



April 30, 2018

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**RE: Division 20 Portal Widening & Turnback Facility Project Draft EIR**

Dear Mr. Liban:

On behalf of the Los Angeles Conservancy, thank you for the opportunity to comment on the Draft environmental impact report (EIR) for the Division 20 Portal Widening & Turnback Facility Project and the proposed demolition of the National Cold Storage facility and substantial modifications to the Citizens Warehouse/Lysle Storage Company building (also known as the Pickle Works building) and the 1st Street Viaduct. Given the historic significance and adverse impacts proposed, our primary focus for our comments will be on the Pickle Works Building.

The Conservancy has a long history with the Pickle Works Building. We have worked previously with the City of Los Angeles Bureau of Engineering and Councilmember Huizar's office throughout the past several years to identify ways to retain and reuse this historic resource. Late nineteenth and early twentieth century industrial buildings like this are exceedingly rare in Los Angeles. In this case the Pickle Works Building is also significant for its more recent history, and role it played in the evolution and development of the now-thriving Arts District. For these reasons the Conservancy is concerned about a project that now calls for demolishing most of what remains of the Pickle Works Building.

In particular, the Conservancy is disappointed in Metro's treatment of the Pickle Works Building in the EIR and the lack of a preservation alternative that could retain the building's National Register-eligibility. Regarding the project impacts to the Pickle Works Building, the Draft EIR states that "the demolition of most of what is still extant would be a substantial adverse change in its significance as a listed resource and a significant impact." The Conservancy and our many supporters are concerned about further demolition to this important community asset that will compromise its continued eligibility as a historic resource.

With substantial demolition proposed, a significant adverse impact will occur; therefore Metro must consider at least one potentially feasible alternative that could accomplish the goals of the project while retaining the continued National Register eligibility of the Pickle Works Building as required by the California Environmental Quality Act (CEQA).



## I. Historical Significance and Impacts to the Pickle Works Building

The Pickle Works Building's history dates back to 1888 when a smaller warehouse was built on this property for the California Vinegar & Pickle Company. By the mid-1890s it was known as the James K. Hill and Sons Company Pickle Works. This building started small, had many additions early on. By 1909, the building had been given second story, and at least two additions had been made to the building, so that it reached all the way to the end of the block at Banning Street on the north end.

The early additions were built in a manner that was consistent with the earliest portion of the building, making it a typical turn-of-the-century warehouse design. The building is a wood-framed and brick clad, with windows featuring segmental arches for added structural strength—a feature common in late nineteenth and early twentieth century brick construction. The interior has wood floors and post and beam construction. Typical of warehouses near railroad lines, there are loading docks on two sides of the building, with the east side bays for loading/unloading onto trains, and the west side for wagons and trucks.

By the 1970s, the building was known as Citizens Warehouse. As is typical of buildings in this district, this one was left vacant as manufacturing moved out of the center city. The large, empty spaces were ideal for artists, who bought the building and rented out space to other artists for studios. Citizens Warehouse, as it was called through the 1980s, has a particularly noteworthy connection to the history of the Arts District. It was the location of The Art Dock, an ever-changing feature of the neighborhood from 1981 to 1985 in which local artist Carlton Davis used the loading dock of his rented portion of the building as an innovative drive-up gallery space.

The project that expanded the adjacent 1st Street Viaduct to accommodate the Gold Line resulted in impacts to the Pickle Works Building. As part of the Section 106 review, both the Viaduct and the Pickle Works Building were determined eligible for listing in the National Register. The expansion project was determined to have an unavoidable adverse effect on both the building and the bridge and this determination required documenting agreed-upon measures that the City would take to avoid, minimize, or mitigate the adverse effects.

An agreement was reached allowing the City to remove up to 50 feet of the south end of the Pickle Works Building, while requiring the City to rebuild the south wall “in a manner consistent with the design of the remaining elements of the building.” Ultimately, the Bureau of Engineering removed 75 feet of the former Pickle Works Building, and required mitigation measures were not completed (as part of the First Street Viaduct Memorandum of Agreement MOA). The southern end wall remains unfinished today. Following the partial demolition, the Bureau of Engineering subsequently proposed demolition of the entire structure.

Metro's Division 20 Portal Widening & Turnback Facility Project is now seeking to modify the Pickle Works Building with the demolition of the majority of the remaining structure. While the precise dimensions of the footprint proposed for demolition are not provided in the EIR, Mitigation Measure CR-3 states that Metro would retain a 10,000 square foot footprint including the Center Street façade. Please clarify if this figure includes the total floor area or a square footage footprint calculated per floor. Further, given the history involved here and the City not abiding to previous agreements, we would like to see exact dimensions of the Pickle Works Building that would remain should this project gain approval.

