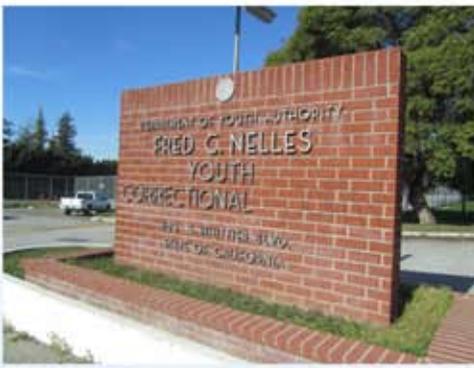




F I N A L | February 2015

Lincoln Specific Plan Environmental Impact Report



Prepared by:

RBF Consulting

A Michael Baker International Company

**FINAL
ENVIRONMENTAL IMPACT REPORT**

LINCOLN SPECIFIC PLAN

SCH NO. 2014011069



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February 2015

JN 135060

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FINAL ENVIRONMENTAL IMPACT REPORT AND APPENDICES ON CD



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1.0 Introduction



1.0 INTRODUCTION

In accordance with the *California Environmental Quality Act Guidelines* (CEQA Guidelines) Section 15088, the City of Whittier, as the lead agency, has evaluated the comments received on the Lincoln Specific Plan Draft Environmental Impact Report (Draft EIR).

The Draft EIR for the proposed Lincoln Specific Plan (herein referenced as the Project) was distributed to responsible and trustee agencies, interested groups, and organizations. The Draft EIR was made available for public review and comment for a period of 45 days. The public review period for the Draft EIR (established by the CEQA Guidelines) commenced on October 17, 2014 and ended December 1, 2014.

The Final EIR consists of the following components:

- Section 1 – Introduction
- Section 2 – Comments and Responses
- Section 3 – Errata
- Section 4 – Mitigation Monitoring and Reporting Program

Due to its length, the text of the Draft EIR is not included with this document; however, it is included by reference in this Final EIR. None of the corrections or clarifications to the Draft EIR identified in this document constitutes “significant new information” pursuant to Section 15088.5 of the CEQA Guidelines. As a result, a recirculation of the Draft EIR is not required.



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2.0 Responses to Comments



2.0 RESPONSES TO COMMENTS

2.1 CEQA REQUIREMENTS

Before approving a project, the *California Environmental Quality Act (CEQA)* requires the Lead Agency to prepare and certify a Final Environmental Impact Report (Final EIR).

In accordance with *CEQA Guidelines* Sections 15120 through 15132 and Section 15161, the City of Whittier prepared a Draft Environmental Impact Report (Draft EIR) for the Lincoln Specific Plan (SCH #2014011069). This Responses to Comments section, combined with the Draft EIR, Mitigation Monitoring and Reporting Program, and errata sheet comprise the Final EIR.

This Responses to Comments section includes all components required by CEQA Guidelines Section 15120 and is included in the Final EIR.

2.2 PUBLIC REVIEW PROCESS – DRAFT EIR

The Draft EIR was circulated for review and comment to the public, agencies, and organizations. The Draft EIR was also circulated to State agencies for review through the State Clearinghouse, Office of Planning and Research. The 45-day public review period ran from October 17, 2014 to December 1, 2014. Comments received in writing during the 45-day public review period from the public, local, and State agencies on the Draft EIR have been incorporated into this section.

2.3 FINAL EIR

The Final EIR allows the public and Lead Agency an opportunity to review revisions to the Draft EIR, the comments and response, and other components of the EIR, such as the Mitigation Monitoring and Reporting Program, before Project approval. The Final EIR serves as the environmental document to support a decision on the proposed Project.

After completing the Final EIR, and before approving the Project, the Lead Agency must make the following three certifications as required by CEQA Guidelines Section 15090:

- That the Final EIR has been completed in compliance with CEQA;
- That the Final EIR was presented to the decision-making body of the Lead Agency, and that the decision-making body reviewed and considered the information in the Final EIR prior to approving the Project; and
- That the Final EIR reflects the Lead Agency's independent judgment and analysis.

These certifications, the Findings of Fact, are included in a separate Findings document. Both the Final EIR and the Findings will be submitted to the Lead Agency for consideration of the proposed Project.



2.4 WRITTEN COMMENT LETTERS AND RESPONSES

All written correspondence from those agencies or individuals commenting on the Draft EIR is reproduced on the following pages. The individual comments on each letter have been consecutively numbered for ease of reference. Following each comment letter are responses to each numbered comment. A response is provided for each comment raising substantive environmental issues. Added or modified text is underlined, while deleted text will have a ~~strike out through the text~~, and is included in a box, as the following example shows:

“Text from EIR” ~~Text from EIR~~

COMMENT LETTERS

A total of 22 comment letters were received by the City, as outlined below.

State Agencies

1. Scott Morgan, Director, State Clearinghouse, State of California Governor’s Office of Planning and Research, State Clearinghouse and Planning Unit, December 2, 2014.
2. Kathleen M. Andrews, Associate Oil & Gas Engineer – Facilities, California Department of Conservation, Division of Oil, Gas, & Geothermal Resources, October 24, 2014.
3. Dianna Watson, IGR/CEQA Branch Chief, State of California Department of Transportation, November 25, 2014.
4. Carol Roland-Nawi, State Historic Preservation Officer, State of California Office of Historic Preservation, November 26, 2014.

Regional Agencies

5. Frank Vidales, Chief, Forestry Division, Prevention Services Bureau, County of Los Angeles Fire Department, November 12, 2014.

Interested Parties and Individuals

6. Linda de Vries, November 1, 2014.
7. Linda de Vries, November 23, 2014.
8. Fred Kerz, November 26, 2014.
9. Ted Snyder, President, Whittier Conservancy, November 29, 2014.
10. John Beynon, December 1, 2014.
11. Tom Bihr, December 1, 2014.



12. Linda Brown, December 1, 2014.
13. Cindy Heitzman, Executive Director, California Preservation Foundation, December 1, 2014.
14. David Dickerson, December 1, 2014.
15. Roberta Fels, December 1, 2014.
16. George Prather, December 1, 2014.
17. Judith Prather, December 1, 2014.
18. Josie Rosen, December 1, 2014.
19. Senior Housing Coalition, December 1, 2014.

Comments Received After the Close of the Draft EIR Public Review Period

20. Linda Skale, December 2, 2014.
21. Adriana Raza, Customer Service Specialist, County Sanitation Districts of Los Angeles County, December 8, 2014.
22. Adrian Scott Fine, Director of Advocacy, Los Angeles Conservancy, December 1, 2014.

Some of the responses to comments are based on additional technical documentation that was commissioned to further clarify and elaborate on some of the issues raised by third parties. These technical reports will be included as part of the Final EIR and include:

- *Addendum: Reuse Feasibility Study, Nelles Correctional Facility Redevelopment (Supplemental Report)*, Economic & Planning Systems, Inc. (EPS), December 16, 2014; refer to Appendix A, EPS Addendum.
- *Memorandum – Response to Comments on Lincoln Plan DEIR*, EPS, December 16, 2014; refer to Appendix B, EPS Memorandum.
- *Letter – Response to Comments, Conservancy Alternative Retail Plan – Whittier, CA*, SEG Advisors, December 16, 2014; refer to Appendix C, SEG Letter.
- *Letter – Sales Tax Revenue Under Proposed Whittier Conservancy’s Alternative Plan*, David Taussig & Associates, December 16, 2014; refer to Appendix D, Taussig Letter.
- *Memorandum – Peer Review – Fred C. Nelles Facility Analyses*, Keyser Marston Associates (KMA), January 16, 2015; refer to Appendix E, KMA Memorandum.

In addition, the *Fred C. Nelles Youth Correctional Facility Re-Use Feasibility Study for 8 Historic Buildings*, Page & Turnbull, November 14, 2011 was cited within the Draft EIR and will be included in whole as Appendix F, Page & Turnbull Report of the Final EIR technical appendices. The Page & Turnbull report also includes several supporting attachments, consisting of the *Conceptual Design Cost Plan for Fred C. Nelles Youth Correctional Facility*, Mack5, October 19, 2011, and the *Analysis of Potential Feasibility of Re-Use of Eight Historic Structures Located on the Grounds of the Former Fred C. Nelles Youth Correctional Facility*, Gruen Gruen and Associates, November 2011.



In addition, a more expansive catalog of photographs of the buildings is included in the FEIR technical appendices; refer to Appendix G, Site Photographs.

TOPICAL RESPONSES

Topical responses are provided where there were several public comments that address a particular issue. Specifically, topical responses are provided to address the following general comments:

- Topical Response A – Range of Alternatives for Preservation of Historical Resources Addressed in the Draft EIR
- Topical Response B – Adaptive Reuse of Additional Historic Resources
- Topical Response C – Analysis of Reduced Land Sale Proceeds Due to Retention of the Historic Buildings
- Topical Response D – Restored Buildings Will Have Equal or Greater Financial Value than New Buildings
- Topical Response E – The Need for a Peer Review of the Draft EIR Reuse Feasibility Study
- Topical Response F – The Source of the “Lost Land” Estimates
- Topical Response G – The Appropriateness of the Uses Tested for the Buildings
- Topical Response H – Potential Plan Changes to Reduce Costs
- Topical Response I – Infeasibility of Relocation Costs
- Topical Response J – Appropriate Profit Margins

Topical Response A – Range of Alternatives for Preservation of Historical Resources Addressed in the Draft EIR

A primary concern from several public commenters is that the City did not study an adequate range of preservation alternatives within the Draft EIR. The City appreciates the extensive comment letters provided on the Draft EIR as it pertains to historic resources. The City understands the importance of these resources to the community.

The State CEQA Guidelines Section 15126.6(c) sets forth the criteria for the selection of a range of reasonable alternatives for consideration in an EIR. “The range of potential alternatives to the proposed project shall include those that could feasibly accomplish most of the basic objectives of the project and could avoid or substantially lessen one or more of the significant effects... Among the factors that may be used to eliminate alternatives from detailed consideration in an EIR are: (i) failure to meet most of the basic project objectives, (ii) infeasibility, or (iii) inability to avoid significant environmental impacts”. An EIR need not consider every conceivable alternative to a project. Rather it must consider a reasonable range of potentially feasible alternatives that will foster informed decision-making and public participation.

Section 15126.6(f)(1) of the State CEQA Guidelines (14 CCR) states:

Among the factors that may be taken into account when addressing the feasibility of alternatives are site suitability, economic viability, availability of infrastructure, general plan consistency, other plans or regulatory limitations, jurisdictional boundaries (projects with a regionally significant impact should consider the regional context), and whether the proponent can reasonably acquire, control or otherwise have access to the alternative site (or the site is already owned by the



proponent). No one of these factors establishes a fixed limit on the scope of reasonable alternatives (*Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553; see *Save Our Residential Environment v. City of West Hollywood* (1992) 9 Cal.App.4th 1745, 1753, fn. 1).

Each potential alternative was evaluated for its feasibility, its ability to attain most of the proposed Project's objectives, and its ability to reduce and/or eliminate significant impacts associated with the Project.

Some background on the City's historical planning and economic development strategies applicable to the Project site is appropriate prior to addressing the concern that the range of alternatives for preservation of historic resources was inadequate.

First, upon its closure in 2004, the Nelles facility has long been targeted for economic redevelopment and revitalization by the City. With the exception of Nelles, the City is virtually built-out, and has been built-out for many decades. Nelles is the only site located within the City that can provide a mix of needed new retail and housing opportunities for City residents. Moreover, this potential new development at Nelles provides new housing and retail opportunities to residents in great need of revitalized retail and housing stock. Nelles is located in the western portion of the City, which is home to some of the lowest median household incomes in the City. The economically vulnerable residents that live in the vicinity of Nelles are in need of new housing and retail opportunities. The east end of the City provides modern retail shopping opportunities to City residents by way of Whittwood Town Center and the Quad Shopping Center. Both of these shopping centers are home to high quality, national tenants that provide convenient retail and neighborhood grocery and service opportunities to Whittier residents. The residents of the west of the City have not had the benefits of a new, modern, neighborhood serving shopping center being developed in recent years. Moreover, residents of the western part of the City would also benefit from move-up, mixed use-adjacent housing opportunities. The *City of Whittier General Plan* Housing Element contains a goal of providing new housing opportunities and includes a number of policies to implement the City's Housing Production Goal (refer to General Plan Housing Element, pp. 3-7 and 3-8).

As part of the City's historical attempts to redevelop and revitalize Nelles to provide such new retail and move-up, mixed-use housing opportunities to City residents, the Nelles site was included as part of the former Whittier Commercial Corridor Redevelopment Plan. This Redevelopment Plan determined that Nelles and the surrounding vicinity was "blighted" and to eliminate this blight, the Redevelopment Plan established numerous goals including, but not limited to, "[r]eplanning, redesigning, and developing properties that are stagnant or improperly utilized" and "[e]xpanding the employment base and promoting the creation of jobs" (see City Ordinance No. 2860, p. 2). Thus, these demographic facts and planning and economic development policies must be factored into the analysis of historical resources within the Draft EIR for the Project. Note that this is provided as background for the city's desired economic redevelopment of the site; with the demise of Redevelopment in California, the Redevelopment Plan is no longer a policy document affecting the property. It is also important to note that with the State's elimination of the Community Redevelopment Law, tax increment financing – which has been used previously in other communities to subsidize historical preservation efforts – is no longer available to be utilized as a public subsidy at Nelles. Thus, one of the main tools that was previously available to assist in historical preservation (tax increment financing) is no longer available.

The City's Draft EIR considered a reasonable range of alternatives. As set forth in the Draft EIR (pages 7-4 through 7-7), two preservation alternatives that would preserve all eight historic



buildings at the Nelles facility were determined to be “infeasible” based upon studies prepared by Gruen Gruen and Associates, EPS, and KMA.

In 2011, the State of California commissioned an independent report entitled *Analysis of Potential Feasibility of Re-Use of Eight Historic Structures Located on the Grounds of the Former Fred C. Nelles Youth Correctional Facility, Whittier, Los Angeles County, California* (“State’s Feasibility Analysis”). The State’s Feasibility Analysis included hundreds of pages of cost data and economic analysis prepared by a number of independent experts. The State’s Feasibility Analysis and related attachments is included as Appendix F of the Final EIR. The State’s Feasibility Analysis included a detailed economic analysis prepared by Gruen Gruen and Associates (“Gruen Report”) that determined that reuse of any of the eight historic buildings for a number of proposed and hypothesized uses would not be financially feasible. For example, page 2 of the Gruen Report states:

BASIC CONCLUSION

As described in detail below, limited demand pertains to all of the postulated uses. Even when demand from users which rent or buy space is assumed to apply to private residential, office, and retail uses, the costs of the retrofits to repurpose or re-use the building space exceed the value estimated to apply to the re-furnished and remodeled space. This failure to pass a feasibility threshold is before consideration of land purchase costs, marketing costs, and other expenses likely to apply to the re-use, operation and conveyance of the retrofitted space.

As noted below, the findings suggest that alternative uses to the primary and best candidate re-use opportunities postulated in the main report produce similar findings of lack of demand and financial infeasibility. A major constraint is many of the buildings are special purpose facilities that previously served the unique needs of an integrated youth correctional facility; the demands for which are not readily replicated by other types of institutions or space users. The re-use of any one building such as an auditorium may not be demanded as stand alone facilities not part of campuses by institutional uses such as Whittier College.

