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Submitted electronically

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Aldo E. Schindler, Director of Community Development
City of Whittier
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Whittier, CA 90602
Email: aschindler@cityofwhittier.org

Re: Draft Environmental Impact Report (DEIR) for the Lincoln Specific Plan and Fred C. Nelles Youth Correctional Facility Campus

Dear Mr. Schindler,

On behalf of the Los Angeles Conservancy I am writing to comment on the Draft Environmental Impact Report (DEIR) for the Lincoln Specific Plan. The Fred C. Nelles Youth Correctional Facility Campus is a historic public institution that operated continuously from 1891 to 2002, with the entire site listed as California Historical Landmark #947. In thoroughly reviewing the Draft EIR, the Conservancy strongly believes it suffers from numerous deficiencies and that a true, bona fide preservation alternative needs to be evaluated where a majority of the historic resources can be preserved, rehabilitated and successfully adaptively reused as part of the Lincoln Specific Plan.

The Conservancy has been following this issue closely, initially submitting comments in June of 2011 regarding the sale and disposition of the campus, stating our disappointment in the scope of the Request for Proposals (RFP) process and provisions of the sale by the State. We and others have stated on the record our belief that the RFP ignored the historic significance of the site and failed to provide for any level of meaningful preservation of the existing historic resources comprising this historic campus or its overall setting and landscape.

Now, as part of the CEQA process, the proposed project would demolish and replace fifty of the fifty-two buildings on the campus site. In addition it would greatly alter the setting, integrity and materially impair the context of the nearly-seventy-six acre campus. Of the fifty-two buildings on site, ten have been individually identified as historic resources and appear to be eligible for either



individual listing on the National Register of Historic Places, California Register and/or local designation. Two buildings would be preserved as part of the proposed project with the potential to retain two additional structures (preserving and reusing the Chapel's Building and relocating the Assistant Superintendent's Residence onsite) through suggested mitigation measures (CUL-3). While we acknowledge and applaud the retention of two additional buildings, a majority of the identified historic resources will still be razed. This loss also affects some of the most visually dominant examples on the campus, including the historic Gymnasium, Auditorium and Infirmary buildings.

Overall this action results in a negative impact and therefore a substantial adverse change. Further, given the demolition and alteration stemming from the proposed project, this action would render the property unrecognizable from its historic use and setting; therefore the site would no longer retain its eligibility as a designated California Historical Landmark on the California Register or for National Register listing.

The Conservancy is not opposed to the proposed development of a mixed-use project at this location, but not at the needless expense of a group of historic resources that could otherwise be integrated and reused as part of the overall project. The proposed demolition of the historic buildings has not been justified within the Draft EIR and will result in a significant adverse impact and loss to the heritage of the city of Whittier.

I. The Final EIR should evaluate a feasible preservation alternative(s) that retains eligibility of the Fred C. Nelles Youth Correctional Facility Campus as an historic site.

Courts often refer to the environmental impact report (EIR) as “the heart” of California Environmental Quality Act (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 (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

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 a less than significant level. In our February 24, 2014 Notice of Preparation (NOP) comments, the Conservancy strongly encouraged the city and project developer to look to successful adaptive reuse projects at similar campuses as inspiration for creative

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.



conversion. Numerous examples exist in both California and nationally that were financially-feasible while resulting in meaningful preservation.

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.”⁴ To that end, the Draft EIR for the Lincoln Specific Plan and project should prioritize development of alternatives that avoid demolition of the Fred C. Nelles Youth Correctional Facility Campus, and the resulting loss to the city’s cultural heritage.

As presented previously in our NOP comments and now again, for example, in Lorton, Virginia, a similar and former correctional facility (known now as Laurel Hill, listed on the National Register of Historic Places) is currently being converted into a seventy-nine acre mixed-use facility. This plan re-purposes former dormitories, workshops, and other historic buildings for housing (one- and two-bedroom rental apartments), commercial, and retail uses. A portion of the complex involving the rehabilitation of ten historic buildings has already been adapted as the Workhouse Arts Center (see link, <http://www.workhousearts.org/about-workhouse-arts-center>). In addition to the preservation and reuse of historic buildings, the plan also calls for the building of new townhomes on some of the site’s green space, a similar approach that could be accomplished at the Fred C. Nelles Youth Correctional Facility Campus. The \$148 million project will be completed in two phases. Given the breath of successful examples elsewhere, the Final EIR should address specifically why the proposed project is particularly unique and hampered in achieving similar results achieved elsewhere.

