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Submitted electronically

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**Re: Draft Environmental Impact Report, Long Beach Courthouse
Demolition Project**

Dear Mr. Chalfant,

On behalf of the Los Angeles Conservancy, thank you for the opportunity to comment on the Draft Environmental Impact Report (DEIR) for the Long Beach Courthouse Demolition Project.

Because the City of Long Beach is anticipating new development of the subject parcel and has issued a Request for Proposals (RFP) for the redevelopment of the Civic Center that includes the Courthouse site, the concurrent release of this Draft EIR focused narrowly on a demolition-only project circumvents CEQA by segmenting environmental review, otherwise known as project splitting. Until a reuse or redevelopment project for the Courthouse property is submitted to the City, the current demolition project can only be considered premature and unsubstantiated, and is in violation of CEQA.

With the City focused exclusively on demolition of the Courthouse to “provide space for future development,” this truncated project suggests the City is pre-committed to demolition as the only acceptable outcome. Given the identification of the Courthouse as a potential historic resource – and absent any immediate need for its removal – the city should begin the CEQA process anew for this site and link that environmental review with the city’s existing Civic Center Redevelopment proposal.



I. Historic Significance of the Long Beach Courthouse

The proposed project seeks to demolish the Long Beach Courthouse (Courthouse), also known as the Long Beach County Building, which is eligible for listing in the California Register of Historical Resources and as a Long Beach Historic Landmark. The structure was identified as eligible for listing in the California Register in 2008 as part of the the City of Long Beach's citywide survey of historic resources. The assessment identified the building as an excellent example of the Corporate International Style that retains most of its character-defining features. Completed in 1960, the steel-framed building was designed by master architect Kenneth S. Wing in conjunction with Francis J. Heusel. The rectangular-plan courthouse has curtain walls set with panels of glass and blue porcelain enamel corresponding to each floor and floor plate, while the west and east elevations have a contrasting treatment with precast aggregate concrete panels. Other distinguishing features of the building's design include the recessed first floor set behind the columns of the structural framing, the transparent quality of the glass-enclosed staircase of the building's southwest section, and terrazzo paving and raised concrete planters.

II. California Environmental Quality Act

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."¹ 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."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 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 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.⁵

a. The City is Segmenting Environmental Review and Appears Pre-committed to Demolition

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

² *Sierra Club v. Gilroy City Council* (1990) 222 Cal.App.3d 30, 41; also see PRC Secs. 21002, 21002.1.

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 Public Resource Code, Sec. 21002.1.

⁵ Public Resource Code, Sec. 21081; *Friends of Sierra Madre v. City of Sierra Madre* (2001) 25 Cal.4th 165, 185.



The DEIR includes the following three project objectives as the project's underlying purpose and to facilitate the formation of project alternatives:

- Reduce public safety hazards by eliminating the risk of fire, structural collapse, personal injury to trespassers, vandalism and crime, by demolishing a structurally unsound, abandoned, deteriorated building;
- Eliminate maintenance costs associated with the building; and
- Prepare the project site for possible future development.

The DEIR defines the project as demolition only, although new construction on the site is contemplated in both the narrowly defined project objectives and in the city's issuance of an Request for Proposals Number CM14-040 (RFP), released on February 28, 2014, which seeks in part redevelopment of the Civic Center and, specifically, the parcel containing the Courthouse. The analysis of Alternative 2/Adaptive Reuse Alternative, identified as the environmentally superior alternative in the Draft EIR, states "the Adaptive Reuse Alternative would not be consistent with the project objective to prepare the project site for future development."⁶

Under CEQA Guidelines Section 15378, "project" is defined as "the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment..." A public agency cannot subdivide a single project into smaller individual subprojects in order to avoid the responsibility of considering the environmental impact of the project as a whole.⁷ Here, the City has stated its intent to segment environmental review by concurrently issuing an RFP for redevelopment of the Civic Center that includes the Courthouse site as a developable parcel:

"[The Courthouse] is owned by the Successor Agency to the Long Beach Redevelopment Agency, and it is anticipated that the State will grant the City of Long Beach permission to develop the site in accordance with the City's Long Range Property Management Plan. The State Department of Finance has until January 1, 2015, to determine if any use restrictions will be placed on the property and approve the Long Range Property Management Plan... The Proposer may propose Private Development on this parcel and the City and Successor Agency shall cooperate with the Proposer to facilitate proposed uses."⁸

b. The City has failed to demonstrate the infeasibility of retaining the Courthouse

⁶ Long Beach Courthouse Demolition Project Draft EIR, 5.0 Alternatives, 5-6.