Three years later, in preparing the Draft EIR, the economic consulting firm EPS was retained by Brookfield Residential, the Project Applicant, to provide an evaluation of the economic feasibility of an adaptive reuse concept that would preserve all eight historic buildings on the Project site (“EPS Report”), provided as Appendix 11.17 of the Draft EIR. The EPS Report confirmed the conclusions set forth in the Gruen Report, while also expanding upon the analysis. The EPS infeasibility determination was not based on a simple conclusion that the developer’s cost would increase or that the developer’s profits would be diminished. Rather, an alternative that preserved all eight buildings onsite was determined to create a cost barrier that was so high that any reasonable developer would decide to “not proceed with the Project” at that point. Thus, the Draft EIR determined that a preservation alternative that included the adaptive reuse of all eight buildings would make the Project economically infeasible such that a reasonable developer would proceed with the Project. As stated on page 41 of the EPS Report:

As shown, the full re-use program that retains all eight buildings would reduce the project’s initially anticipated profit margin by



more than half. EPS understands that the mere fact of a reduction in profit margin does not always constitute an infeasible project *per se*. However, in our opinion the degree of the profit reduction in this case indicates that a typical developer, Brookfield or otherwise, would not consider a development that otherwise conforms to the Lincoln Plan and the land sale agreement struck with the State to be an attractive investment if all eight buildings must be retained. The financial returns available under those conditions are too low to justify the level of risk and investment required to entitle and improve the former Nelles property, and the capital markets would see projects with lower risk and/or higher reward. As such, the Lincoln Plan would become effectively infeasible because it would not attract sufficient capital investment.

In addition, EPS prepared an addendum report in December 2014 (“EPS Addendum”) that further analyzed the feasibility of: 1) retaining all eight buildings; and 2) a range of preservation alternatives to ascertain whether there was a “tipping point” at which the preservation of additional buildings beyond the four already mandated by the Project design features and City-imposed mitigation. The EPS Addendum is provided as Appendix A of the Final EIR. The EPS Addendum analyzed five different scenarios under which the economic feasibility was determined (refer to EPS Addendum, Table 3). The EPS Addendum determined that a 20 percent internal rate of return (IRR) or return on cost was the baseline threshold of return that a reasonable developer would require to go forward with the Project and that returns substantially less than that would render the Project infeasible. As stated on page 8 of the EPS Addendum:

In our opinion, this 20 percent return reflects the projected rate of return that justifies the level of risk and investment required to entitle and improve the former Nelles property. For substantially lower projected returns, we believe the Project would not attract sufficient capital investment, because capital markets would seek alternative projects or investments with lower risk and/or higher reward. In other words, we believe a prudent developer would not proceed with this project (i.e., would make a “no-go” decision) without forecast returns at or near 20 percent and that returns much below this threshold make the project infeasible and impracticable.

In EPS’s experience, large-scale reuse projects with similar risk profiles that proceed with return targets below 20 percent often involve public financing (such as reinvested tax increment) that reduces the developer’s investment cost and/or may supplement the developer’s return to support or even all but ensure a minimum return level. For example, the redevelopment of the former Mueller Airport in Austin, Texas involves public financing that reinvests tax increment generated by the project to the extent available and required to achieve a 15 percent IRR or profit margin for the developer. No such public financing or ensured developer return is available for the Nelles project. (The California State Legislature eliminated redevelopment agencies three years ago, and tax increment financing is unavailable for the project.). . . As noted in the original Report, Historic Tax Credits are extremely difficult to obtain, and a qualified rehabilitation may impose



significant restrictions on improvements that limit the marketability and useability of the restored structures. Consequently, for many projects and many developers, the potential benefits from tax credits do not merit the effort and risks of pursuing them. Instead, developers typically regard tax credits as a source of potential project upside but not as a real-world factor to rely on in making a “go” or “no-go” decision.

The EPS Addendum then analyzed a variety of possible combinations of onsite preservation alternatives and determined that: 1) the proposed Project as mitigated with two additional buildings (the Chapels Building and Assistant Superintendent’s Residence) was already below the threshold of feasibility and that any additional onsite preservation would also be infeasible because the financial returns would be below what a reasonable developer would deem to be necessary to proceed with the Project. As stated on pages 9 and 10 of the EPS Addendum:

1. *The baseline return on costs for the Lincoln Plan, representing retention and re-use of the Administration Building and Superintendent’s Residence and demolition of the other six subject structures, is projected to be 19.1 percent.* The baseline return estimate is calculated from an estimated improved land value of \$120 million (from Brookfield, based on recent market data that includes several bids from commercial developers) and estimated development costs of approximately \$101 million (from Brookfield, based on improvement cost estimates and the purchase and sale agreement land acquisition terms). While this return falls slightly below the 20 percent feasibility target, it is sufficiently close that for many developers, it remains an economically rational—though risky—project.
2. *The estimated return on costs for Alternative 1, which reflects a mitigation measure imposed by the City of Whittier, generates a return of 15.4 percent (15.9 percent with tax credits) that does not meet the target return threshold for feasibility.* Alternative 1 features onsite reuse and retention of the Administration Building, Superintendent’s Residence, Chapel building, and onsite re-location and reuse of the Assistant Superintendent’s Residence. These returns are typical for the acquisition or pursuit of fully entitled projects in strong markets or projects with external sources of subsidy (such as tax increment reinvestment), for which significant project risks have been reduced. EPS is not aware of any comparable, unentitled or unsubsidized urban infill land development projects in modestly priced, slow-growth markets in which the “going in” anticipated financial returns were at or near this low level. In other words, the returns in this scenario are below the “no-go” threshold of near 20 percent identified earlier. Commencement of such a project would require that a developer have unusual confidence in revenue growth and/or cost containment, or that the developer simply sought to recoup *some* investment on substantial pre-development costs rather than abandoning the project.



3. *Alternatives 2a, 2b, 2c, and 2d further lower the return on cost estimates to a range of 11.7 to 13.3 percent (13.0 to 14.0 percent with tax credits). In other words, any structure retained and added to the Alternative 1 scenario significantly lowers already substandard project returns. As tested, the scenarios lower returns by between 31 and 39 percent (or 27 to 32 percent with tax credits) from the estimated Baseline.*
4. *Alternative 3 retains and restores the Gymnasium and Auditorium buildings as well as the four structures featured in Alternative 1 and shows estimated return on costs of 9.0 percent (10.6 percent assuming tax credits). This scenario lowers returns by 53 percent (or 45 percent with tax credits) from the estimated Baseline.*
5. *Alternative 4 adds retention of Maintenance Building to the Alternative 3 scenario and further reduces project feasibility to a return of 5.8 percent (8.0 percent assuming tax credits). This scenario lowers returns by 70 percent (or 58 percent with tax credits) from the estimated Baseline.*
6. *Alternative 5, which includes retention of all eight subject buildings, lowers estimated project returns considerably to 3.6 percent (or 6.0 percent with tax credits). The tested scenario lowers returns by 81 percent (or 68 percent with tax credits) from the estimated Baseline.*

Based on the foregoing, an eight-building preservation alternative would be economically infeasible such that none of the Project objectives or the City's land use and economic redevelopment policies cited above would be realized.

In addition, the EPS Addendum analyzed whether the incremental preservation of additional buildings would be economically feasible, thus, creating a decision to go forward with the Project. According to the EPS Addendum, economic infeasibility below the 20 percent return feasibility threshold has already been crossed with the preservation of the four buildings (Administration Building, Superintendent's Residence, Chapels Building, and Assistant Superintendent's Residence). Thus, the preservation of any additional buildings or the track and field would render the Project economically infeasible. Thus, the Draft EIR considered an adequate range of feasible alternatives—from the preservation of all eight buildings to the incremental preservation of an additional building.

A detailed independent technical peer review of the EPS Report and EPS Addendum was conducted by the City to ensure accuracy and objectivity. The approach and methodology utilized by EPS was determined to be reasonable and acceptable, and is described in detail within Topical Response E, below.

Topical Response B – Adaptive Reuse of Additional Historic Structures

The second issue raised by a number of commenters is that additional historic structures should be adaptively reused as part of the Project. A number of proposed reuse scenarios are suggested, including, but not limited to, a “dining and entertainment” complex, continuum of



care and higher density within the Project site. As explained more thoroughly below, the adaptive reuse of additional historic structures were studied and found to be infeasible.

As discussed in Topical Response A, in 2011, the State of California commissioned the State Feasibility Analysis that studied reuse of the eight historic structures consisting of the Administration Building, Superintendent's Residence, Chapels Building, Gymnasium, Maintenance Building, Assistant Superintendent's Residence, Auditorium and Old Infirmary into office, single-family residence, community center, church, library or grocery store, single-family residence, auditorium, and office space, respectively. The State's Feasibility Analysis included a market and financial feasibility assessment from Gruen Gruen & Associates that analyzed prevailing real estate values, rents and market conditions for comparable uses; a construction budget from Mack5 to bring each respective building up to code exclusive of tenant improvements, and a detailed code analyses from Page & Turnbull. The State's Feasibility Analysis concluded it was financially infeasible to adaptively reuse each respective building as proposed.

Additionally, in December 2014, EPS, David Taussig and Associates, and SEG Advisors prepared an Economic Feasibility Study that contemplated adaptive reuse scenarios and determined the adaptive reuse of the Administration Building, Superintendent's Residence, Chapels Building, Gymnasium, Maintenance Building, Assistant Superintendent's Residence, Auditorium and Old Infirmary to office, office, community center, assisted living, single family, auditorium and office uses and similarly found that adaptive reuse was economically infeasible.

Based on the EPS Report and EPS Addendum, with respect to the Gymnasium, the cost for building stabilization, code improvements, and basic architectural improvements total \$3,166,287, not including interior tenant improvements, site work, landscaping, or fees with an additional cost of \$2,535,934 for on-site relocation of the building. The cost of rehabilitation for adaptive reuse of the Gymnasium would exceed the cost of new construction and the value of the use would not generate leases supportable in the Whittier market. The addition of the Gymnasium to the historical reuse program would displace approximately 10,800 square feet of commercial space with the net cost of reuse and lost land value with retention of this building would cost \$7,509,400, reducing the profit margin to \$11,777,900 and providing a return on costs of 11.7 percent in the base case and \$13,140,400 and 13 percent respectively if historic tax credits are assumed.

With respect to the Auditorium, the EPS Report and EPS Addendum state that the cost for building stabilization, code improvements, and basic architectural improvements total \$1,232,936, not including interior tenant improvements, site work, landscaping, or fees with on-site relocation costing an additional \$1,521,542. The net cost of reuse and lost land value with retention of the Auditorium would exceed the cost of new construction and the value of the use would not generate leases supportable in the Whittier market. The addition of Auditorium to the historical reuse program would displace approximately 24 apartment units and 5,700 square feet of commercial space. The net cost of reuse and lost land value with retention of this building would cost \$6,405,900, reducing the profit margin to \$12,881,400 and providing a return on costs of 12.8 percent in the base case, and \$13,639,900 and 13.5 percent respectively if historic tax credits are assumed.

With respect to the Maintenance Garage, according to the EPS Report and EPS Addendum, the cost for building stabilization, code improvements, and basic architectural improvements total \$3,451,519 without interior tenant improvements, site work, landscaping, fees or hazardous materials cleanup with on-site relocation of the building cost of an additional \$1,950,402. Based on the analysis, the cost of rehabilitation of the Maintenance Garage for adaptive reuse would



exceed the cost of new construction and the value of the use would not generate leases supportable in the Whittier market. The addition of the Maintenance Garage to the historical reuse program would displace approximately 16 apartment units and 11,300 square feet of commercial space with the net cost of reuse and lost land value with retention of this building would cost \$6,976,700, reducing the profit margin to \$12,310,600 and providing a return on costs of 12.2 percent in the base case, and \$13,490,600 and 13.4 percent respectively if historic tax credits are assumed.

With respect to the Old Infirmary, according to the EPS Report and EPS Addendum, the cost for building stabilization, code improvements, and basic architectural improvements total \$1,024,698, not including interior tenant improvements, site work, landscaping, or fees. On-site relocation of the building would approximately double that cost (an additional \$1,149,471). Based on the analysis, the cost of rehabilitation of the Old Infirmary for adaptive reuse would exceed the cost of new construction and the value of the use would not generate sales or leases supportable in the Whittier market. The addition of the Old Infirmary to the historical reuse program would displace approximately 18 dwelling units and 4,600 square feet of commercial space and the net cost of reuse and lost land value with retention of this building would cost \$5,905,000, reducing the profit margin to \$13,382,300 and providing a return on costs of 13.3 percent in the base case, and \$14,101,200 and 14 percent respectively if historic tax credits are assumed.

Additionally, the adaptive reuse alternative proposed would impact sales tax revenue generated by the project. Currently, the project, as proposed, is expected to generate \$358,810.00 in sales tax revenue (refer to Page 1 of Taussig Letter). According to the Taussig Letter, the Whittier Conservancy Plan would produce approximately 79.2% less in sales tax revenue for the City than the proposed Project. In raw numbers the proposed Project is forecast to produce approximately \$358,810 in annual recurring sales tax revenues for the City, while the Conservancy's alternative plan ... would produce approximately \$74,520 in recurring sales taxes."

Thus, the restaurant and entertainment alternative was deemed to be infeasible for several reasons. Among those reasons being the cost and subsidies required (as demonstrated by the EPS Report and EPS Addendum), reduction in sales tax revenue produced to the City would be 79.2 percent lower than the proposed Project, and a successful mixed-use community at Nelles is dependent on a functional retail center adjacent to the residential portion of the Specific Plan with frontage on Whittier Boulevard.

In addition, as noted in the SEG Letter (refer to Appendix C, SEG Letter, of the Final EIR), a restaurant and entertainment alternative would still require a substantial investment to rehabilitate buildings to code, which would reduce profitability for proposed restaurant/entertainment uses. This alternative would also leave the site at its existing grade, which would place entertainment, retail, and restaurant uses at a substantially lower grade than Whittier Boulevard (approximately 17 to 30 feet lower towards the southern portion of the site). This would limit the visibility required to attract quality retailers and restaurants. As also stated in the SEG Letter, adequate parking is another important consideration in the viability of a restaurant and entertainment alternative for the Project site; without the minimum number of parking spaces required to attract regional and national high quality tenants, the economic viability of such a use would be put at risk, and may not achieve the Project objective to contribute to the City's General Fund. Finally, as noted in the SEG Letter, several comparisons are made between the proposed Project and the historic reuse examples in the cities of Anaheim, Brea, and Fullerton. The reuse of many of the historical buildings associated with these projects were possible only through extensive public subsidies made possible through the



use of tax increment financing formerly available under the Community Redevelopment Law. Now that the State has eliminated redevelopment law however, the use of tax increment financing is no longer available. Thus, the elimination of tax increment financing and redevelopment law has eliminated one of the tools that were previously available to local agencies to assist on the “economic feasibility” of historical reuse.

For these reasons, additional reuse alternatives such as those proposed by the Conservancy, Ms. DeVries, Mr. Kerz, and others were considered but determined to be infeasible. In addition to not being feasible from a construction and cost standpoint as discussed above, these scenarios would not fulfill a City objective of providing net revenue to the same degree as the proposed Project.

The continuum of care alternative was not analyzed as feasible alternative for similar reasons. As set forth in the various analyses set forth above, the use of the infirmary for a health care facility is economically infeasible. In addition to the costs, the infirmary is not compliant with the extensive State regulations governing the construction of hospitals as set forth in the Alfred E. Alquist Hospital Facilities Seismic Safety Act, as amended, set forth in the California Health & Safety Code and implementing Regulations (refer to <http://oshpd.ca.gov/FDD/Regulations/index.html>). Moreover, the Project objectives do not involve providing health care and the City’s health care needs are provided by Whittier Hospital Medical Center and Presbyterian Intercommunity Hospital (PIH).

The increased density alternative is similarly economically infeasible. Higher density above 25 dwelling units per acre (du/ac) would require elevator accessible building with wood frame construction or to a podium type program where all of the parking is common and within a structure on levels below the living areas. Because of the costs associated with construction, both of these programs would require value ratios to be in the range of \$350 to \$600 per square foot.¹ This equates to \$420,000 to \$720,000 for a 1,200 square foot home. The value ratios required to support denser product are not feasible at this location, given the surrounding demographics (see below). The targeted value ratios for the for-sale residential programs being offered at this community are between \$240 and \$300 per square foot.

The average household income is \$73,379 within a two mile radius of this property.^{2, 3} In comparing with the two mile radius from Playa Vista in West Los Angeles, the average household income is \$102,585 and within the same radius from Wilshire and Santa Monica Boulevard it is \$118,934. All compare to the LA County average household income of \$78,299.⁴ As such, it is not expected that the average household incomes in the Project area would support a market for higher density housing, as compared to areas with substantially higher average incomes such as Playa Vista and the Wilshire/Santa Monica Boulevard area.