The Conservancy believes the Draft EIR is inadequate as it does not provide a meaningful consideration of preservation alternatives. Of the four alternatives identified within the Draft EIR, only the “Reduced Density/Additional Historic Preservation” alternative attempts to address impacts on cultural resources, yet fails to address the need to retain the site’s or individual building eligibility as an historic resource. A “No Project” alternative is considered though it proposes no action and cannot be considered in lieu of a true, bona-fide preservation alternative. Given the scale of the project and the significant adverse impacts, there should be a sincere attempt to consider and evaluate a greater range of preservation alternatives within the Final EIR to reduce the substantial impacts.

A “Historic Structure (Additional Onsite Relocation)” and “Historic Structure (Offsite Relocation)” alternatives were initially considered but rejected as they were deemed infeasible. It is unlikely that either of these alternatives would have retained eligibility of the historic resources given the proposed relocation and alterations suggested. Neither of these alternatives provides substantive analysis or information to fully understand why preservation is not feasible. What standards were being applied (rehabilitation vs. restoration) and were any incentives such as the Federal Reinvestment Tax Credit considered? The

⁴ *Sierra Club v. Gilroy City Council* (1990) 222 Cal. App.3d 30, 41; also see PRC §§ 21002, 21002.1.



Conservancy requests additional information, detailed figures, and an explanation provided within the Final EIR.

The Conservancy does not believe there has been a good faith effort to assess a true preservation alternative within the EIR where it must evaluate at least one potentially feasible alternative that incorporates the historic resources of the Nelles campus site into the project and retains its eligibility as a historical resource. The “Reduced Density/Additional Historic Preservation” alternative does not accomplish this objective. The EIR should consider a range of options that reuse the historic buildings for uses consistent with the project’s sixteen objectives and goals, combined with compatible infill construction elsewhere on the site to provide the desired aggregate of square footage. Given that there are nearly seventy-six acres in total and ample space unaffected by the ten historic resources, it is logical to conclude that potential alternatives in the EIR could have offered that include a redesign of the proposed project to address this significant environmental impact.

As stated in previous Notice of Preparation (NOP) comments, the Conservancy requested that the Draft EIR include an alternative that complies with the Secretary of the Interior’s Standards for Rehabilitation. This option would rehabilitate a majority of the existing historic resources while allowing some limited demolition and new, infill construction. Our comments specifically stated, “In assessing the viability of a Standards-compliant alternative, the DEIR should include a detailed accounting of projected rehabilitation costs, incorporating regulatory and tax incentives available under the California Historical Building Code, Mills Act, Federal Rehabilitation Tax Credit program, and through conservation easement donation.” Despite this request, the Draft EIR has not addressed this issue.

An EIR must include sufficient information about each alternative to allow meaningful evaluation, analysis, and comparison with the proposed project, to foster informed decision-making and public participation. An EIR must be supported by substantial evidence that shows there was an actual consideration of alternatives and mitigation measures, and the process by which decisions were made. The City of Whittier, as the lead agency in the preparation of this EIR, has an independent duty under the California Environmental Quality Act (CEQA) to fully identify and evaluate alternatives. The Conservancy believes there a need to fully develop a preservation alternative, and provide details and analysis to demonstrate how the historic buildings could be retained as part of the project.

CEQA does not require an alternative to meet all of the project objectives or provide a certain rate of economic return in order for it to be viable or therefore considered infeasible, especially if it reduces environmental impacts. CEQA guidelines are clear and specifically state:

“The discussion of alternatives shall focus on alternatives to the project or its location which are capable of avoiding or substantially lessening any significant effects of the project, even if these



alternatives would impede to some degree the attainment of the project objectives, or would be more costly.”⁵

A. No substantive evidence is provided that demonstrates infeasibility or compelling reasons why a preservation alternative is not viable.

The Draft EIR states the “Historic Structure (Additional Onsite Relocation)” and “Historic Structure (Offsite Relocation)” alternatives were rejected initially for consideration and further analysis as neither would be considered feasible.

