms. Brinah Bank
Mr. Roy Bank
Benjamin J. Hanelin, Latham & Watkins LLP
Peter Sheridan, Glaser Weil

² See City Clerk Council File 23-0953, "[Communication from Owner Representative](#)" (posted Mar. 5, 2024) and Exhibits thereto (described as "[Communication\(s\) from Public](#)" (posted Mar. 4, 2024)).