For these reasons, the Draft EIR analyzed a proper range of feasible alternatives related to adaptive reuse of historical buildings.

¹ Email correspondence between John Burns Real Estate Group and Brookfield Residential.

² Ibid.

³ Note that this average household income differs from the assumptions utilized in the Draft EIR Urban Decay Study, since the figure of \$73,379 is based on a two-mile radius from the Project site, while the Urban Decay Study is based on a different geographical area (Whittier Retail Trade Area).

⁴ Email correspondence between John Burns Real Estate Group and Brookfield Residential.



Topical Response C -- Analysis of Reduced Land Sale Proceeds Due to Retention of the Historic Buildings

In the EPS Report and EPS Addendum, EPS estimates the amount of land that is programmed for new development in the Lincoln Specific Plan, but would be unavailable for such development if the existing buildings are retained. As stated in the EPS reports, with the exception of the buildings proposed for retention in the Lincoln Specific Plan (the Administration Building and the Superintendent's Residence) and the Chapels Building (located in an area planned for a park), each other building's retention would result in a reduction of revenue-generating land generally equivalent to the retained building's footprint, parking, and setback requirements. EPS therefore reduces the amount of land sale revenues according to the amount of land that would no longer be available for sale.

This comparison is what the EPS analysis measures. The EPS methodology accounts for the "gross" value of the retained buildings under several different reuse scenarios, and then compares those building values to the costs of renovation to determine their "net" value to the Project. The study shows a reduction in land sale proceeds for any land that is no longer available for sale, as well as the net cost or net value of the retained building. To assume, as is suggested by numerous commenters, that the underlying land value is retained or is the same (or greater) for an adaptive reuse as it would be for new development does not take into account that: 1) the developer would have less land available to sell for new development; 2) the cost of rehabilitation of the historic buildings is shown to be greater than new construction; and 3) the documented expectation, in the EPS Report and EPS Addendum, that adaptive reuse of these particular buildings requires a subsidy rather than generating net proceeds to the Project.

The independent peer review and analysis prepared by KMA drew similar conclusions related to the loss of development potential associated with the retention of additional historic structures as noted in Topical Response E, below.

Topical Response D – Restored Buildings Will Have Equal or Greater Financial Value than New Buildings

Several comments received by the City raised the concern that the adaptive reuse of additional historic buildings onsite would have equal or greater financial value to the Project Applicant as the construction of new buildings in their place. These assertions are not supported by any evidence and are contradictory to EPS's findings and those of the Gruen Report and independent KMA analysis. The EPS Report includes data showing that the costs of construction for rehabilitation are greater than the costs of new construction for all uses evaluated, including retail and restaurants. While there may be examples in the City and in other jurisdictions of businesses successfully operating in rehabilitated historic structures subsidized through redevelopment agency tax-increment financing (which is no longer available as the State has eliminated redevelopment agencies), it is uncertain whether a retail or restaurant use in a restored building would be willing or able to pay higher rents than one located in a new building, as the ability to pay rent is driven by gross receipts and other operating costs that may or may not be improved in a renovated building. Factors such as visibility, accessibility, suitability of space for a given tenant's operation, and above all, market competition and demand outweigh the character and detail of a particular building. This is particularly true with national chain restaurants such as The Yard House, Wing Stop, BJ's, etc. As demonstrated by both the Mack5 and Spectra cost analysis, the historic buildings on site would require millions of dollars to re-habilitate, and even then (post-restoration) the buildings



may not be consistent with the physical needs or desires of potential national and regional tenants.

Several comments also suggest that the grouping of historic structures in a complementary manner would minimize impacts and maximize profitability. While it may be true that a close cluster of older buildings may be preferable to having them spread out, that is not the existing case here and the financial analysis prepared by Spectra and EPS indicates that relocating buildings, even onsite, is considerably more costly (in some instances double the cost) than restoring them in place. Moreover, the EPS analysis uses market rents that represent achievable values in an attractive and functional configuration of buildings rather than discounts associated with poor configurations.

Topical Response E – The Need for a Peer Review of the Draft EIR Reuse Feasibility Study

Several comments were received by the City, stating that an independent peer review of the Reuse Feasibility Study prepared by EPS would be appropriate. The City retained KMA to perform an independent technical peer review of the EPS Report, EPS Addendum, and Fiscal Impact Study provided as [Appendix 11.11](#) of the Draft EIR. KMA also prepared an independent analysis of the financial feasibility of retaining the base case and additional historic structures for preservation and adaptive reuse at the Nelles facility. The KMA peer review and analysis is provided as [Appendix E, *KMA Memorandum*](#), of the Final EIR.

KMA's review and analysis of the above topics addressed the methodologies employed, underlying assumptions, and computations. In undertaking this review, KMA relied upon its experience in the industry, project data in its files, published information, and discussions with the City, developer and other consultants.

With respect to the fiscal analysis, KMA determined that the Fiscal Impact Study incorporated within the Draft EIR used the standard methodology that fiscal consultants use for this type of Project. The assumptions for property and sales tax generation, allocation of revenues, and methodology for City expenses were also determined to be reasonable.

With respect to the EPS Report and EPS Addendum, the approach and methodology utilized by EPS was determined to be reasonable and acceptable. As noted above, the KMA analysis included an independent reuse feasibility analysis that analyzed project rates of return, lost development value, land sales revenue and profit, and restoration costs (among other factors). Based on this independent feasibility analysis, KMA determined that the typical feasibility requirement for a residential land development project is an unleveraged, IRR between 20 percent and 25 percent. An unleveraged rate of return excludes consideration of financing. The IRR is not the same thing as a profit margin or a return on cost. The profit margin is usually expressed as a percentage of the sale price. Return on cost represents the profit as a percentage of project costs. So if something sells for \$100 and the profit is \$10 and the costs are \$90, then the profit margin is 10 percent (10 divided by 100) and the return on cost is 11.1 percent (10 divided by 90).

Land development projects normally take a number of years to complete, anywhere from say, five years to 20 years. This Project is at the lower end of that range. Even with the short duration, the profit associated with a 20 percent to 25 percent IRR requirement is substantially above 20 percent to 25 percent. The profit margin associated with a 20 percent to 25 percent IRR could be, say 35 percent to 50 percent of sale proceeds.



While the market rate of return is an IRR in the 20 percent to 25 percent range, under certain circumstances some developers may elect to go forward with little as a 10 percent projected IRR. KMA would characterize this as a below market, minimally acceptable return. In terms of profit margin and return on cost, this below market, minimally acceptable internal rate of return could be associated with a below market, minimally acceptable profit margin of 15 percent and a return on cost of 20 percent. This is in agreement with the EPS Addendum, which determined that a 20 percent IRR or return on cost was the baseline threshold of return that a reasonable developer would require to go forward with the Project, and that returns substantially less than that would render the Project infeasible.

Through an analysis of lost development value, land sales revenue/profit, and restoration costs, KMA determined that the baseline project (i.e., adaptive reuse of the Administration Building and Superintendent's Residence) has a project profit of \$22,471,200, which generates an 18.0 percent profit margin and a 22.0 percent return on cost. Alternative 1, which adds the Chapels Building and Assistant Superintendent's Residence, increases cost by approximately \$2.8 million and decreases the profit to \$19,674,275. The profit margin falls to 15.8 percent and the return on cost is 19.3 percent. The profit margin is somewhat above the minimum threshold but the return on cost is below the minimum threshold utilized by KMA. This alternative might be economically feasible.

The remaining alternatives that adaptively reuse additional historic structures substantially increase costs and reduce the profit margin and the return on cost. All of these are substantially below the minimum thresholds of a 15.0 percent profit margin and a 20.0 percent return on cost. None of these alternatives can be considered to be feasible.

Table 4 of the KMA Memorandum provides a comparison of the KMA estimates of Project returns in comparison to the EPS estimates. The first difference is the computation of land development profit. KMA's estimate of land development revenues is approximately \$4.3 million greater, and KMA's costs are \$1.1 million higher. KMA's profit estimate is approximately \$3.2 million higher than the EPS estimate.

The differences in KMA costs and the EPS costs for the various alternatives is the result of the different methodologies used to compute the loss of land development potential. The EPS approach used an average price approach to loss of development potential, while the KMA approach looks at the specific building locations and the use that is removed. Both approaches are valid. At this location and in this market, the residential land is significantly more valuable than is the commercial land. Thus, in most cases the KMA estimates of cost for the alternatives are higher than the EPS estimates. The higher profit estimated by KMA, however, offsets the higher costs.

While the computations are somewhat different, the KMA conclusions and the EPS conclusions are similar. The proposed Project (including adaptive reuse of the Administration Building and Superintendent's Residence) meets a minimum threshold test (i.e., minimally acceptable profit margin of 15 percent and a return on cost of 20 percent). KMA believes that Alternative 1, which adds the Chapels Building and Assistant Superintendent's Residence, might be feasible. The remaining alternatives that include adaptive reuse of additional historic structures beyond the Administration Building, Superintendent's Residence, Chapels Building, and Assistant Superintendent's Residence do not meet the minimum threshold test and are infeasible.



Topical Response F – The Source of the “Lost Land” Estimates

Several comments indicate a desire to see the study conducted by the Galloway Group detailing the amount of land that would no longer be developable for new uses as a result of the retention of each building. The information sought by Galloway was not a study but rather a site plan to illustrate the impacts of additional onsite rehabilitation and reuse. EPS used the land areas provided in the Galloway site plan, except that Galloway did not provide a land area estimate for the Gymnasium building. EPS correctly assumed that the Gymnasium’s reuse for restaurant space would reduce the sellable land area of the commercial program by 26,659 square feet, based on the overall commercial program’s floor-area-ratio of 0.35. The Galloway site plan has been provided to the Conservancy and is included as [Appendix H](#), [Galloway Study](#) of the Final EIR.

Topical Response G – The Appropriateness of the Uses Tested for the Buildings

Numerous comments received by the City suggest that uses other than those tested by EPS may yield more favorable financial results (i.e., that the Maintenance Building and the Auditorium would be more feasible if developed as retail or restaurant space than under the assumed assisted living facility and auditorium uses assumed in the feasibility study). Spectra did not provide costs for reusing these buildings as retail or restaurants, and the cost estimates would ideally represent the unique characteristics of each building as it must be modified for a specific use. However, as an initial indicator, EPS has reviewed the Spectra cost estimates for the Gymnasium building as restaurant space as a potential analog of the costs of reusing the Maintenance Building and Auditorium for restaurant uses, because the Gymnasium is of similar scale and has large, open interior areas rather than being subdivided into numerous rooms as in the other buildings. Table 10 of the EPS Report indicates that the Gymnasium’s reuse as a restaurant would cost roughly \$498 per square foot, if retained in its current position (rather than raised, regraded, or relocated). By comparison, the estimated value of the restaurant use in the Gymnasium is \$385 per square foot, resulting in a required subsidy of \$48 per square foot (assuming tax credits are received) to \$113 per square foot (without tax credits). These figures from the Gymnasium analysis are reasonably representative of what costs would be incurred to reuse the Maintenance Building and/or Auditorium as restaurant uses, and therefore the net costs to reuse those two buildings may be reduced, but they would still require substantial subsidies rather than generating positive net revenue for the overall Project.

Topical Response H – Potential Plan Changes to Reduce Costs

Multiple comments suggest that changing the design of the Specific Plan would reduce costs associated with the proposed Project, and that an adjustment to site grading would provide for a substantial reduction in impacts to historical resources.

The proposed grading for the Lincoln Specific Plan is based upon numerous considerations, tied to the long-term economic viability of the Project and minimizing environmental impacts. Generally, the existing topography of the site is flat, with a gentle slope towards the southwest. The elevation ranges from approximately 230 feet above mean sea level (msl) along the northern margin of the site to approximately 185 feet above msl along the southern margin.

Grading associated with the Project would generally maintain the existing slope of the site towards the southwest, which would maintain existing drainage patterns and minimize the required amount of import, export, and hauling of soils. However, the Project would require the placement of fill within the northeasterly portion of the site (fronting Whittier Boulevard) in order to elevate Planning Area 1 of the Specific Plan (The Market) to the same grade as Whittier



Boulevard. The intent of this increase in elevation within Planning Area 1 is to create a commercial site that maximizes visibility and circulation, attracts the best possible tenant mix, and therefore, capture the most sales tax and other net revenues that would also contribute to the City's General Fund. This directly ties to one of the primary goals and objectives of the Project (to generate net revenue for the City's General Fund), and represents a key consideration in the long-term economic viability of the Project.

By elevating Planning Area 1 and maintaining a vertical relationship to Whittier Boulevard, the Project allows for the preservation of the existing grade within Planning Area 2 (Heritage Court), where the Administration Building and Superintendent's Residence would remain in-situ. This would preserve their historic qualities and maintain a spatial relationship with the remainder of the commercial portion of the Project (i.e., The Market). The grading plan also creates a "hinge point" in the center of the Project site, at which the site maintains its existing grade. This allows for implementation of mitigation that requires preservation of the Chapels Building in place, within the proposed Independence Green.

In addition, the proposed placement of fill within the northeastern portion of the site allows for the opportunity to encapsulate impacted soil that does not meet California Department of Toxic Substances Control (DTSC) residential standards as fill underneath the retail parking lot and buildings, resulting in a reduction of truck trips and associated environmental impacts associated with the hauling of contaminated soil to off-site disposal facilities. Soils studies prepared for the Project also indicate the requirement for overexcavation and recompaction of the site soils to provide for stable building pads; this, in addition to the extensive demolition of existing subsurface utilities throughout the site, requires substantial grading activities.

It should also be noted that the area where three historic resources are noted (the track and field, Gymnasium, and Auditorium) is located at a lower grade than the Administration Building and Superintendent's Residence, which are to be preserved in place. In order to create a continuous building pad for proposed commercial facilities and adjoining residential uses, this area would need to be elevated through placement of fill.

Topical Response I – Infeasibility of Relocation Costs

The issue of the feasibility of relocating existing historic buildings onsite is raised in several comment letters. There is no scenario involving either onsite or offsite relocation of existing buildings appeared to be feasible in terms of individual building economics. The cost of such relocation was provided by Spectra Corporation as part of a good faith due diligence effort to explore all options, and included in the EPS Report for the same reason. The estimates were peer-reviewed by City consultants. The summary tables of the overall impacts of the building reuse (Tables 2 and 24 of the EPS Report) include the relocation of only one building – the Assistant Superintendent's Residence – which is a wood frame building with relatively modest relocation costs and its onsite relocation would allow for a preferable circulation pattern, because it currently sits in the planned right-of-way to create a four-way intersection with Sorensen Avenue and Keith Drive.

Topical Response J – Appropriate Profit Margins

Numerous comments pertain to profit margins for the Project Applicant, and express that the Draft EIR should have disclosed expected revenues, costs, and profit margins. Rather than providing an actual development pro forma for the entire Project (which would require data that EPS did not have at the time of preparation of the EPS Report), EPS offered an explanation of how a reasonable profit margin may be inferred from market data on land values and the terms



of the land sale deal with the State of California. EPS has recently been provided a pro forma summary by the developer, which has been included in an updated analysis within the EPS Addendum.

Other comments identify concerns regarding how the profit margin is calculated, asserting that profit margin can typically be defined as net profit as a percentage of revenues. While it is agreed that many developers discuss profit margin as a percentage of *revenues*, but in the interest of creating a closer analog with the IRR metric included in the land sale deal with the State, EPS has defined profit margin as a percentage of *costs* (i.e., investment) for this discussion. Tables 2 and 24 in the EPS Report show an estimated profit margin as a percentage of *revenues* (20 percent) and as a return on *costs* (25 percent). These are equivalent dollar values.

The Project Applicant is acting in a land development capacity with respect to the redevelopment of the Nelles site. According to the EPS Report and EPS Addendum, the level at which any reasonable developer would decide whether or not to proceed with the Project. Without development of the Nelles site (which necessarily must include a rational profit expectation), there would not be any future retail or home pads to sell to a subsequent builder or commercial developer. Thus, a reasonable return at the development stage is absolutely required to deliver pads to the market place and it is irrelevant to the feasibility analysis as to what builder ultimately purchases pads on which to build and sell homes.