The “Reduced Density/Additional Historic Preservation” alternative was also determined infeasible for economic reasons. Statements that this alternative would “reduce profitability”⁶ or “fail to attract capital investment in a competitive market environment”⁷ need to be further explained and substantiated. No significant analysis, facts or figures are provided to back up these statements and rationale for determining preservation and reuse (however limited in scope in this particular alternative) to be rejected.

B. The EIR should be consistent on the number of impacted historical resources.

The Draft EIR is inconsistent in its references to the total number of historical resources. In the Alternatives to the Proposed Action section it refers to eight resources. The Historical Resources Report produced by GPA (also included within the Draft EIR) identifies and states there are ten historical resources on site. This inconsistency needs to be addressed in the Final EIR and as part of any revised preservation alternative analysis and/or mitigation measures.

C. The extensive re-grading of the site should be substantiated as it directly calls for the destruction of historical resources and is applied when determining financial feasibility.

The Draft EIR states the project would result in significant and unavoidable impacts to historical resources, in large part due to the proposed extensive re-grading and excavation of the site. As proposed, re-grading would involve approximately 970,000 cubic yards of cut and fill. Both the “Historic Structure (Additional Onsite Relocation)” and “Historic Structure (Offsite Relocation)” alternatives that were rejected early on suggest relocating buildings, we believe in part to address re-grading of the site. Is this assumption accurate and is this level of re-grading required by the City or simply a preference by the project applicant? Relocation of historical resources is nearly always more costly and rarely practical. The Final EIR should address this issue in detail, providing substantive information that demonstrates if re-grading is necessary or can be accomplished at a reduced scope. The Final EIR should provide an

⁵ CEQA Guideline 15126.6(b)

⁶ Lincoln Specific Plan, Environmental Impact Report, Alternatives to the Proposed Action, Page 7-32

⁷ Lincoln Specific Plan, Environmental Impact Report, Alternatives to the Proposed Action, Page 7-32



alternative that analyzes how project objectives can be met while also reducing environmental impacts on cultural resources through a modified re-grading plan.

D. Consider a commercial concept and preservation alternative provided by the Whittier community.

In the absence of a true preservation alternative, community members working with the Whittier Conservancy have developed a commercial concept plan that attempts to address project goals and objectives while also retaining and incorporating more historical resources. The Conservancy believes this is a thoughtful plan that warrants further review by the City of Whittier and the project applicant. By reusing six of the site's ten historical resources it builds upon existing assets and provides a potential "win-win" opportunity. The Final EIR should thoroughly review and consider this alternative commercial concept.

II. Mitigation measures should address compatible infill design standards to ensure aspects of the historic setting and spatial relationships are maintained.

The proposed project will result in a substantial adverse change, alteration to the historic setting, and create new relationships between historic and infill construction. The Conservancy believes it will materially impair the historical resource's ability to convey its significance to the degree that it will no longer be eligible for inclusion in the California Register.

To ensure some level of compatibility and sensitivity, design standards should be developed and adopted as a mitigation measure. This type of requirement is not uncommon for similar large-scale projects and developments. A qualified preservation consultant should be included in the development and vetting of these standards which should address infill construction overall as well as how new features will interact with historical resources, including the design of new buildings, new roads, landscape features, signage, and utilities.

The Conservancy is specifically concerned about the proposed introduction of a new roadway between the Administration Building and the Superintendent's Residence. We believe this will have a significant negative impact, especially in the context of the cumulative impacts that will occur to the overall site. The Final EIR should specifically address this proposed roadway and suggest alternatives that can also meet the project goals and objectives.

Conclusion

We strongly urge the City of Whittier to consider additional preservation alternatives and mitigation measures that can provide for meaningful preservation and a potential "win-win" for the community. There is an opportunity to create a dynamic and vibrant urban project with a mix of historic and new



construction, where preservation can act as a strong anchor and offer something unique and still convey the significant heritage of the site.

Thank you for the opportunity to comment on the Draft EIR for the Lincoln Specific Plan and Fred C. Nelles Youth Correctional Facility Campus. The Conservancy welcomes the opportunity to meet and work with the City and others to identify a true preservation alternative that allows for the proposed project to advance along with the preservation and reuse of a majority of the historic buildings at the Nelles campus. Please feel free to contact me at (213) 430-4203 or afine@laconservancy.org should you have any questions.

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: Whittier Conservancy
Office of Historic Preservation, State of California
California Preservation Foundation