⁷ *Orinda Assn. v. Board of Supervisors* (1986) 182 Cal.App.3d 1145, 1171.

⁸ City of Long Beach. Request for Proposals Number CM14-040. Develop, Design, Build, Finance, Operate and Maintain the New Long Beach Civic Center, Port Headquarters, and Potential Related Downtown Development. February 28, 2014.



There is currently no proposed project for the site of the Courthouse and the city has not substantiated any pressing need for the removal of this historic resource. One of the project objectives seeks the demolition of the building as a way to abate unsubstantiated public safety hazards including risk of fire, structural collapse, personal injury to trespassers, and vandalism and crime. The proposed demolition of the Courthouse is certainly an extreme remedy for reducing such perceived public safety hazards, which would ordinarily be mitigated through the proper securing of the building while it remains without a use.

The DEIR provides no analysis of any program or a preservation alternative that might instead secure the building against public safety hazards which could include such elements as erecting clear signage prohibiting trespassing, securing doors and ground floor windows with entry resistance materials, installing security cameras around the property, and employing security patrol services. Such a security program could meet the project objective focused on reducing public safety hazards and would be of significantly less cost to the city than the demolition of the structure.

The Adaptive Reuse Study (Study) prepared by RRM Design Group, which is referenced in Alternative 2/Adaptive Reuse Alternative and identified as the environmentally superior alternative in the Draft EIR, is intended to “understand on a conceptual level the impacts of re-furbishing existing building configuration to be used primarily as City Hall and/or municipal offices.” The Study is minimal in scope and provides few actual details on the existing conditions of the various building systems. The study includes inaccurate information in key areas, stating that “the original heating, cooling, and ventilation systems are well beyond the normal service life expectancy.” The Study failed to acknowledge that in 1996, the County of Los Angeles undertook a major \$1.8 million energy efficiency upgrade of the building that focused on HVAC and lighting.⁹

While the Study ultimately concludes that “a renovation project of this size and complexity would cost far more than demolishing and replacing the existing building with entirely new construction,” the fact that an environmentally superior alternative may be more costly or fails to meet all project objectives does not necessarily render it infeasible under CEQA.

⁹ Energy Star Labeled Building Profile:

http://www.energystar.gov/index.cfm?fuseaction=labeled_buildings.showProfile&profile_id=1313: This 6-story, 215,880 sq. ft., air-conditioned facility (302,896 GSF including parking lot and garage) received two new chillers; two sets of chilled water and condenser water pumps, each with premium efficiency pump motors, 24 variable frequency drives and compatible premium efficiency motors for air handling units; an airside economizer cycle; and a new analog/digital energy management system with centralized and local HVAC access control of the entire facility. The building's lighting system was also retrofitted with T8/electronic ballasts (from T12/magnetic ballast fluorescent); compact fluorescent lamps (from incandescent), high pressure sodium lamps (from mercury vapor); and LED exit signs.



Conclusion

In light of the deficiencies set forth above, we strongly urge the City of Long Beach to begin the CEQA process anew for this site by evaluating the feasibility of retaining and reusing the Courthouse and linking that environmental review with the city's existing Civic Center Redevelopment proposal which contemplates redevelopment of the Courthouse parcel.

Thank you for the opportunity to comment on the Draft EIR for the Long Beach Courthouse Demolition Project. We welcome the opportunity to work with the city on efforts to assess and consider the reuse potential of both the Courthouse or adjacent Civic Center development. Please do not hesitate to contact me at (213) 430-4203 or afine@laconservancy.org should you have any questions or concerns.

About the Los Angeles Conservancy:

The Los Angeles Conservancy is the largest local historic preservation organization in the United States, with more than 6,000 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 County through advocacy and education.

Sincerely,



Adrian Scott Fine
Director of Advocacy

cc: Long Beach Heritage
California Office of Historic Preservation
Docomomo-Southern California