Edmund G. Brown Jr.
Governor

STATE OF CALIFORNIA
Governor's Office of Planning and Research
State Clearinghouse and Planning Unit



Ken Alex
Director

December 2, 2014

Conal McNamara
City of Whittier
13230 Penn Street, 2nd Floor
Whittier, CA 90602

Subject: Lincoln Specific Plan
SCH#: 2014011069

Dear Conal McNamara:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on December 1, 2014, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

Please note that Section 21104(c) of the California Public Resources Code states that:

"A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation."

These comments are forwarded for use in preparing your final environmental document. Should you need more information or clarification of the enclosed comments, we recommend that you contact the commenting agency directly.

This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process.

Sincerely,

Scott Morgan
Director, State Clearinghouse

Enclosures
cc: Resources Agency

**Document Details Report
State Clearinghouse Data Base**

SCH# 2014011069
Project Title Lincoln Specific Plan
Lead Agency Whittier, City of

Type EIR Draft EIR

Description The Project involves a Specific Plan with the following primary components: demolition of 50 structures (approximately 400,156 sf of non-operational institutional building area) associated with the site's poor use as a correctional facility; construction of approximately 750 dwelling units; approximately 208,350 sf of commercial land uses (including adaptive reuse of two vacant structures on-site); 8.5 (7.3 net) acres of open space; and offsite infrastructure improvements including roadway improvements to Whittier Boulevard, Sorensen Avenue, the extension of Elmer Avenue, and construction of a sewer main between the Project site and Washington Boulevard. Buildout of the area could not exceed the maximum allowed development under the Specific Plan.

Lead Agency Contact

Name Conal McNamara
Agency City of Whittier
Phone 562 567 9320 **Fax**
email
Address 13230 Penn Street, 2nd Floor
City Whittier **State** CA **Zip** 90602

Project Location

County Los Angeles
City Whittier
Region
Lat / Long 33° 58' 48.56" N / 118° 3' .63" W
Cross Streets Whittier Blvd / Sorensen Avenue
Parcel No. 8170-013-904, 8170-026-006
Township 2S **Range** 11W **Section** 20 **Base** SBB&M

Proximity to:

Highways I-605, SR-72
Airports
Railways UPRR
Waterways S.G. River
Schools Various
Land Use Z: Specific Plan (SP - Whittier Boulevard Specific Plan)
GP: Specific Plan

Project Issues Agricultural Land; Air Quality; Archaeologic-Historic; Biological Resources; Drainage/Absorption; Economics/Jobs; Flood Plain/Flooding; Forest Land/Fire Hazard; Geologic/Seismic; Minerals; Noise; Public Services; Population/Housing Balance; Recreation/Parks; Schools/Universities; Septic System; Sewer Capacity; Soil Erosion/Compaction/Grading; Solid Waste; Traffic/Circulation; Toxic/Hazardous; Vegetation; Water Quality; Water Supply; Wildlife; Wetland/Riparian; Growth Inducing; Landuse; Cumulative Effects; Other Issues; Aesthetic/Visual

Reviewing Agencies Resources Agency; Department of Conservation; Department of Fish and Wildlife, Region 5; Department of Parks and Recreation; Department of Water Resources; Office of Emergency Services, California; Resources, Recycling and Recovery; California Highway Patrol; Caltrans, District 7; Department of Housing and Community Development; Air Resources Board, Transportation Projects; Regional Water Quality Control Board, Region 4; Department of Corrections; Native American Heritage Commission; Public Utilities Commission

**Document Details Report
State Clearinghouse Data Base**

Date Received 10/17/2014 *Start of Review* 10/17/2014 *End of Review* 12/01/2014



RESPONSE TO COMMENT LETTER NO. 1

Scott Morgan, Director, State Clearinghouse

State of California Governor's Office of Planning and Research, State Clearinghouse and Planning Unit

December 2, 2014

- 1-1 This letter acknowledges that the State Clearinghouse submitted the Draft EIR to selected State agencies for review and that the comment period for the Draft EIR concluded on December 1, 2014. The comment states that the lead agency complied with the public review requirements for draft environmental documents pursuant to CEQA. As such, the commenter does not provide specifics regarding information presented in the Draft EIR, and no further response is necessary.



DEPARTMENT OF CONSERVATION

Managing California's Working Lands

Division of Oil, Gas, & Geothermal Resources

5816 CORPORATE AVENUE • SUITE 200 • CYPRESS, CALIFORNIA 90630-4731

PHONE 714 / 816-6847 • FAX 714 / 816-6853 • WEB SITE conservation.ca.gov

October 24, 2014

RECEIVED

OCT 27 2014

Community Development

Mr. Conal McNamara, AICP
 Director of Community Development
 City of Whittier
 13230 Penn Street, 2nd Floor
 Whittier, CA 90602

Dear Mr. McNamara:

NOTICE OF PREPARATION FOR THE LINCOLN SPECIFIC PLAN DRAFT ENVIRONMENTAL IMPACT REPORT, CITY OF WHITTIER, LOS ANGELES COUNTY, CA

2-1

The Department of Conservation's Division of Oil, Gas, and Geothermal Resources (Division), Cypress office, has reviewed the above referenced project. Our comments are as follows.

Your proposed project is not located within the boundaries of a specific oil field. However, there is at least one abandoned well that located within 200 feet of the project boundary. The abandoned oil well could be affected by the proposed roadway improvements to Whittier Boulevard and the extension of Elmer Avenue, as approximately shown on the attached map. This well is known in Division records as ExxonMobil Corporation "Whittier Operating Unit" 1 (037-05504). Division information can be found at: www.conservation.ca.gov. The Division recommends that project staff contact the Division's record clerk, at (714) 816-6847 to obtain additional well records and, if necessary, contact Weiru Chen, Site Plan Review Engineer, for a site plan review.

2-2

The Division is mandated by Section 3106 of the Public Resources Code (PRC) to supervise the drilling, operation, maintenance, and plugging and abandonment of wells for the purpose of preventing: (1) damage to life, health, property, and natural resources; (2) damage to underground and surface waters suitable for irrigation or domestic use; (3) loss of oil, gas, or reservoir energy; and (4) damage to oil and gas deposits by infiltrating water and other causes. Furthermore, the PRC vests in the State Oil and Gas Supervisor (Supervisor) the authority to regulate the manner of drilling, operation, maintenance, and abandonment of oil and gas wells so as to conserve, protect, and prevent waste of these

2-3

resources, while at the same time encouraging operators to apply viable methods for the purpose of increasing the ultimate recovery of oil and gas.

The scope and content of information that is germane to the Division's responsibility are contained in Section 3000 et seq. of the PRC, and administrative regulations under Title 14, Division 2, Chapter 4 of the California Code of Regulations.

If any structure is to be located over or in the proximity of a previously plugged and abandoned well, the well may need to be plugged to current Division specifications. Section 3208.1 of the PRC authorizes the Supervisor to order the reabandonment of any previously plugged and abandoned well when construction of any structure over or in the proximity of the well could result in a hazard.

An operator must have a bond on file with the Division before certain well operations are allowed to begin. The purpose of the bond is to secure the state against all losses, charges, and expenses incurred by it to obtain such compliance by the principal named in the bond. The operator must also designate an agent, residing in the state, to receive and accept service of all orders, notices, and processes of the Supervisor or any court of law.

Written approval from the Supervisor is required prior to changing the physical condition of any well. The operator's notice of intent (notice) to perform any well operation is reviewed on engineering and geological basis. For new wells and the altering of existing wells, approval of the proposal depends primarily on the following: protecting all subsurface hydrocarbons and fresh waters; protection of the environment; using adequate blowout prevention equipment; and utilizing approved drilling and cementing techniques.

The Division must be notified to witness or inspect all operations specified in the approval of any notice. This includes tests and inspections of blowout-prevention equipment, reservoir and freshwater protection measures, and well-plugging operations.

The Division recommends that adequate safety measures be taken by the project manager to prevent people from gaining unauthorized access to oilfield equipment. Safety shut-down devices on wells and other oilfield equipment must be considered when appropriate.

If any plugged and abandoned or unrecorded wells are damaged or uncovered during excavation or grading, remedial plugging operations may be required. If such damage or discovery occurs, the Division's Cypress district office must be contacted to obtain information on the requirements for and approval to perform remedial operations.

Sincerely,

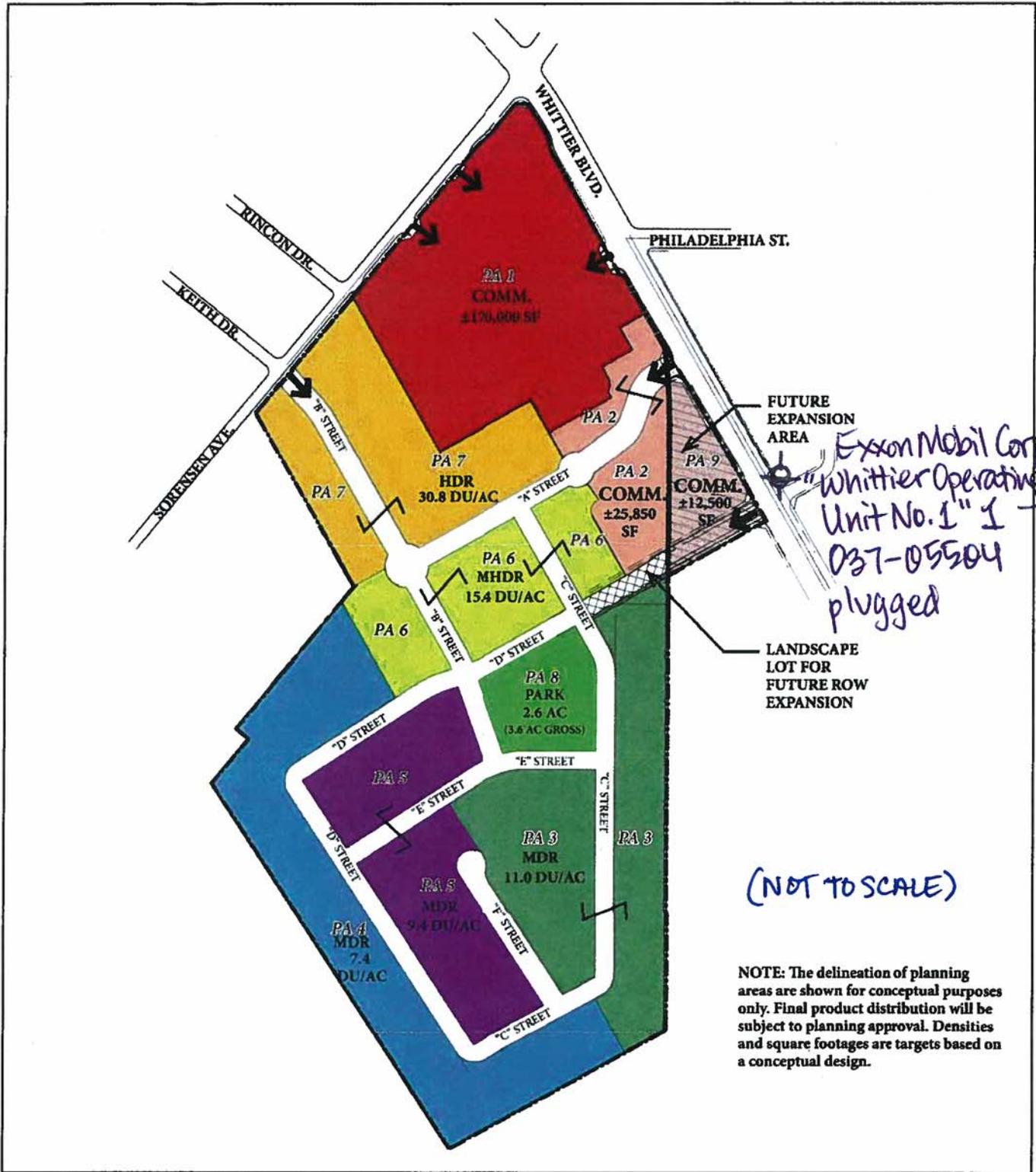
Kathleen M. Andrews

Kathleen M. Andrews
Associate Oil & Gas Engineer – Facilities

Attachment: Well "ExxonMobil Corp. "Whittier Operating Unit No. 1" 1 plotted on EIR
Planning Areas Map (Exhibit 3-5)

cc: DOGGR- HQ, Adele Lagomarsino
Kenneth Carlson, Environmental and Facilities Supervisor - Cypress *KC*

2-3



Source: Danielian Associates, Lincoln Specific Plan, August 22, 2014.

NOT TO SCALE



10/14 • JN 135080

LINCOLN SPECIFIC PLAN
ENVIRONMENTAL IMPACT REPORT

Planning Areas



RESPONSE TO COMMENT LETTER NO. 2

Kathleen M. Andrews, Associate Oil & Gas Engineer – Facilities

California Department of Conservation, Division of Oil, Gas, & Geothermal Resources

October 24, 2014

- 2-1 This is an introductory comment that does not raise new environmental information or directly challenge information provided in the Draft EIR. No further response is necessary.
- 2-2 The comment indicates that the Project site is not located within the boundaries of a specific oil field. However, there is one abandoned oil well (Whittier Operating Unit 1 [037-05504]) present offsite 200 feet east of the Project site. As described in Section 3, Project Description, the proposed improvements along Elmer Avenue would be limited to within the Project site boundaries, west of Whittier Boulevard. As such, the proposed Project would not impact the abandoned oil well or impede or prevent access to it.
- 2-3 This comment provides an overview of the Division of Oil, Gas, and Geothermal Resources' mandates under Public Resources Code section 3106, and the process required in the event a plugged or abandoned well is disturbed. As noted in Response 2-2, the Project would not affect the abandoned well east of Whittier Boulevard. No further response is required.
- 2-4 The commenter has provided a graphic depicting the location of the abandoned well located east of Whittier Boulevard. This well would not be affected by the Project, and no further response is required.

DEPARTMENT OF TRANSPORTATION
 DISTRICT 7-OFFICE OF TRANSPORTATION PLANNING
 100 S. MAIN STREET, MS 16
 LOS ANGELES, CA 90012
 PHONE (213) 897-9140
 FAX (213) 897-1337
 www.dot.ca.gov



*Serious drought.
 Help save water!*

November 25, 2014

RECEIVED
 DEC 01 2014
 Community Development

Mr. Conal McNamara
 City of Whittier
 Department of Community Development
 13230 Penn Street, 2nd Floor
 Whittier, CA 90602

Re: Lincoln Specific Plan
 Draft Environmental Impact Report
 SCH #2014011069, IGR No. 141029EA
 Vic.: LA/72/PM 5.100 - 5.300
 LA/605 /PM 11.960-13.782

Dear Mr. McNamara:

The California Department of Transportation (Caltrans) has reviewed the Transportation and Traffic section of Draft Environmental Impact Report (DEIR) for the proposed Lincoln Specific Plan. The proposed project consists of demolition of existing structures, at the former Fred C. Nelles youth correctional facility, and construction of 750 residential units, approximately 208,000 square feet of commercial land uses, 8.5 acres of open space and roadway improvements to Whittier Boulevard and Sorensen Avenue. The project site is located adjacent to Whittier Boulevard (State Route 72), between Sorensen Avenue and Philadelphia Street.

3-1

The intersections at Whittier Blvd./Sorensen Ave. and Whittier Blvd./Philadelphia Street would be modified as part of the project. A new access drive-way is proposed just east of Philadelphia Street, and changes to the median area. Modifications to Whittier Boulevard will need an encroachment permit from Caltrans. Please require that the applicant coordinate with Caltrans to make sure State highway standards and specifications are met. Statewide policies, such as Complete Streets (DD-64-R2) and Traffic Operations Policy Directive 13-02 regarding Intersection Control Evaluation (ICE) should also be incorporated and intersection modifications must meet American with Disabilities Act (ADA) requirements.

