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Submitted electronically

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RE: City Market Los Angeles Project, ENV-2012-3003-EIR

Dear Ms. Kitching:

On behalf of the Los Angeles Conservancy, thank you for the opportunity to comment on the Draft Environmental Impact Report (EIR) for the City Market Los Angeles Project. The Conservancy is very concerned about several key areas in the analysis that we believe to be error. As a result the Draft EIR is significantly flawed and cannot be utilized for purposes of adequate environmental review.

Because the Draft EIR has relied on a flawed Cultural Resource evaluation, the conclusions derived from it pertaining to the identification of potential historic resources, potential adverse impacts, and the evaluation of project alternatives, are all equally flawed. As such, the environmental review for this project cannot proceed to the final EIR without a revised Cultural Resources evaluation and a revised or supplemental Draft EIR.

We strongly urge the city to require preparation of a revised Cultural Resources evaluation following proper methodologies and mandate consideration of preservation alternatives and mitigation measures as part of the ongoing environmental review process.

I. Significance of the City Market and Market Chinatown District

The City Market and related adjoining buildings identified in the survey as the City Market Area Chinese Grouping (altogether comprising the City Market and Market Chinatown District) is culturally significant as the largest collection of pre-WWII business and community buildings associated with the Chinese community remaining in Los Angeles. The City Market was developed as a wholesale produce marketplace directly organized by a group of mostly Chinese and also Japanese vendors in 1909 and has been identified as "the key monument to the history of Chinese and Japanese produce vendors in Los Angeles."¹ Reports indicate Chinese residents and workers were responsible for growing and distributing nearly eighty percent of the produce consumed in Los Angeles during this period through the 1930s.

¹ Eastside Industrial Area Architectural and Historical Resources Survey. Community Redevelopment Agency, Los Angeles. September, 1992.



The original City Market complex of buildings was constructed in 1909 and designed by the prominent Los Angeles architecture firm of Morgan and Walls. Located around the perimeter of the block bounded by San Julian, San Pedro, Ninth and Eleventh Streets, the market consisted of approximately eight brick and reinforced concrete industrial buildings. Each was simple in design, with a pair of architecturally distinguished mid-block structures of two-stories and towers featuring Mission Revival detailing and corner belvederes. At the center were loading docks, some of which still remain. Additional buildings built as part of the City Market complex occupy much of the adjacent block directly south of Eleventh Street.

City Market became the focal point for the sizeable Chinese community located along the San Pedro Street corridor, and several adjacent and nearby buildings housing various uses (including religious, retail, restaurant and lodging) played a significant role in the neighborhood. This collection of buildings has been identified as the City Market Area Chinese Grouping, and contains a mix of retail structures, hotels and one church that were largely built between 1922 and 1925 to serve the emerging Chinese business district. A KCET feature highlights many of these buildings and the Chinese heritage:

<http://www.kcet.org/socal/departures/chinatown/new-chinatown/the-city-market-chinese-suburbia.html>.

A potential City Market and Market Chinatown District was identified when the Community Redevelopment Agency of Los Angeles produced the historic resource survey of the Eastside Industrial Area in 1992 (1992 survey). This includes the above mentioned structures associated with the Chinese wholesale and business community. At the time of the survey, each of the City Market structures was largely intact and the City Market Area Chinese Grouping included an additional twelve nearby structures reflecting this period of significance.

I. Demolition of City Market Buildings Prior to Project Submittal Circumvents CEQA Process

Several City Market Buildings were demolished in summer 2012, approximately six months before the Notice of Preparation for the City Market Project was released in February 2013. The pre-emptive demolition of a historic building prior to project submission represents a flagrant abuse of CEQA, the very purpose of which is to avoid or minimize adverse impacts to the extent feasible by examining alternative approaches to a project. The project applicant's actions have instead resulted in the irreplaceable loss of the primary and original City Market structures around which the associated structures and community developed, and have precluded any opportunity the public would have had to comment on the future and potential adaptive reuse of these structures as part of the project.

The loss of the original City Market structures is cited, in part, as a reason for the ineligibility of a potential historic district. As currently envisioned, the proposed project is seeking approval to demolish all existing buildings within the project site, with the exception of Building #5, located at 1122 San Julian Street. This action would result in the complete and significant loss of all remaining City Market structures. Further demolition of what remains of the City Market would compound the loss that has already occurred with the summer 2012 demolition of the original City Market buildings.