## II. Project Description, Purpose and Need



The proposal to demolish substantial portions of the Pickle Works Building has arisen as part of the new Division 20 Portal Widening & Turnback Facility Project, now being evaluated in the Draft EIR, but was not a part of the former Red/Purple Line Core Capacity Improvements Project MND adopted by the Metro Board of Directors on March 23, 2017. As the Draft EIR states, “since that date, the design team has been looking at various refinements to maximize flexibility in the operations of the Division 20 Rail Yard, including the addition of storage tracks.”<sup>1</sup>

The goal of the proposed project is to accommodate the expansion and associated increased ridership of the Metro Red and Purple Lines. The purpose of the project is further clarified through the two project objectives:

- Objective #1: Provide core capacity improvements needed to accommodate increased service levels on Metro Red and Purple Lines.
- Objective #2: Provide new tracks and switches that will allow trains to provide faster service times at Union Station

Among the several components of the project include the widening of the portal for the Metro Red and Purple Lines, the construction of new storage tracks, and the provision of a new turnback facility.

The project objectives are focused on facilitating the operation of additional capacity on the Metro Red and Purple Lines. How, then, would the retention of the Pickle Works Building and an adjustment in the layout of the northern storage track yard prevent Metro from substantially meeting the project objectives?

The construction of new storage tracks is intended to provide daily storage capacity for Red and Purple Line rail cars that are not in active service. Figure 2.3 in the Draft EIR’s Project Description illustrates the scope of the proposed storage tracks, with a portion located both south and north of 1st Street that each falls within the Existing Property/Metro Right of Way, and an additional adjacent portion north of 1st Street currently occupied by the Pickle Works Building.

As the Project Description in the Draft EIR states, “Most vehicle movements [in the storage tracks] would occur on a regular basis late at night and in early morning hours. Some minor work involving the light cleaning or light duty repairs of interior spaces of vehicles may occur in the storage track area. Most of these activities would occur overnight when train service would not be in operation.”<sup>2</sup> Providing additional detail on the storage tracks north of 1st Street, the Project Description adds that “The new northern storage area would likely be used to temporarily store trains that are out of service.”<sup>3</sup>

Several questions have arisen as we attempt to understand Metro’s proposal to demolish the majority of what remains of the Pickle Works Building and the lack of any preservation alternative to evaluate the feasibility of retaining the structure and its National Register-eligibility. Essentially Metro is proposing the substantial demolition of the Pickle Works Building while avoiding any consideration of an alternative that could retain it or taking responsibility for ensuring a viable plan for preservation and reuse following this project’s completion. This should be addressed and clarified in greater explanation.

The statement in the Alternatives Analysis in the Draft EIR that “physical constraints due to track geometry and location necessitate [the building’s] modification” appears to be unsubstantiated; neither an

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<sup>1</sup> Division 20 Portal Widening/Turnback Facility Project Draft EIR. March 2018. Section 2.2.

<sup>2</sup> Division 20 Portal Widening/Turnback Facility Project Draft EIR. March 2018. Section 2.3.3.2.

<sup>3</sup> Division 20 Portal Widening/Turnback Facility Project Draft EIR. March 2018. Section 2.3.3.2.



analysis of the proposed track geometry for the track storage yard nor the degree to which it might be altered to accommodate the retention of more or all of the Pickle Works Building has been included.

Table 6.1 “Project Alternative Design Features” in the Draft EIR indicates that both the proposed project and Alternative 2 would provide storage capacity for 120 cars, while Alternative 3 would provide storage for 118. However, the individual capacities of the north and south portions of the track storage yard have not been addressed in the Draft EIR.

Is the footprint of land occupied by the Pickle Works Building essential or required for the operation of the storage tracks north of 1st Street? How would the retention of more or all of the remaining Pickle Works Building render the operation of the north storage tracks infeasible?

While we understand Metro’s desire to construct new storage tracks for the maintenance of Red and Purple Line trains, we question the need to demolish any remaining portion of the Pickle Works Building when the possibilities of track layouts lend themselves to flexibility in achieving a win-win solution. Given Metro’s responsibility, per CEQA, to reduce project impacts to historic resources when possible, we ask why a flexible approach that could both provide storage track north of 1st Street while retaining the Pickle Works Building via a yard lead between the building and the turnback tracks is not being considered.