3-2

The project would generate approximately 1280 vehicle trips during the AM peak hour and 1300 during the PM peak hour and the following State intersections are projected to be significantly impacted:

3-3

1. Whittier Blvd (SR-72)/Penn Street

2. Whittier Blvd (SR-72)/Pickering Ave/Washington Blvd./Santa Fe Springs Road
3. Whittier Blvd (SR-72)/Painter
4. Whittier Blvd (SR-72)/Colima Road

Mitigation measures TRA-7, TRA-8, TRA-12, TRA-13, TRA-14, TRA-15, and TRA-16 are proposed at these locations. Mitigation measure TRA-7 proposes to install a traffic signal at Penn Street and Whittier Boulevard. The form used for the Peak Hour Warrant (Existing Conditions) indicates that the community population is under 10,000 and the graph is specific to rural areas. This form and graph is not appropriate for the urbanized area in the City of Whittier, please utilize a different form. The graph on Figure 4C-3 of the 2014 California MUTCD is more appropriate.

3-3

Caltrans is available to work with the City and applicant to implement planned improvements along Whittier Boulevard in a timely manner. Where the project would contribute funds on a fair share basis as specified in the DEIR, it is recommended that the City work with Caltrans to identify other funding sources to secure the additional funds necessary to complete the planned improvements. If the City of Whittier already has a plan to secure the funding balance, please explain.

3-4

Table 5.14-36 shows that all northbound segments of I-605 freeway within the study area are forecast to operate over capacity in the year 2020 with project conditions during both the AM and PM peak commuting hours. The southbound direction is also forecast to operate at or over capacity in the year 2020 with project conditions. Caltrans acknowledges that the project's vehicle trip contributions to these segments of I-605 would be considered significant and unavoidable. Caltrans requests that the City of Whittier remain engaged in the planning and implementation process of improvements identified in the SR-91/I-605/I-405 Congestion Hot Spots Feasibility Report. Caltrans will continue to work with Metro, the City of Whittier and its neighboring Cities to study improvement alternatives and to seek funding sources for improvements along I-605 and other freeways.

3-5

The Lincoln Specific Plan project includes construction of the proposed Freedom Trail, a Class I multi-purpose path that navigates through the community connecting parks, land uses, and the adjacent hospital. Will the proposed Freedom Trail connect to the Whittier Greenway Trail and/or include bicycle parking? If so, please identify how many spaces and the locations. Are there plans to convert the abandoned railroad right-of-way adjacent to the property to transit and/or a bikeway in the future?

3-6

It is recommended that the project provide direct connectivity between the residential, commercial, and retail area, which would serve as a safe alternative for future residents, pedestrians and bicyclists to access those areas. It is also recommended that the project coordinate with transit agencies to provide a commodious bus stop along Whittier Boulevard, as well as upgrade older bus stops in the project vicinity.

3-7

Extensive construction activity may be associated with the planned project, which may require a truck-management-plan. Caltrans requests that construction truck trips be limited to off peak commute periods.

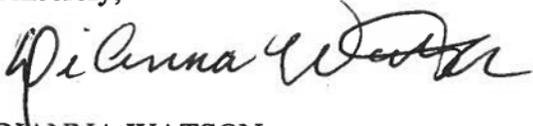
3-8

Mr. McNamara
November 25, 2014
Page 3 of 3

If you have any questions regarding these comments, please contact Elmer Alvarez, Project Coordinator, at (213) 897 – 6696 or electronically at Elmer_Alvarez@dot.ca.gov.

3-8

Sincerely,



DIANNA WATSON,
IGR/CEQA Branch Chief

cc: Scott Morgan, State Clearinghouse



RESPONSE TO COMMENT LETTER NO. 3

Dianna Watson, IGR/CEQA Branch Chief
State of California Department of Transportation
District 7 – Office of Transportation Planning
November 25, 2014

- 3-1 The commenter provides a summary of the Project description provided in the Draft EIR. It should be noted that the City appreciates Caltrans approving the methodologies and conclusions set forth in the Traffic Impact Analysis (TIA) prepared for the Project. For the benefit of the public, representatives of the City met with Caltrans Staff on multiple occasions to ensure that the TIA prepared for the Project was compliant with Caltrans' methodologies. The City acknowledges and appreciates the collaborative work that occurred between the City and Caltrans to ensure that the TIA prepared for the Project was comprehensive and adequately analyzed the Project's potential environmental impacts.
- 3-2 The commenter provides a summary of several Project modifications along Whittier Boulevard, and states that improvements affecting Caltrans facilities would be subject to Caltrans design and permit requirements. This comment is noted; any proposed improvements to Caltrans facilities would be subject to review and approval by Caltrans, and an encroachment permit would be required prior to any construction.
- 3-3 The commenter provides a summary of the State Highway intersections that are anticipated to be significantly impacted with the implementation of the Project. Caltrans notes that the form used for the Peak Hour Warrant (Existing Conditions) and associated graph are not appropriate for the urbanized area of the City. This comment is noted; however, the form and graph (4C-4) are appropriate if the posted or statutory speed limit on the major street exceeds 40 miles per hour. The posted speed limit along Whittier Boulevard is 45 miles per hour. Therefore no change is required in this regard.
- 3-4 This comment suggests that the City work with Caltrans to identify other funding sources to secure additional funds to complete necessary planned improvements. As noted in Section 5.14, *Transportation and Traffic*, the Project Applicant would be required to pay a fair share contribution towards the identified mitigation improvements to State Highway intersections. The fair share contribution would be collected prior to issuance of the first building permit for the proposed Project, and thus in advance of imposition of the respective mitigation improvements, and held in a dedicated account for said improvements. The improvement concepts, timing for mitigation, and fair share percentages would be provided to Caltrans for review and approval.

In addition, the City is engaged in the SR-91/I-605/I-405 Congestion Hot Spots program, which intends to provide a long-range transportation planning and project development tool to identify freeway and arterial transportation projects that most effectively reduce existing and forecast congestion in the SR-91/I-605/I-405 corridor. The congestion study areas include the City and the Project area.⁵ The City would continue to work with Caltrans to determine funding sources for identified Hot Spots improvements in the Project area, many of which overlap with mitigation improvements identified in the Draft EIR.

⁵ Metro, *I-605 "Hot Spots"* http://media.metro.net/projects_studies/I605/605_project_map.pdf, accessed December 10, 2014.



3-5 This comment requests that the City remain engaged in the planning and implementation process of improvements identified in the SR-91/I-605/I-405 Congestion Hot Spots Feasibility Report. The comment also states that Caltrans will continue to work with Metro, the City and its neighboring Cities to study improvement alternatives and to seek funding sources for improvements along I-605 and other freeways. The commenter does not raise new environmental information or directly challenge information provided in the Draft EIR, and no further response is required. However, the City looks forward to working directly with Caltrans and neighboring cities to seek additional funding sources for improvements along I-605 and other freeways.

3-6 The proposed Freedom Trail would not connect directly to the Whittier Greenway Trail, which is located off-site to the northeast, across Whittier Boulevard. The Freedom Trail would include an enhanced walking/biking/running trail that would run adjacent to one side of each of the two main streets connecting the proposed residential area to Whittier Boulevard, and Sorensen Avenue. In addition, as discussed in Section 5.14, Transportation and Traffic, page 5.14-67 of the Draft EIR, the *Whittier Bicycle Transportation Plan*, adopted in February 26, 2013, involves comprehensive goals and objectives for the City's bikeway system, particularly warranting special focus on the Whittier Greenway Trail on enhancing existing and potential connections to the abandoned rail line as well as its impact to the overall network. The precise number and location of bicycle parking areas would be determined during final design; however, it should be noted that bicycle parking requirements are set forth in The Market (Planning Area 1) and Heritage Court (Planning Area 2) of the Lincoln Specific Plan, at a ratio of 1 bicycle space for every 10,000 square feet of gross floor area, and 1 bicycle space for every 5,000 square feet of gross floor area, respectively.

The commenter also inquires about plans to convert the abandoned railroad right-of-way adjacent to the Project site to transit and/or a bikeway. There are currently no plans for the City to convert the abandoned railroad right-of-way adjacent to the Project site into a transit feature or bikeway.

3-7 The commenter suggests that the Project provide direct connectivity between the residential, commercial, and retail areas. As discussed in the *Lincoln Specific Plan*, the *Master Plan of Circulation* takes into consideration the perimeter public streets (Whittier Boulevard and Sorensen Avenue), regional trails (the Whittier Greenway Trail), Project access, internal streets, roundabouts, alleys/private drives and non-vehicular circulation elements, which create connectivity between land uses.

The commenter suggests that the Project coordinate with transit agencies to make improvements to bus stops along Whittier Boulevard and in the Project vicinity. As multiple bus transit services are currently provided in the Project vicinity, the Project provides accessible transit options within the circulation network. This comment is noted.

3-8 The commenter states that extensive construction activity associated with the proposed project may require a truck management plan. Caltrans has requested that construction truck trips be limited to off peak commute periods. Mitigation Measures AQ-1 and AQ-3, of the Draft EIR would lessen construction-related impacts by requiring construction trucks to be rerouted away from congested streets or sensitive receptor areas, trucks associated with soil-hauling activities shall avoid residential streets and utilize City-designated truck routes to the extent feasible, dedicated turn lanes for movement of construction trucks and equipment would be provided on- and off-site, and temporary



traffic controls such as a flag person would be provided during all phases of construction to maintain smooth traffic flow. In addition, Mitigation Measure HAZ-7 would require preparation of a Traffic Management Plan (TMP), which would include plans clearly denoting any proposed lane closures, proposed vehicle/bicyclist/pedestrian rerouting plans, and a traffic signage plan to ensure adequate circulation during the short-term construction process. The TMP shall be subject to review and approval by the City of Whittier City Engineer.

**OFFICE OF HISTORIC PRESERVATION
DEPARTMENT OF PARKS AND RECREATION**

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RECEIVED
DEC 01 2014
Community Development

November 26, 2014

Aldo E. Schindler
Director of Community Development
City of Whittier
13230 Penn Street
Whittier, CA 90602

Dear Mr. Schindler:

**RE: DRAFT ENVIRONMENTAL IMPACT REPORT (DEIR) FOR THE LINCOLN
SPECIFIC PLAN**

Thank you for including the California Office of Historic Preservation (OHP) in the environmental review process for the Lincoln Specific Plan Draft Environmental Impact Report (DEIR). The State Historic Preservation Officer and the OHP have broad responsibilities for the implementation of federal and state historic preservation programs in California. Our comments are offered with the intent of preserving historical resources impacted by the proposed project while allowing the City of Whittier (City) to meet its program needs. The following comments are based on the information included in the DEIR and the Lincoln Specific Plan (Specific Plan).

4-1

The sale and transfer of the Nelles Facility from the Department of Corrections, via the Department of General Services (DGS), to the project applicant is contingent upon successful completion of the CEQA process. The City is acting as the Lead Agency and has the responsibility for finalizing the DEIR. On December 3, 2013, in a letter to DGS, the OHP made it very clear that there were potential opportunities to redevelop the site while mitigating impacts to the National Register eligible historic district to a less than significant level. At the time the OHP agreed to reserve further comments until the project specific impacts were known, and the CEQA process was underway (see attached correspondence).

4-2

In response to the Notice of Preparation of the DEIR (NOP) the OHP provided comments, which pointed out that eight of the buildings in the Specific Plan area are historical resources pursuant to Section 15064.5 of the CEQA Guidelines; and recommended the City consider a project that would re-use all historic buildings on the site. The City, through its consultant GPA, identified 10 historical resources potentially eligible for listing on the National and California Registers and as City landmarks. The Specific Plan originally proposed to demolish all but two, and after mitigation 4 buildings will be preserved and the 6 remaining resources are demolished (including 4 buildings, the track, and landscape features). The OHP applauds the historic preservation mitigation measure (CUL-1) included in the DEIR; however, after mitigation, the proposed project will demolish four of the eight historic buildings on the site, a

significant environmental impact. The DEIR did not seriously consider an alternative that would reduce impacts to historical resources to a less than significant level. The OHP recently contacted the City's Community Development Department by telephone and suggested the City work with the project applicant to restore all eight historic buildings, rather than demolishing them. We look forward to an update on the City's progress toward this end.

The OHP is primarily concerned that the DEIR does not include serious consideration of a preservation alternative that would reduce impacts to historic resources to a less than significant level. Early in the planning process, members of the Whittier community presented the project applicant with a concept referred to as "Historical Integration" (Technical Appendix 11.2: *NOP Comment Letters*). Please note PRC § 21001(g), requires the Lead Agency to:

Consider qualitative factors as well as economic and technical factors and long-term benefits and costs, in addition to short-term benefits and costs and to consider alternatives to proposed actions affecting the environment.

In keeping with this basic tenant of the PRC, the OHP strongly encourages the City and the project applicant to explore an alternative to demolition that will reduce the impacts to historical resources, and to take advantage of all eight historic buildings on the site for the long-term benefit of the Whittier community.

4-2

Early in the initial public comment period for the Specific Plan, the Whittier community voiced strong support for a development plan that restored and preserved the historic buildings on the site (see attached comment log based on DEIR Technical Appendix 11.2). However, after mitigation half of the historic buildings on the site are proposed for demolition. CEQA requires that the environmental process analyze alternatives to the proposed project that would not cause significant irreversible impacts to the environment. While the DEIR does discuss several preservation alternatives, it determines that all preservation alternatives are infeasible due to increased costs.

When addressing alternatives that will mitigate or avoid significant environmental impacts of a proposed project, CEQA Guideline 15126.6 (b) requires:

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 [emphasis added].

The DEIR determined that the *Additional Preservation Alternative* was infeasible because, "When comparing the cost of retention in place and restoration to the cost associated with new construction, it was determined that the retention/restoration costs far exceeded the costs of new construction." There is an important difference between an alternative being more costly and being infeasible.

4-3

The *Additional Preservation* Alternative and Mitigation Measure CUL-1 both have similar preservation schemes in addition to restoring the Superintendent's Residence and Administration Building: they restore Chapels Building in-place; relocate and restore the Assistant Superintendent's Residence; and propose to demolish the four remaining historic buildings. The DEIR determined the *Additional Preservation* Alternative was infeasible due to increased cost. If the *Additional Preservation* Alternative was in-fact infeasible, the project applicants could not have agreed to mitigation CUL-1 because after mitigation, the project itself would not have been feasible. This conflict demonstrates that all preservation alternatives were not considered because of increased cost, not their feasibility. The OHP strongly encourages the City and project applicant to consider an alternative that rehabilitates all eight historic buildings using the Secretary of the Interior's Standards for Rehabilitation despite increased cost; thereby, reducing impacts to historical resources to a less than significant level for the purposes of CEQA (Guidelines § 15064.5 (b) (3)).

4-3

Thank you for considering our comments. If have questions, please feel free to contact Sean de Courcy, State Historian II and Supervisor of the Local Government and Environmental Compliance Unit, at (916) 445-7042 or at Sean.deCourcy@parks.ca.gov.

Sincerely,



Carol Roland-Nawi, Ph.D.
State Historic Preservation Officer

Exhibit I

Lincoln Specific Plan Comment Log	
Commenting Party/Individual	Comment (Historic Resources Summary)
Mr. David J. Barboza	As the Initial Study points out, the proposal would have significant impacts on designated historic resources and built environment. It would also contribute to a distinctive sense of place in the specific plan area. One strategy to achieve this goal would be to focus residential density in a relatively small area and have lower density in other areas with more historic buildings, while maintaining the same total number of housing units. Thus the project's goals can be met without demolishing as many historic buildings. The EIR should explore alternative approaches that can meet the project's goals while saving and adaptively reusing more of the existing buildings. This saves natural resources because the existing buildings are already there.
CPF (California Preservation Foundation)	There is no question that the site is a historic resource for purposes of CEQA. The Initial Study acknowledges that the demolition of six of the eight buildings could cause a substantial adverse change to a historic resource. The DEIR must contain a meaningful historic preservation alternative, including adaptive reuse of the structures, to attempt to mitigate this impact to a level of less than significant.
Profession Luis G. Hoyos (Cal Poly Pomona School of Architecture)	An open space and recreational strategy that incorporates the major historic structures and repurposes them for active community uses is possible (see attached historic integration plan).
April Gaqrbat (Cultural Landscape Preservation).	The Lincoln Specific Plan demolishes any trace of this important history. They suggest re-using materials "where feasible", but as their architecture sketches aren't even complete (they merely photograph a few building styles in Whittier) and they are wiping the property slate clean, I doubt their reuse. I suggest a creative adaptive-reuse for the site, which would both save the history, and save a lot of material from being dumped in a landfill. This is a very appealing aesthetic to many generations, and would preserve the historic fabric for future generations.
LA Conservancy	Standards-Compliant Project: The DEIR shall 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.

