



Submitted by email

June 9, 2011

Ms. Ana J. Matosantos, Chair
California State Public Works Board
915 L Street, Ninth Floor
Sacramento, CA 95814

Re: Sale and Disposition of Fred C. Nelles Youth Correctional Facility

Dear Ms. Matosantos and Members of the Board:

On behalf of the Los Angeles Conservancy, I am writing to comment on the sale and disposition of the Fred C. Nelles Youth Correctional Facility within the city of Whittier. Established in 1978, and now the largest local preservation organization in the United States -- with over 6,000 members throughout the Los Angeles area -- the Conservancy is the countywide preservation organization and works to preserve and revitalize the significant architectural and cultural heritage of Los Angeles through advocacy and education.

With the exception of the 1920 Superintendent's Residence and 1929 Administration Building, the Conservancy is disappointed in the scope of the RFP and provisions of sale, as currently stated, in regards to the former Fred C. Nelles Youth Correctional Facility. With the exception of these two buildings, the RFP does not provide for any level of meaningful preservation for the existing historic resources comprising this historic campus or its overall setting and landscape. As a historic public institution that operated continuously from 1891 to 2004, it is disingenuous to issue an RFP that only states that there are "potential historic resources."

As a steward of publicly-owned property and resources, we would have hoped the Department of General Services and the State Public Works Board would have anticipated the need to adequately address concerns related to historic resources on this site. Since 1997 the Fred C. Nelles Youth Correctional Facility has been listed as a California landmark, with the entire 74-acre site listed in the California Register of Historical Resources.

At least six buildings on the campus have been previously identified and appear to be eligible for individual listing on the National Register of Historic Places. Additional historic buildings may be impacted also, as it does not appear that any post World War II campus buildings have been properly surveyed and identified as potentially significant.

Substantial evidence supports a fair argument that the project and conditions within the RFP will cause a substantial adverse change to a historical resource

Courts often refer to the environmental impact report (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 or avoid those impacts.¹ 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.”² 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.”³

The RFP calls only for the preservation of two historic buildings, leaving the possibility for six other identified historic resources to be demolished. CEQA Guidelines require a range of alternatives to be considered in the EIR, with an emphasis on options capable of “substantially lessening” the project’s significant adverse environmental effects. Demolition is a substantial adverse impact that cannot be mitigated to less than significant level.

“Since the preparation of the EIR is the key to environmental protection under CEQA,” an EIR is required “whenever it can be fairly argued on the basis of substantial evidence that the project may have significant environmental impact.”⁴ The “fair argument” test “establishes a low threshold for initial preparation of an EIR, which reflects a preference for resolving doubts in favor of environmental review.”⁵ Evidence supporting a fair argument of a significant environmental impact will trigger an EIR even if the record contains contrary evidence.⁶

While we anticipate there will be compliance with CEQA and an EIR process forthcoming for this project in the future, the Los Angeles Conservancy strongly urges members of the State Public Works Board to acknowledge the significance of this historic property and the inherent deficiencies within the RFP for the disposition and sale of the Fred C. Nelles Youth Correctional Facility.

The RFP is inadequate at disclosing known historic resources or properly providing any meaningful level of preservation or adaptive reuse potential, with the exception of two buildings. At a minimum, the eight historic buildings that are currently known and identified

¹ *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.

² Public Resource Code §21001 (b), (c).

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

⁴ *No Oil, Inc. v. City of Los Angeles* (1974) 13 Cal.3d 68, 75; see also *Architectural Heritage Association v. County of Monterey* (2004) 122 Cal.App.4th 1095. “Substantial evidence” includes “facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts.” Inaccurate information and unsubstantiated opinion are not substantial evidence. PRC §21082.2(c); Guidelines §15384.

⁵ *Santa Teresa Citizen Action Group v. City of San Jose* (2003) 114 Cal.App.4th at 703.

⁶ *League for the Protection of Oakland’s Historic Resources v. City of Oakland* (1997) 52 Cal.App.4th 896, 904-05; *Sundstrom v. County of Mendocino* (1988) 202 Cal.App.3d 296, 310.

should be given greater priority in the sale, with conditions and performance measures in place that strongly encourage their consideration for preservation and reuse.

Thank you for the opportunity to comment on the Fred C. Nelles Youth Correctional Facility. Please do not hesitate to contact me at (213) 430-4203 or afine@laconservancy.org should you have any questions or concerns.

Sincerely,

A handwritten signature in black ink that reads "Adrian Scott Fine". The signature is written in a cursive, slightly slanted style.

Adrian Scott Fine
Director of Advocacy

cc: City of Whittier
Whittier Conservancy
Department of General Services, State of California
Office of Historic Preservation, State of California
California Preservation Foundation
Western Office, National Trust for Historic Preservation