II. The Cultural Resources evaluation is Significantly Flawed

The Conservancy is deeply disappointed in the Cultural Resources evaluation prepared for the Draft EIR, which is significantly flawed in several key areas and cannot be utilized for purposes of adequate environmental review. The Draft EIR 1) establishes Study Area boundaries (otherwise often referred to as an Area of Potential Effect, APE) that doesn't properly reflect the presence of potential historic resources,



2) fails to evaluate the potential significance of and impacts to all structures in the previously identified City Market Area Chinese Grouping, and 3) applies a flawed methodology in the evaluation of a potential historic district and potential district contributors.

a. Draft EIR Establishes a Study Area Inconsistent with Potential Historic Resources

The Study Area in the Draft EIR appears to be an arbitrarily drawn boundary established by the City Planning Department in order to create a regularly defined boundary of land use zoning (industrial to commercial); its purpose was to eliminate an irregular border of different land uses surrounding the Project Site, which does contain irregular boundaries. The NOP used the term “Proposed Add Area” for the portions within the present Study Area that were outside the Project Site.

The Study Area is a roughly rectangular-shaped region, bounded by E. 9th and E. 12th Streets on the north and south, San Pedro Street on the east, and the midblock, north-south parcel divisions between Wall and San Julian Streets on the west.

The Draft EIR is essentially treating the Study Area as an Area of Potential Effect (APE), yet the boundaries of the Study Area do not accurately reflect and exclude known potential historic resources that are immediately adjacent to the proposed project. These resources will be impacted, either directly or indirectly. Given that the Conservancy raised this issue in our NOP comments and the previous 1992 Survey identified additional resources, why were the boundaries established in this way? The Cultural Resources evaluation report acknowledges that the City Market Area Chinese Grouping was not re-evaluated as it “extends beyond the study area.”² This group of buildings is located directly across the street and is inherently tied to the project site, in their history and significance and in proximity. As a result of these arbitrarily-drawn boundaries and a decision to exclude known resources, there are significant problems in the Draft EIR in regards to the identification of all historic resources and the evaluation of impacts to them.

The largest concentration of structures associated with the City Market Area Chinese Grouping include six structures located along the east side of the 900 block of S. San Pedro Street and the corner structure across the street on the 800 block. All are located directly across the street from the Project Site and planned new construction, and yet remain unevaluated as part of the Draft EIR. This represents a significant flaw and error in the process.

Compounding the problem are inconsistencies in the methodology behind the Study Area boundaries. While they exclude an entire row of buildings associated with the City Market Area Chinese Grouping to the northeast, the Study Area does pick up two other buildings from the grouping, including Buildings #1 and #2, located at 1015 San Julian Street and 1125 San Julian Street. Like the excluded group of buildings, these two buildings are across the street and not part of the proposed project, yet only these two buildings were evaluated as part of the Cultural Resources analysis. When known historic resources have previously been identified, why is the Draft EIR choosing to evaluate some but not all? Had all of the resources been included, the Conservancy believes the analysis results would have been markedly different.

b. Draft EIR fails to evaluate eligibility of and impacts to City Market Area Chinese Group District

² City Market of Los Angeles Draft EIR, IV Cultural Resources, Page IV.C-24



The Draft EIR makes a critical error by failing to evaluate the eligibility of and impacts to both the City Market Historic District and City Market Area Chinese Grouping identified in the 1992 survey. In describing the full scope of the City Market Area Chinese Grouping, the Cultural Resources evaluation states “the City Market Area Chinese Grouping included the same buildings [as the City Market District] as well as additional buildings west of San Julian Street and east of South San Pedro Street.”³ Yet, the Draft EIR has chosen to narrowly define the Study Area so as to exclude the majority of the City Market Area Chinese Grouping, which includes the buildings east of South San Pedro Street. What rationale was used in setting these boundaries and limiting the scope of review?

As noted previously, the Study Area has been arbitrarily drawn and is not reflective of the presence of all potential historic resources that may be impacted by the project. Although ten extant structures associated with the 1992 City Market Area Chinese Grouping remain and are located directly across the street from various portions of the Project Site, only Buildings #1 and #2 were evaluated because they were located within the present Study Area. Why were the other eight buildings excluded from evaluation?

The Study Area plus the original City Market Area Chinese Grouping are comprised of twenty-five buildings and one structure, yet again only seventeen of those buildings and one structure were evaluated in the Draft EIR. The effect of the failure to include the additional eight structures in the evaluation is twofold: 1) the current evaluation in determining the eligibility of the *entire* City Market area is unacceptably flawed by an artificially reduced number of potential contributors; a potential historic district may have been identified had all potential historic resources been included; and 2) the full scope of potential impacts from the proposed project remains unknown. The Draft EIR must properly evaluate the entire City Market scope, including the 1992 City Market Area Chinese Grouping.

c. Draft EIR applies flawed methodology in evaluation of potential historic district and district contributors

The methodology utilized in the Cultural Resources evaluation is fundamentally flawed in looking at only one approach to determine eligibility.