California Office of Historic Preservation	The City of Whittier (City) has established that eight (8) of the 52 extant buildings on the property are historical resources pursuant to Section 15064.5 of the CEQA Guidelines. The Specific Plan proposes to adaptively reuse only two of those buildings. We highly recommend and request the City to consider a project alternative that retains all eight of the properties in situ as part of the Heritage Court, including any associated landscape features, and to rehabilitate the buildings following The Secretary of the Interior's Standards for the Treatment of Historic Properties (Kay D. Weeks and Anne E. Grimmer, U. S. Dept. of the Interior, 1995). This would be in keeping with the spirit and intent of the City's General Plan which encourages historic preservation (Historic Resources Element).
Whittier Conservancy	The Conservancy affirms the findings of the previous reports and suggests that implementation of the Lincoln project, as currently proposed, not only could cause a substantial adverse change, but will cause a substantial adverse and irreversible change to a designated historic site and to six National register eligible buildings. For this reason, we feel that alternatives to the demolition of 75% of the historic buildings be addressed thoroughly in the forthcoming EIR and that such alternatives be given preference over the project's proposal to demolish.
Misc. Scoping Meeting Comment	My vision would be to reuse the 8 important bldgs. to create an inventive, productive, profitable "go-to" destination. Do not want tacky tract homes or apts.
Profession Luis G. Hoyos (Cal Poly Pomona School of Architecture) Scoping meeting comment	Nelles site is historic. EIR Should include preservation alternative.
Misc. Scoping Meeting Comment	Maintains all historic structures built because it is the law & because it provides a chance to create a unique cultural landmark.
Laurie Wetzler scoping meeting comment.	My main concerns are that the important main buildings of the property are preserved. Maybe as part of a park. And also preserve the chapels and church.

**OFFICE OF HISTORIC PRESERVATION
DEPARTMENT OF PARKS AND RECREATION**

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calshpo@parks.ca.gov
www.ohp.parks.ca.gov



December 3, 2013

Reply in Reference to: CAGEN_2013_0310_001

Jonathan Heim
Asset Enhancement
Real Estate Services Division/Asset
Management Branch
California Department of General Services
707 3rd St., 5th Floor
West Sacramento, CA 95605

RE: Fred C. Nelles Youth Correctional Facility Surplus Sale, Whittier, Consultation on
Mitigation Measures Public Resources Code (PRC) 5024.5

Dear Mr. Heim:

Thank you for your October 8, 2013, letter delineating the mitigation measures proposed by the Department of General Services (DGS) for the sale of the Fred C. Nelles Youth Correctional Facility located in Whittier, California in compliance with the requirements of Public Resources Code (PRC) 5024 and 5024.5. DGS has proposed to retain two of the National Register eligible buildings at the property and provide Level II HABS documentation of the six National Register eligible buildings proposed for demolition. The oral histories proposed as a separate item might best be incorporated into the HABS Level II documentation. I also recommend a Historic American Landscape Survey (HALS) to adequately document the existing landscape.

I further understand that the Department of Corrections and Rehabilitation (CDCR) will be maintaining both retained buildings, the Superintendent's House and the Administration Building, in good condition prior to the development of the property.

According to your letter, the developer, Brookfield Homes, has agreed to carry out these mitigations prior to the finalization of the local CEQA process undertaken by the City of Whittier for the proposed Brookfield Homes development project.

In the light of the long PRC 5024 and 5024.5 consultation between SHPO and DGS that has proceeded this mitigation agreement, the SHPO concurs in this limited mitigation under PRC 5024 and 5024.5. However, the proposed mitigations under PRC 5024 and 5024.5 do not mitigate the adverse impact to the National Register Eligible district below a level of significant impact to the environment. Further, the transfer/sale of the state-

owned property without protective covenants is a discrete action by the state agency, separate and apart from consideration of subsequent land use and development by the purchaser. While mitigation developed in the PRC 5024.5 consultation process can inform alternative consideration and mitigation of actions subsequent to the state sale, agreement between the State Historic Preservation Officer (SHPO) and the state agency under PRC 5024.5 in no way constrains a full consideration of alternatives and mitigation in subsequent environmental reviews. This would include the consideration of a more extensive preservation alternative than is considered in the 5024.5 consultation. The historical resource at Nelles is much larger than the two buildings proposed for retention and consists of a district with eight contributing elements: gymnasium, auditorium, maintenance garage, assistant superintendent's residence, administration building, infirmary, chapel, and superintendent's residence and their surrounding landscape.

4-5

Archaeological resources and archeological mitigation are more appropriately considered as a part of the CEQA analysis which considers the entire site and the potential effects of the entire proposed project.

The SHPO has obligations under state law for CEQA compliance, as well as under PRC 5024 and 5024.5. In as much as the proposed project would demolish a large portion of a National Register eligible historic district as well as a yet undocumented and evaluated historic landscape, the SHPO reserves its prerogative to comment on the forthcoming EIR issued by the City.

If you have any questions or concerns, please contact Michelle C. Messinger, State Historian II of my staff at (916) 445-7005 or at Michelle.Messinger@parks.ca.gov.

Sincerely,



Carol Roland-Nawi, Ph. D.
State Historic Preservation Officer

CC: Robert McKinnon, Assistant Branch Chief, Real Estate Services, DGS
Valerie Namba, Senior Environmental Planner, DGS



RESPONSE TO COMMENT LETTER NO. 4

Carol Roland-Nawi, State Historic Preservation Officer
State of California Governor's Office of Planning and Research, State Clearinghouse and
Planning Unit
November 26, 2014

- 4-1 This comment provides an overview of the California Office of Historic Preservation's (OHP) responsibilities related to historic resources. It also summarizes a letter previously sent to the California Department of General Services (DGS) dated December 3, 2013. This comment does not raise new environmental information or directly challenge information provided in the Draft EIR. No further response is necessary.
- 4-2 Refer to Topical Response A pertaining to the range of historical alternatives considered in the Draft EIR. Refer to Topical Response B pertaining to the potential for adaptive reuse of additional historic structures onsite.
- 4-3 Refer to Topical Response A pertaining to the range of historical alternatives considered in the Draft EIR. Refer to Topical Response B pertaining to the potential for adaptive reuse of additional historic structures onsite.
- 4-4 The commenter has included Exhibit I, Lincoln Specific Plan Comment Log, which summarizes public input regarding historical resources that was provided during the Notice of Preparation comment period. These comments were included as part of Appendix 11.2, *NOP Comment Letters*, of the Draft EIR, and were considered by the City in preparation of the Draft EIR analysis. This comment does not raise new environmental information or directly challenge information provided in the Draft EIR. No further response is necessary.
- 4-5 The commenter has attached a letter from OHP to DGS dated December 3, 2013. The letter summarizes measures proposed by DGS to minimize impacts to historical resources as part of the Nelles facility surplus sale, and notes that the State Historic Preservation Officer (SHPO) concurs with this approach. This comment does not raise new environmental information or directly challenge information provided in the Draft EIR. No further response is necessary.



COUNTY OF LOS ANGELES

FIRE DEPARTMENT

1320 NORTH EASTERN AVENUE
LOS ANGELES, CALIFORNIA 90063-3294

DARYL L. OSBY
FIRE CHIEF
FORESTER & FIRE WARDEN

NOV 17 2014

November 12, 2014

Conal McNamara, Director
City of Whittier
Community Development Department
13230 Penn Street
Whittier, CA 90602

Dear Mr. McNamara:

NOTICE OF AVAILABILITY OF A DRAFT ENVIRONMENTAL IMPACT REPORT, "THE LINCOLN SPECIFIC PLAN," DEMOLITION OF APPROXIMATELY 406,261 SQUARE FEET OF EXISTING BUILDINGS, CONSTRUCTION OF APPROX. 750 DWELLING UNITS, APPROX. 208,350 FEET COMMERCIAL LAND USES, 4.6 ACRES OF OPEN SPACE, 11850 WHITTIER BLVD, WHITTIER (FFER 201400185)

5-1

The Notice of Availability of a Draft Environmental Impact Report has been reviewed by the Planning Division, Land Development Unit, Forestry Division, and Health Hazardous Materials Division of the County of Los Angeles Fire Department. The following are their comments:

PLANNING DIVISION

1. 5.12 PUBLIC SERVICES AND RECREATION

5.12.1 EXISTING ENVIRONMENTAL SETTING

FIRE PROTECTION

Paragraph 1, Bullet 2 (Fire Station 28) needs to be corrected as follows:

5-2

SERVING THE UNINCORPORATED AREAS OF LOS ANGELES COUNTY AND THE CITIES OF:

- AGOURA HILLS, ARTESIA, AZUSA, BALDWIN PARK, BELL, BELL GARDENS, BELLFLOWER, BRADBURY, CALABASAS, CARSON, CERRITOS, CLAREMONT, COMMERCE, COVINA, CUDAHY, DIAMOND BAR, DUARTE, EL MONTE, GARDENA, GLENDORA, HAWAIIAN GARDENS, HAWTHORNE, HIDDEN HILLS, HUNTINGTON PARK, INDUSTRY, INGLEWOOD, IRWINDALE, LA CANADA FLINTRIDGE, LA HABRA, LA MIRADA, LA PUENTE, LAKEWOOD, LANCASTER, LAWDALE, LOMITA, LYNWOOD, MALIBU, MAYWOOD, NORWALK, PALMDALE, PALOS VERDES ESTATES, PARAMOUNT, PICO RIVERA, POMONA, RANCHO PALOS VERDES, ROLLING HILLS, ROLLING HILLS ESTATES, ROSEMEAD, SAN DIMAS, SANTA CLARITA, SIGNAL HILL, SOUTH EL MONTE, SOUTH GATE, TEMPLE CITY, WALNUT, WEST HOLLYWOOD, WESTLAKE VILLAGE, WHITTIER

Fire Station No. 28. The fire station is located at 7733 Greenleaf Avenue, approximately 0.66 miles from the project site. The fire station is the battalion headquarters for the area and second to respond to the project site. The station is equipped with one 3-person engine company (one fire captain, one fire fighter specialist, and one fire fighter/Paramedic), a 2-person paramedic squad (two fire fighter paramedics) and a 4-person quint (one fire captain, one fire fighter specialist, and two fire fighters).

5-2

LAND DEVELOPMENT UNIT

1. The Fire Prevention Division's Land Development Unit has no additional comments regarding this project. The conditions that were addressed in EIR 201400017 dated on February 5, 2014, have not been changed at this time.

5-3

FORESTRY DIVISION – OTHER ENVIRONMENTAL CONCERNS

1. The statutory responsibilities of the County of Los Angeles Fire Department's Forestry Division include erosion control, watershed management, rare and endangered species, vegetation, fuel modification for Very High Fire Hazard Severity Zones or Fire Zone 4, archeological and cultural resources, and the County Oak Tree Ordinance.
2. Due to the limited amount of information included in your request, we are unable to respond to specific potential impacts.

5-4

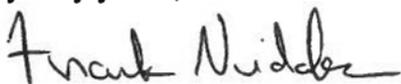
HEALTH HAZARDOUS MATERIALS DIVISION

1. Based on the submitted documents the proposed project site should be assessed and if required mitigated under oversight of a local or State governmental agency prior to the proposed development.

5-5

If you have any additional questions, please contact this office at (323) 890-4330.

Very truly yours,



FRANK VIDALES, CHIEF, FORESTRY DIVISION
PREVENTION SERVICES BUREAU

FV:ad



RESPONSE TO COMMENT LETTER NO. 5

Frank Vidales, Chief, Forestry Division
County of Los Angeles Fire Department, Prevention Services Bureau
November 12, 2014

5-1 This is an introductory comment that does not raise new environmental information or directly challenge information provided in the Draft EIR. No further response is necessary.

5-2 Comment noted. Paragraph five on Draft EIR page 5.12-1 has been revised as follows:

- Fire Station No. 28. The fire station is located at 7733 Greenleaf Avenue, approximately 0.66 miles from the Project site. The fire station is the Battalion Headquarters for the area and second to respond to the Project site. The station is equipped with one 3-person engine company (one fire captain, one fire fighter specialist, and one fire fighter/paramedic), a 2-Person paramedic squad (two fire fighter paramedics) and a 4-Person quint (one fire captain, one fire fighter specialist, and two fire fighters).

5-3 The comment indicates that the Fire Prevention Division's Land Development Unit has no comments and the conditions addressed in the EIR dated on February 5, 2014 have not changed. No further response is required.

5-4 The comment is informational, and pertains to the statutory responsibilities of Los Angeles County Fire Department Forestry Division. The comment also indicates that they are unable to respond to specific potential impacts given the limited amount of information included in the request. No further response is required.

5-5 The commenter suggests that the proposed Project be reviewed and if required that oversight of a local or State government agency be implemented as mitigation prior to the proposed development. As described in Draft EIR Section 5.7, Hazards and Hazardous Materials, while hazardous materials are known to occur onsite, the Project Applicant has initiated an agreement with the Department of Toxic Substances Control (DTSC) under the California Land Reuse and Revitalization Act (CLRRA) that would require remediation of onsite hazardous materials to meet DTSC regulatory standards. Impacts in regards to emergency services and hazardous materials were determined to be less than significant in the Draft EIR.



LINCOLN SPECIFIC PLAN
DRAFT EIR
COMMENT FORM

NAME AND ADDRESS OF COMMENTOR: (include group or public agency affiliation, as applicable)

Linda de Vries
6307 S. Washington Ave
Whittier, CA 90601
CITIZEN, Member WHNA
Chair of Board, Chorale Bel Canto
Member, Whittier Conservancy,

COMMENTS:

Please provide your comments related to the environmental analysis provided in the Draft EIR. Attach additional pieces of paper, as needed.

This form and/or additional comments can be submitted to the City at the EIR Informational Meeting or mailed to the City of Whittier – Community Development Department, 13230 Penn Street, 2nd Floor, Whittier, California 90602, Attention: Conal McNamara. All comments must be received by the City by December 1, 2014.

See attached pages

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Community Development

Response to the draft EIR on the Nelles Project

**By Linda de Vries, MFA, PhD
November 1, 2014**

NOV 24 2014

Who am I?

I have lived in Whittier since 1950 for a total of 57 years. My late husband retired after 40 years of teaching at Whittier College. He and I have owned the house on Washington Avenue in the Whittier Historic Neighborhood since 1978.

I attended Sorenson School, Dexter Junior High School, and Whittier High School. I performed with the Whittier Civic Light Opera, was a member of the city Youth Coordinating Council, attended First Christian Church, took summer courses at Whittier College, worked at the Whittier Downs Mall and the *Whittier Daily News*, and later taught at Whittier and Rio Hondo Colleges. I am currently a student at Rio Hondo College, where I have earned 30 units toward a second B.A.

During my years in Whittier I enjoyed activities in these now-defunct buildings: the William Penn Hotel, the Roxy Theatre, the Whittier Bruin Theatre, Skateland, the miniature golf course on the corner of Magnolia and Hadley, the Women’s Club Theatre, Whittier College Founders’ Hall, Bailey School, the Carnegie Library, Nixon’s Drive In and Nixon’s fine dining restaurant, Jack’s Salad Bowl, XX Mitchell’s, Myers Department Store, Farmers’ Hardware, Bookland, the Mercado on Beverly Boulevard and Norwalk, the Tiki Shop on Beverly Boulevard, the 76 Station on Hadley, Mifflin’s Market, Market Basket, Safeway, and the Comstock Greyhound bus station.

6-1

Purpose in Writing

I am a member of the Conservancy’s special sub-committee for the Nelles project (one of the ten included in the recent tour of the property), and the Chair of the Board of Chorale Bel Canto, a community choir now in its 33rd season, but I write as myself, representing neither of these organizations, a personal plea from a concerned citizen who has a passionate interest in preserving what is left of Whittier’s heritage.

I offer an alternate proposal to the Brookfield Project for the use of the Nelles property that I believe satisfies that Project’s goals more effectively. This is similar to but not identical to the Whittier Conservancy proposal. My numbered references are drawn from the DEIR.