### **III. Draft EIR Does Not Evaluate Any Alternatives That Retain Pickle Works Building’s Continued Eligibility As Historic Resource**

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.”<sup>4</sup> 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.”<sup>5</sup>

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.<sup>6</sup> 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.”<sup>7</sup> 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.<sup>8</sup>

While the Draft EIR states that “Chapter 6.1 provides a discussion of site design alternatives that were considered but dismissed and explains why these historical resources cannot be avoided,” a review of Chapter 6.1 reveals an absence of any such information. Indeed, there does not appear to be any section in the Draft EIR discussing dismissed alternatives.

### **IV. Mitigation Measures**

The Draft EIR acknowledges that the demolition of most of the remaining Pickle Works Building would be a substantial adverse change in its significance as a listed resource and a significant impact. While we

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<sup>4</sup> Public Resource Code, Sec. 21001 (b), (c).

<sup>5</sup> *Sierra Club v. Gilroy City Council* (1990) 222 Cal.App.3d 30, 41; also see PRC Secs. 21002, 21002.1.

<sup>6</sup> *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.

<sup>7</sup> Public Resource Code, Sec. 21002.1.

<sup>8</sup> Public Resource Code, Sec. 21081; *Friends of Sierra Madre v. City of Sierra Madre* (2001) 25 Cal.4th 165, 185.



believe that every effort should be made to incorporate the entire building into the proposed project to reduce impacts, we also remain concerned about the building's long-neglected state and the manner in which past agreements concerning its treatment have been broken with no clear reasons.

The Draft EIR provides two mitigation measures relating to the Pickle Works Building: CR-2 (further research and documentation) and CR-3 (the preparation and implementation of a plan to retain and stabilize approximately 20,000 square feet of the extant portion of the Citizens Warehouse/Lysle Storage Co building along Center Street [10,000 sf per story], including the former location of the Art Dock, for potential future reuse.).

While the Conservancy remains concerned about further modifications to the Pickle Works Building and the need to fully examine a preservation alternative that may be able to retain all or most of the remaining structure as part of the project, we believe that mitigation measure CR-3 falls short of addressing the many pressing needs surrounding the building, its condition, and its future.

Given the past and proposed project impacts to the Pickle Works Building, the Conservancy has many questions about its treatment going forward. There is a pressing need for Metro and the City of Los Angeles to develop a clear plan for the stabilization, rehabilitation, and reuse of this long-vacant building. What specific mitigation measures will be included that address the type of preservation treatments and timeframe for completing this work?

If modifications in the form of further demolition take place, how will the building be stabilized and put back together? What is the treatment for new exterior walls? Will material from the existing structure be salvaged for reuse? These and other questions need to be addressed within the EIR and any subsequent signed Memorandum of Agreement (MOA).

The language of mitigation measure CR-3 states that "the plan shall be prepared prior to commencement of any Project construction activities that could adversely affect the Citizens Warehouse/Lysle Storage Co building," but does not appear to require implementation and completion of the rehabilitation work as part of the proposed project. We have significant concerns with this flexible language that does not commit Metro or the City to complete rehabilitation as part of this project. With the identified project impacts, it is Metro and the City's responsibility to commit to the rehabilitation of the structure as part of the project, and we want to see detailed language included in the mitigation measure. We will press hard for this level of specificity as part of the EIR, MOA negotiations and consultation through the California Office of Historic Preservation.

Apart from the stabilization and future rehabilitation of the Pickle Works Building, what type of protections does Metro or the City envision for the building going forward? Will Metro nominate the structure for local Historic-Cultural Monument status? Further, will Metro and/or the City address the existing south wall issue and, if so, when? The existing deed restriction calls for installation of a new south wall and to achieve a Certificate of Occupancy within 5 years. This project, any mitigation measures and the executed MOA should also include addressing and strengthening the existing deed restriction? The Conservancy and our supporters will expect some type of covenant that affords protection against future threats to the structure?

#### **About the Los Angeles Conservancy:**

The Los Angeles Conservancy has the largest membership of any local preservation organization in the U.S., with nearly 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.



Thank you for the opportunity to comment on the draft EIR for the Division 20 Portal Widening & Turnback Facility Project. We would like to meet with Metro soon to discuss further. Please do not hesitate to contact me at (213) 430-4203 or [afine@laconservancy.org](mailto:afine@laconservancy.org) should you have any questions or concerns.

Sincerely,

*Adrian Scott Fine*

Adrian Scott Fine  
Director of Advocacy

cc: Los Angeles City Councilmember José Huizar, District 14  
Caltrans District 7  
California Office of Historic Preservation