The Draft EIR cites the demolition of several City Market structures (which took place just months before the release of the project NOP), and states “regardless of the significance of the potential historic district, it does not retain integrity as a whole; the original City Market of Los Angeles is gone, there are only nine would-be contributing buildings, and the nine would-be contributing buildings cannot convey the significance of the early history of the City Market of Los Angeles.”⁴

The Conservancy disagrees with that determination. Unlike potential historic districts based primarily on architectural significance where eligibility for listing may be diminished or jeopardized due to the cumulative loss and fragmentation of contributing structures, the buildings comprising the City Market Historic District and City Market Area Chinese Grouping are primarily related to each other thematically via cultural significance. A potential historic district based thematically on cultural significance does not rely on a maximum concentration of contributing structures within a particular boundary to convey its historical significance. While the loss of the larger City Market buildings is unfortunate, this action does not negate the significance of what remains. Rather, the significance of remaining resources increases correspondingly given their rarity.

³ City Market of Los Angeles Draft EIR, IV.C. Cultural Resources, Page IV.C-24.

⁴ City Market of Los Angeles Draft EIR, IV.C. Cultural Resources, Page IV.C-25.



Tellingly, the Draft EIR even uses the term “would-be contributors” in evaluating these structures, acknowledging that they have indeed retained their cultural significance and contribution to a potential historic district. The determination that these remaining contributing structures are no longer capable of conveying the significance of the City Market, when they are in fact all that remains of the former City Market, is not based on proper methodologies for the evaluation of cultural resources.

Furthermore, the flawed determination in the Draft EIR that “the nine would-be contributing buildings cannot convey the significance of the early history of the City Market of Los Angeles” was itself based on the flawed assessment that failed to evaluate the entire 1992 City Market Area Chinese Grouping that would have likely identified additional contributors.

Another aspect of the Cultural Resources evaluation that is flawed is the failure to properly evaluate structures within the Study Area, which is itself flawed, for their potential eligibility as district contributors. Industrial buildings like these are inherently simple in their overall design and form. The loss of original windows and storefronts should not negate their ability to contribute and reflect their original purpose and industrial context. Other industrial structures not directly associated with the City Market that retain a high degree of integrity have also been summarily dismissed as non-contributors. An example is the evaluation of the adjacent Buildings #6 and #7, located at 1142 and 1146 San Julian Street, respectively. These buildings were constructed for the Los Angeles Drug Company in 1926, which is within the period of significance for the potential City Market context. In applying Criterion A in evaluating potential significance for each of these structures, the Draft EIR states “It does not appear to be one of the earliest industrial buildings constructed in the area; there are a small number of extant commercial and industrial buildings in the vicinity that date to the first decade of the 20th century. Therefore, it does not represent an early pattern of development, but is rather part of a larger trend that occurred in the area during the 1920s.”

The evaluation has erred in dismissing the eligibility of these structures as district contributors because they were not the earliest constructed in the area or deemed too altered. In fact, this finding is contradictory to other aspects of the overall evaluation: the fact that these highly intact structures were constructed as part of a larger trend of 1920s industrial development in the area make them highly representative structures.

III. Flawed Analysis Requires Preparation and Circulation of a Supplemental Draft EIR

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.”⁵ 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.”⁶ 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.”⁷

Because the Draft EIR has relied on a flawed Cultural Resource evaluation, the conclusions derived from it pertaining to the identification of potential historic resources, potential adverse impacts, and the

⁵ Public Resource Code, Sec. 21001 (b), (c).

⁶ *Sierra Club v. Gilroy City Council* (1990) 222 Cal.App.3d 30, 41, italics added; also see PRC Secs. 21002, 21002.1.

⁷ *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.



evaluation of project alternatives, are all equally flawed. As such, the environmental review for this project cannot proceed to the final EIR without a revised Cultural Resources evaluation and a revised or supplemental Draft EIR.

We urge the city to require preparation of a revised Cultural Resources evaluation following proper methodologies and circulate a Supplemental Draft EIR based on those findings and we mandate consideration of preservation alternatives and mitigation measures as part of the ongoing environmental review process.

About the Los Angeles Conservancy:

The Los Angeles Conservancy is the largest local historic preservation organization in the United States, with nearly 6,500 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.

Please do not hesitate to contact me at (213) 430-4203 or afine@laconservancy.org should you have any questions or concerns.

Sincerely,



Adrian Scott Fine
Director of Advocacy

cc: City of Los Angeles, Department of City Planning, Office of Historic Resources