My particular interest is in my proposal for the Chapels Building.

6-2

1.3 Goals and Objectives

A great many changes have occurred in Whittier since the original statement of the Brookfield Project goals. These changes need to be recognized and adjustments made in the suggested uses

of the property in order to reflect the current demographics, community needs, and the evolved strengths of the City.

Needs. Combining recent reports, the current population of Whittier is 67% Hispanic, with a median age of 34, an average family size of 3.0, and a median household income of \$63,000. The age cohorts, from the largest to the smallest, are: 1-14, 15-24, 35-44, 25-34, 45-54, 65+. The largest growth the City expects by 2017 is in the 0-14 age cohort.

There is a need for more commercial, cultural and recreational facilities for the largest age cohorts—children and young adults. Youth needs are in the areas of sports fields and arts education, particularly music education. Young adult needs are for unique dining, recreational and entertainment destinations. There is a need to provide more cross-connections among the youth, young adult, and senior cohorts.

Lastly, there are distinct needs for arts facilities in the City of Whittier, particularly in the area of music. Although there is a great deal of music performed in Whittier, there is no facility in Whittier that functions optimally as a concert venue for acoustic music, either classical or contemporary. There is certainly no venue that is optimal for chamber music, choral music, or small musical ensembles other than churches or homes.

Strengths. In appendix A-15 the DEIR also notes that retail occupancy is saturated, but “an exception to this trend concerns restaurant and bar outlets, which significantly outperform other retail categories. . . . Uptown Whittier is an emerging area destination for dining and nightlife.” Further, the draft EIR notes that Whittier is becoming a mecca for young, upwardly mobile Hispanics (A-4).

6-2

Further, Nelles School was, at an early point in its history, known for having the best music education program in the state of California. This historic strength should be honored in ways that satisfy the current needs of youth in Whittier. The proposed plan does not recognize this at all.

Response to Program Goals

My proposal recognizes these needs and strengths and envisions more restaurant and nightlife space than the Project currently proposes, with a specific focus on these selected goals:

1. “Deliver a mix of land uses including residential, commercial and recreational elements.” Commercial and recreational spaces would be increased beyond what the Brookfield Project intends, would satisfy a greater number of current needs in the City of Whittier, and would better reflect the strengths of the historic uses of the property.
2. “Generate net revenue for the City of Whittier General Fund.” In my proposal commercial elements would produce more revenue for the City than in the Brookfield proposal by focusing on restaurants, bars, and entertainment for young adults with “destination event” planning that could create a Whittier focus unique in this section of Los Angeles County.

4. "Provide for a range of housing types and opportunities to address a variety of lifestyles, life stages and economic segments of the marketplace." My proposal for adaptive re-use of the buildings other than those proposed by the current developer would better satisfy this goal.
5. "Create public space amenities within the commercial area." My proposal would better satisfy this goal, particularly for young adults, children, and seniors.
7. "Provide for recreational amenities within walking distance of residential neighborhoods." My proposal would better satisfy this goal, particularly in the areas of art performance and activities.
9. "Provide for diversity in architectural design along with traditional design elements reflecting some of the characteristics of older, established Whittier." Brookfield has yet to present specific design styles for the development, but the retention of all five of the buildings in in Tudor Revival style—Administration, two Residences, Chapels, and Maintenance Garage—would provide a unique unifying design throughout the entire development and provide a foundation for the overall architectural design.
10. "Make plans to retain select existing buildings of architectural interest on the site." Retaining even more of the historic buildings than the Project now specifies better satisfies this goal. Further, the adaptive re-use alternatives proposed are superior in function and economic viability to those currently proposed by the developer.

6-2

Flaws in Brookfield Proposal

In its **Historical Resources** and **Cultural Resources** sections, the DEIR proposes to retain only two of the ten historical resources and states (5.4-37) "Project development would result in a potentially significant impact to historical resources on the remaining eight resources as outlined in Table 5.4.2"

The DEIR also notes: "The Project would have a negative impact on the Nelles Facility as an individual historical resource which is listed in the California Register as a CHL and for a formal determination of National Register eligibility. It would material impair the historical resource's significance through demotion and alteration. Despite the adaptive reuse of a total of four historic buildings, reducing impacts to less than significant would be unlikely given the demolition that would occur and the development proposed onsite" (5.4-37, 38).

6-3

Further: "The demolition of the seven historical resources associated with the former Nelles facility would contribute to a cumulative loss of historic resources in the Project area when past, current, and probably future projects are considered. The Nelles facility represents a unique historic resource in Whittier, and is a prominent feature that has been associated with the local community since the late 1800s. Although Mitigation Measure CUL-3 would reduce the impacts to these resources, Project impacts would remain significant and unavoidable. Therefore the proposed Project's cumulative contribution to the loss of historic resources is considered significant and unavoidable." (5.4.54)

This is an inadequate retention of historical resources that virtually assures that the entire Nelles site would lose its historical eligibility. This is unacceptable.

6-3

5.1-29. Monumentation and Signage. The current name of “Lincoln” and names for other portions and streets of the project would be appropriate anywhere in America, but nowhere in particular. We take pride in the Whittier Heritage as well as that of the Nelles School. Appropriate alternate names should be found.

There has been talk of “erasing the stigma of a prison,” but it must be remembered that for much of its history the Fred. C. Nelles School had a positive influence on Whittier, the state, and the nation. When founded it provided the jobs that “saved” the Quaker colony of Whittier after the fall of land prices at the end of the 19th century. Fred C. Nelles was appointed superintendent under Hiram Johnson, the progressive Governor of California who wrested the state from the railroads and paved the way for what is now the Golden State. Nelles himself was an innovator in the forefront of advanced ideas about the rehabilitation of wayward youth. At one time the school was known for having the best music education program in the state.

6-4

Interestingly, there is a town called Nelles Corners in Haldemand County, Ontario, Canada whose founder played a significant role in the American Revolution. Fred C. Nelles is of this lineage and was born in this same province before his family emigrated to California. Whittier might make Nelles Corners a sister city.

5.4-40. Recordation. This draft EIR indicates that historic documentation, records, photographs, found artifacts, and oral histories shall be prepared and offered to the Whittier Public Library, the Whittier Historical Society and Museum, and other archives in Los Angeles County and the State of California.

6-5

Offering is not the same as acceptance. There is no indication that the Whittier facilities have been contacted as to their ability to accept and archive these resources. Location outside the City of Whittier is unacceptable. These historical resources are best located on the original site itself as a museum in one of the retained buildings.

5.4-50. Salvage and Reuse. The pews, podiums, and altars in the chapels should be retained onsite, as should the seats in the auditorium. They are valuable for reuse in the response proposal below. Further, the response proposal recommends retention of the Maintenance Garage, making the reuse of its bricks moot.

6-6

New Alternative

I propose a variation of the DEIR’s Reduced Density/Additional Historic Preservation Alternative (1-4 and 7-23). I propose preservation of seven of the historic buildings with no reduced housing and retention of the same commercial square footage of 208,350. This alternative should result in not only reduction of the unavoidable negative impacts, but increased revenue to the city as well as enhanced aesthetic, recreational and cultural aspects of the development.

6-7

The fiscal negative fiscal impact noted on 7-29, in which General Fund revenue to the city would be reduced by 30% is, I believe, inaccurate. With the envisioned adaptive reuses outlined below, General Fund revenues to the City should increase.

Why and how? Because my alternative relies more heavily on the commercial strengths of Whittier the DEIR itself notes than does the proposed Project: this alternative requires less modification than the Project proposes, retains the same commercial square footage, and promises to be more attractive to a wider range of consumers and users—in age and interests—and would serve as a “destination” for the broader surrounding community.

Lastly, the Re-Use Feasibility Study (RFS) of the DEIR notes: “Re-use projects may qualify for 20 percent Historic Preservation tax credits through a program administered by the National Park service. . . .” (3) The alternate proposal offered here believes that the repurposing suggested plus the 20% tax credit will be more economically feasible than the uses now proposed by the Project or than constructing new buildings

New Alternative Responds to Current Trends

The Brookfield Project is based on planning four to ten years old. This alternative satisfies current positive commercial and social trends in Whittier more effectively than does the Brookfield Project.

- Whittier is becoming a mecca for upwardly mobile, college-educated young adults seeking housing and recreation.
- Whittier’s primary commercial growth is in the area of bars and restaurants.
- The largest age cohort in Whittier is 0-14, with by far the largest percentage of the population being under 40 years of age.
- There is a need and a trend to develop cross-generational activities.
- Whittier’s marketplaces built in the past 20 years are closing, notably two large, traditional supermarkets—Albertson’s and Ralphs in the Quad. The model of these projects is to be avoided.
- Many new businesses have opened or are soon to open along Whittier Boulevard. Many of them serve drive-through fast food. We do not need another fast food drive-through on Whittier Boulevard, unless it follows the increasing trend toward healthy fast food.
- Old suburban malls are being repurposed to meet current tastes. Ellen Dunham-Jones at Georgia Institute of Technology has a data base of 250 malls across the country that are being repurposed to work—“workable, urban, mixed use”—schools, churches, service-based businesses, shops, restaurants, housing, offices, with plenty of places for people to congregate and lots of easy, close parking. The Belmar project in Lakewood, Colorado is such a project.

6-7

- People are turning to artisanal beers, whiskey, wine, and organic, local foods, with breweries, distilleries, and wine-making increasing across the country.
- Tea is becoming very popular, with sales expected to increase by 50% in the next three years and with the possibility that by 2017 it may outsell coffee. The desire is for good tea, premium tea, and specialty tea and tea customs.
- Tea and ale both reflect the Tudor Revival style of architecture of most of the historic buildings on the site, creating an adaptive re-use that is both in keeping with this historic style and modern trends.
- People are turning toward “destination” weddings, and quinceaneras are becoming more elaborate.
- There is an upsurge of interest in cross-cultural activities and dining: fusion cuisine, Asian markets, soccer, etc.
- People are interested in fitness, gyms, yoga, tai-chi on the lawn, day spas, hiking or jogging in the hills or on the Greenway Trail
- There is a need to provide arts education for children, particularly music education. Programs such as Venezuela’s El Systema are developing throughout the country. Whittier is poised to create a unique program that will serve the 50% of the population that by 2017 will be under 14 years of age.

6-7

The alternative I propose will take advantage of all of these trends, create a destination for the surrounding broader community, serve as an aesthetic centerpiece for an expanding Whittier, provide more facilities for youth, integrate seniors and youth in our community, and enhance culture and recreational resources, specifically by providing venues for music and music education that do not now exist in Whittier.

This alternative reflects what Whittier is—Anglo and Latino—the mercado and the plaza mixed with the pub and the innyard, the 16th century mixed with the 21st century, the classic mixed with the contemporary, the extended family living, eating, and playing together.

It would be a hip vibe drawing upon the latest trends that are not just fads. A destination for shopping, eating, and recreation that appeals particularly to the well-heeled 25-40 crowd, but with provisions for children, because the adult cohort will have them soon.

Ideally, this development would look to the future and unite Whittier by tying into the proposed Gold Line extension, by considering the redevelopment of the Philadelphia corridor up to the College, by connecting to the Greenway Trail and new Dog Park, by revitalizing the Whittier Marketplace across the street. This alternative would include:

Special Event Court

1. “Heritage Court.” The Brookfield Project proposes (5.1-25, 5.4-37) “A” street behind the existing Administration building that would separate the Administration Building and the Superintendent’s Residence, making combined use of the two properties together virtually impossible. This would adversely affect the historical unity of the two, compromise the historical significance of this portion of the property, damage the aesthetic presentation of both of the buildings, and significantly minimize the potential commercial uses. I propose that the road be relocated to pass in front of the Administration Building and thus retain the proximity of the two retained buildings.

2. Administration Building. I propose a comprehensive event planning center where all needs could be met in one location. The Re-use Feasibility Study (RFS) envisions this same repurposing, citing the building’s inadequacy as office space. My proposal expands upon the use suggested in the Brookfield Project. It would include:

- Event planning offices for weddings, quinceañeras, retirement parties, etc.
- Central hall running the length of the building with shops opening off of it
- Catering company and catering kitchen at one end of the building, possibly providing cooking demonstrations and lessons as well as catering
- Bakery
- Bridal, formal gown, and tux shop at the opposite end of the building
- Day spa, hair and nail salon, spray tanning salon
- Flower shop
- Jewelry shop
- Dental services
- Limo service office, including designated driver service for the commercial bar area, and limo service to the airport for honeymoon getaways

3. Superintendent’s Residence. I propose a comprehensive outdoor wedding and event venue. A model is the Padua Hills Theatre in Claremont. The Chapels could service as an indoor wedding and event venue. I recommend retention of the Chinese Elms (5.4.39-Historic Trees) on the property, as they form a significant part of this English-style garden and are critical to the adaptive reuse herein recommended.

- Paths along either side of the residence leading to the garden event area
- Garden wedding rehearsal and wedding event area under the Chinese elms
- Tented or trellised catered reception areas on either side of the residence; or, one or two buildings for fine dining
- Reception area in the former living room of the house, entered from the front door and opening onto the covered patio into the garden event area, suitable for:
 1. Wedding rehearsal dinners
 2. Fine dining anytime
 3. The Nelles Tea Room, serving tea and tea customs from around the world
- Bridal robing room—dining room
- Groom’s room—library

- Catering kitchen—remodeled present kitchen (but main preparation done in Administration Building)
- Upstairs is an elegant B&B for the bride and groom on their wedding night, complete with butler service

The RFS (12) also recommends restaurant use as feasible for this structure and notes “the growing vibrancy of Whittier as a restaurant destination.” This proposal believes that the garden wedding, B&B and restaurant or reception areas on either side of the building is in keeping with the feasibility noted in the DEIR. The RFS notes that restaurant reuse costs are higher for the Superintendent’s Residence than for the Administration Building, but this proposal recommends additional restaurant space adjacent to the Superintendent’s Residence.

4. Assistant Superintendent’s Residence. Brookfield proposes mitigation of the negative impact on historical resources (5.4.37) by retaining the Assistant Superintendent’s Residence and relocating it to an unnamed site on the property. I recommend relocation in the “Heritage Court” portion of the property. It could serve as a second B&B for others in event parties—parents of the bride or groom, etc.

Dining and Entertainment Plaza

This alternative envisions the triangle of the Auditorium, Gymnasium, and Maintenance Garage as the commercial center of the development, with a large courtyard between the Auditorium and Gymnasium and an outdoor amphitheatre at the back of this courtyard in front of the maintenance garage. This would be an entertainment center that would primarily attract upwardly mobile young adults. This area could also host bachelor and bachelorette parties for the weddings in the Special Event Court.

As 7-25 of the DEIR notes, less grading and excavation would be required with retention of the three additional historic buildings. The parking would be as presently designed, with a gradual sloping down to the commercial center. Additional retail footage would ring the commercial area, with openings pierced on both Whittier Boulevard and Sorenson Avenue to allow views to the center. The “retail ring” would have display windows and entrances onto these roadways.

1. Gymnasium. This is a sports bar—The Friend at Hand, a pub with good food (in the English/Scottish pub tradition), with darts, pool, foosball, a TV sports bar in one area, possibly a micro-brewery or Belgian gastropub. It opens into the central courtyard.

The Brookfield Project assumes retail-restaurant use and analyzes four options. The RFS does not dispute this re-use, but notes significant costs in raising the building to grade. This alternative proposal suggests restoring it in place, at current, grade, and sloping the site down to this grade. The costs to the developer would be much less with this alternate grading plan.

2. Courtyard. This is a trellised, ivied indoor-outdoor wine and beer garden that flows from the two adjacent buildings. It is filled with food stalls, food trucks, boutique kiosks, and adult and child playground equipment: giant chess boards, etc. It hosts wine tastings. It possibly has a Mexican fountain in the center, and fire pits. It is a cross between a German beer garden, an

Italian wine garden, and a Mexican mercado. Sip crafted brews and wines. Enjoy outdoor dining. Toast s'mores for the kids, rent a BBQ spot.

3. Outdoor Amphitheatre. Created to the south of the courtyard, sloping down toward the Maintenance Garage, with a stage on the south end, it would be used for daytime and nighttime activities: story-telling, children's theatre, concerts, crafts demonstrations, etc. This would include child-minding services—a place to leave the kids while you shop—similar to IKEA. It might include a skating rink.

4. Auditorium. I agree with the RFS (32) that re-use as a movie theatre is not recommended, but I propose a Dance and Karaoke venue. Both have grown in popularity because of successful TV shows such as *American Idol*, *Dancing with the Stars*, and *Glee*. A vinyl lounge—LPs with a DJ and dance area, karaoke bar, poetry lounge, open mike comedy and music lounge (possibly aimed at teenagers), private ballroom dance lessons—tango, salsa, etc. It opens to the central beer and wine courtyard.

5. Maintenance Garage. I propose a mixed use food, retail, and art center, integrating seniors and youth. It could include a brewery or distillery, boutique food stalls, organic produce, specialty foods, open bars, cooking and baking demonstrations and classes, wine tastings.

Adults and seniors practicing their art and selling art and art products: fabric art, scrapbooking, knitting, potting, quilting, cake decorating. It could contain a mezzanine or lofts.

It is an ideal place for the “Nelles Museum,” housing all the historical documentation and historic artifacts.

This follows the Meta Housing and EngAGE models such as the NOHO Senior Arts Colony on Magnolia Blvd. in North Hollywood and other Meta developments, this could serve the senior community with a focus on the arts—a specific and unique attraction in this part of Los Angeles County where seniors and children would interact in arts, crafts, and performance.

6. Public Art. The definition of public art is broader than just static two-dimensional and three-dimensional works of art placed throughout the site. This proposal recommends that “public art” include spaces for living arts to practice their work in public and interact with the public, particularly children, on a regular basis. Examples that come to mind are the programs in some of our local parks, missions, museums, and nature centers—but with a focus on the arts.

7. Surrounding commercial buildings. Dance studios, yoga, pilates, dancewear, Kids R Us, Toys R Us, wine shop, beer shop, crafts stores, scrapbooks, knitting, fabric art, quilting, healthy fast food chain, children's clothing, pupuseria (growing in popularity in southern California), organic foods, gardening center, internet cafe (computers for by-the-hour-use), Asian markets, bookstores.

6-7

Chapels

The Fred C. Nelles School represents a significant portion of the history of rehabilitation and education of youth in the State of California. It was once known to have one of the best music programs in the State of California. Arts education has been seriously curtailed in K-12 schools in recent years. It has been proved that education in the arts improves comprehensive intellectual development of students. Art in public places can and should include living art and artists.

The Project states (5.1-Aesthetics) that “Independence Green” will be privately owned by the Homeowner’s Association.

The alternative I propose is that the Chapels and their surrounding acreage be publically or privately owned property designated for use by a consortium of arts and recreation groups managed by a lead arts organization.

Models for such a relationship between cities and community arts groups are The Road Theatre at Lankershim Arts Center in North Hollywood, El Portal Theatre in North Hollywood, and the La Habra Depot Theatre in La Habra. Other examples may be found in Anaheim, Claremont, and La Verne. Alternatively, the City could sell the property to such an arts consortium.

The vision includes performing arts spaces and classrooms for arts education and arts therapy, a center for live, acoustic music, classical music, chamber theatre projects, dance concerts, a film and lecture series on the performances, and regular talks by musicians and other artists. In addition there would be music instruction for children following the modes of El Sistema in Venezuela, the program started by Gustavo Dudamel at the Los Angeles Philharmonic, and Pacific Chòrale in Orange County. Lastly, a home for a children’s chorus.

I believe this proposal satisfies many unmet needs in Whittier and provides a unique opportunity to heighten the arts in our city.

Need One. There is no performance space in Whittier that has an ideal acoustic for the performance of live, unamplified choral or small-group instrumental music. Whittier has numerous venues that are used for performances, but not one is as superb a venue for music as these facilities. The high-quality of the Tudor Revival architecture of the Chapels building and the perfect acoustics make these spaces ideal concert halls.

Solution One. The Chapels have a superb acoustic for live, unamplified musical performance as well as for small chamber theatre, and dance performance. Quality concert halls are built only at great expense. Whittier does not have that sort of money. To destroy these buildings or repurpose them for other than performance uses would be shameful, nay, criminal.

Need Two: The largest age population cohort in Whittier is 0-14 years of age. It is projected to grow in the next three years. There are inadequate opportunities for arts education for these young people, particularly music education.

6-7

Solution Two. Arts education is the education of feeling. The more expressive opportunities you provide for youth, the less apt they are to act out in inappropriate and violent ways. The classroom buildings on the Chapels site are excellent facilities for arts education and arts therapy, particularly in music.

Need Three: The Project as Brookfield currently envisions it tends to separate rather than integrate the Nelles property into the City of Whittier. Use of the Chapels building by only the HOA reinforces this division.

Solution Three: Public or privately-owned use of this building by the public would serve the entire city and integrate the Nelles development into the greater community.

Need Four: Adaptive reuse of the historic structures on the Nelles site, especially if the adaptation is less expensive to enact and ends in producing net revenue for the community is a goal to be desired in this development, as it would reduce the negative environmental impact now stated in the DEIR.

Solution Four: Use of the Chapels virtually as they are mitigates the negative environmental impact. Further, it restores to the Nelles site one of the most positive features of its history—the school as known for a time in its history as having the best music education program in the entire state of California. Let’s revive that legacy in a new day!

6-7

Proposal

The City take ownership of the Chapels building and the surrounding acreage now designated in the Project as Independence Park, add sufficient parking to the site or shuttle service from the commercial area of the development to the Park to accommodate audiences for performance and students for instruction.

The City lease this site for a modest sum to a consortium of arts users in the City of Whittier to be managed by one nonprofit arts oversight organization for the benefit and inclusion of additional arts organizations.

Alternatively, if the city deems long-term city ownership unacceptable, grants be sought so that the Consortium would take ownership of the property.

Support from the DEIR

The RFS of the DEIR states: “[T]he Chapel building is located in an area of the Lincoln plan designated as open space, which the City has indicated does not have to be replaced if the Chapel is re-used for public purpose, so its retention causes no reduction of revenue-generating land” (4).

The RFS also states: “the Chapel is located in the Lincoln Specific Plan Planning Area 8, which is designated as open space. The Whittier Conservancy proposes to re-use the chapel as a

community center owned by the HOA. As an alternative re-use, the Chapel could serve as a public community facility that generates revenue through facility leasing activity” (16). The Conservancy position has changed and it now recommends re-use consistent with my proposal—a public facility generating revenue.

Further: “The City has indicated that re-using the building for a publicly accessible community center would allow its site dimensions to be included in the open space dedication, rather than required an additional dedication of equivalent open space elsewhere in the development. Thus, rehabilitating and retaining the building does not result in any loss of developable land that was assumed to be available to sell in the developer’s agreement with the State. However, the subsidies required to renovate the building for a community center use represent cost that the overall Lincoln Plan development would need to absorb if the Chapel were retained” (17). If the Chapel building, as herein proposed, were to be retained virtually as is for public art and music performance and classrooms for art and music instruction, the costs to the developer would be almost nil.

6-7



RESPONSE TO COMMENT LETTER NO. 6

Linda de Vries

November 1, 2014

- 6-1 This is an introductory comment that does not raise new environmental information or directly challenge information provided in the Draft EIR. No further response is necessary.
- 6-2 The commenter includes a statement regarding the Conservancy's alternate proposal for the Project site, and states that their particular interest is in the Chapels Building. The commenter discusses the City's demographic makeup, and needs for various commercial, cultural, and recreational facilities in the City. Details regarding the commenter's proposal for the Project site are also included. As stated above in Topical Response A, the City has long targeted Nelles for redevelopment and economic revitalization. The City is cognizant of the economic and housing needs of residents residing in the western portion of the City.
- 6-3 The commenter summarizes analysis provided within Section 5.4, *Cultural Resources*, of the Draft EIR. While the commenter also states that the Project inadequate retention of historical resources, there are no specific comments that raise new environmental information or directly challenge information provided in the Draft EIR. No further response is necessary.
- 6-4 The commenter suggests that alternative monumentation and signage names for the Project site be considered, and provides a brief history of the historic Fred C. Nelles School's positive impact on the City of Whittier, State of California, and country. The commenter also states that the City of Whittier may make Nelles Corners in Ontario, Canada, a sister city. These comments do not raise new environmental information or directly challenge information provided in the Draft EIR, and no further response is necessary.
- 6-5 Mitigation Measure CUL-3 of the Draft EIR would require recordation of affected resources, documentation, photography/media, an interpretive program, and commemorative signage (among other requirements) with the intent of educating the public regarding the affected resources at the Nelles facility and providing a memory and understanding of the resources after their removal. However, none of the proposed measures in Mitigation Measure CUL-3, either alone or in combination, would mitigate impacts to all historical resources to a less than significant level. The commenter states that although Mitigation Measure CUL-3 would offer historic resources to City archives, County of Los Angeles, and the State of California, there is no guarantee of acceptance. The commenter believes archiving these resources outside the City is unacceptable and that all resources should be kept on the project site in a commemorative museum.

Mitigation Measure CUL-3 was identified by the City as an effective means to minimize impacts to historical resources to the greatest extent feasible, and the methodology for recordation, interpretation, and commemoration are recognized as a standard practice for assisting the public with understanding the history of the resource and providing a memory of the Nelles facility. Even with provision of an onsite museum, as the commenter suggests, impacts to historical resources would remain significant and unavoidable. In addition, as noted in Mitigation Measure CUL-3, numerous resources promoting the history of the Nelles facility would remain onsite through an interpretive program (including at least six permanent, onsite educational displays; an onsite sign



program visually linking the site to its past; commemorative plaques on buildings to be adaptively reused onsite; a naming program for site features that utilizes names of historic buildings, persons, and activities associated with the Nelles facility; and a salvage and reuse program, in which some building elements may be reused as part of new construction associated with the Lincoln Specific Plan).

- 6-6 The *Lincoln Specific Plan* provides general guidelines for land use and development within the Project site. Specifics regarding the reuse of interior elements within buildings to be adaptively reused as part of the Project would be determined as part of final design, when specific tenants and uses are known. However, Mitigation Measure CUL-3 requires the Project Applicant to implement a Salvage and Reuse Plan for historical buildings on the Project site, which would include salvaging elements and materials such as: windows, doors, roof tiles, decorative elements, framing members, furniture, lighting, and flooring materials. The Project Applicant would be required to identify individuals, organizations, or businesses interested in receiving the salvaged items.
- 6-7 The commenter provides a detailed description of their alternate proposal for the Project site. While the commenter describes in detail the various facilities that would be involved with the alternate proposal and the associated benefits, there are no specific comments that raise new environmental information or directly challenge information provided in the Draft EIR. No further response is necessary; however, the commenter is directed to Topical Responses A and B.

Linda de Vries

6307 S. Washington Avenue • Whittier, CA 90601 • 562-696-9635
lindv540@gmail.com

November 23, 2014

NOV 24 2014

Dear Conal McNamara:

I am a member of the Whittier Conservancy. I have been working as a member of its special sub-committee for the Nelles School development project. I was one of ten selected to tour the site in September. I am also the Chair of the Board of Directors of Chorale Bel Canto, a community chorus based in Whittier that is in its 33rd year of operation.

I have sent you a longer comment on the DEIR on the Brookfield Project, but I write now as a private citizen, formally representing neither of these groups, to ask your support of a proposal for adaptive reuse of the Chapels building and surrounding designated park acreage on the Nelles property to enhance the performing arts in Whittier.

7-1

Chapels Proposal

The Fred C. Nelles School represents a significant portion of the history of rehabilitation and education of youth in the State of California. It was once known to have one of the best music programs in the State of California. Arts education has been seriously curtailed in K-12 schools in recent years. It has been proved that education in the arts improves comprehensive intellectual development of students. Art in public places can and should include living art and artists.

The Brookfield Project DEIR states (5.1-Aesthetics) that "Independence Green" will be privately owned by the Homeowner's Association.

The alternative I propose is that the Chapels and their surrounding acreage be publically or privately owned property designated for use by a consortium of arts and recreation groups managed by a lead arts organization. Alternatively, the City could sell the property to such an arts consortium or to a private party.

7-2

Models for such a relationship between cities and community arts groups are The Road Theatre at Lankershim Arts Center in North Hollywood, El Portal Theatre in North Hollywood, and the La Habra Depot Theatre in La Habra. Other examples may be found in Anaheim, Claremont, and La Verne.

The vision includes performing arts spaces and classrooms for arts education and arts therapy, a center for live, acoustic music, classical music, chamber theatre projects, dance concerts, a film and lecture series on the performances, and regular talks by musicians and other artists. In addition there would be music instruction for children following the modes of El Sistema in Venezuela, the program started by Gustavo Dudamel at the Los Angeles Philharmonic, and Pacific Chorale in Orange County. Lastly, a home for a children's chorus.

I believe this proposal satisfies many unmet needs in Whittier and provides a unique opportunity to heighten the arts in our city.

Need One. There is **no** performance space in Whittier that has an ideal acoustic for the performance of live, unamplified choral or small-group instrumental music. Whittier has numerous venues that are used for performances, but **not one** is as superb a venue for music as these facilities. The high-quality of the Tudor Revival architecture of the Chapels building and the perfect acoustics make these spaces ideal concert halls.

Solution One. The Chapels have a superb acoustic for live, unamplified musical performance as well as for small chamber theatre, and dance performance. Quality concert halls are built only at great expense. Whittier does not have that sort of money. To destroy these buildings or repurpose them for other than performance uses would be shameful, nay, criminal.

Need Two: The largest age population cohort in Whittier is 0-14 years of age. It is projected to grow in the next three years. There are inadequate opportunities for arts education for these young people, particularly music education.

Solution Two. Arts education is the education of feeling. The more expressive opportunities you provide for youth, the less apt they are to act out in inappropriate and violent ways. The classroom buildings on the Chapels site are excellent facilities for arts education and arts therapy, particularly in music.

Need Three: The Project as Brookfield currently envisions it tends to separate rather than integrate the Nelles property into the City of Whittier. Use of the Chapels building by only the HOA reinforces this division.

Solution Three: Public or privately-owned use of this building by the public would serve the entire city and integrate the Nelles development into the greater community.

Need Four: Adaptive reuse of the historic structures on the Nelles site, especially if the adaptation is less expensive to enact and ends in producing net revenue for the community is a goal to be desired in this development, as it would reduce the negative environmental impact now stated in the DEIR.

Solution Four: Use of the Chapels virtually as they are mitigates the negative environmental impact. Further, it restores to the Nelles site one of the most positive features of its history—the school as known for a time in its history as having the best music education program in the entire state of California. Let’s revive that legacy in a new day!

Need Five: The Development is required to include a Public Art component in its design.

Solution Five: The definition of Public Art is broader than just static two-dimensional and three-dimensional works of art placed throughout the site. “Public Art” can include spaces for living arts to practice their work in public and interact with the public, particularly children, on a regular basis. Examples that come to mind are the programs in some of our local parks, missions, museums, and nature centers—but with a focus on the arts.

Proposal

The Chapels building on the Nelles property be preserved and used to house: music, theatre, film, and dance performances; artists’ studios; art galleries; arts education studios and classrooms. We further pledge to conjoin our nonprofit organizations in a coalition to ensure the use of these facilities for these purposes.

The City take ownership of the Chapels building and the surrounding acreage now designated in the Project as Independence Park, add sufficient parking to the site or shuttle service from the commercial area of the development to the Park to accommodate audiences for performance and students for instruction.

The City lease this site for a modest sum to a consortium of arts users in the City of Whittier to be managed by one nonprofit arts oversight organization for the benefit and inclusion of additional arts organizations.

A consortium of potential arts users be gathered (this is underway).

Alternatively, if the city deems long-term city ownership unacceptable, grants be sought so that the Consortium would take ownership of the property.

Feasibility Support from the DEIR

The RFS of the DEIR states: “[T]he Chapel building is located in an area of the Lincoln plan designated as open space, which the City has indicated does not have to be replaced if the Chapel is re-used for public purpose, so its retention causes no reduction of revenue-generating land” (4).

The RFS also states: “the Chapel is located in the Lincoln Specific Plan Planning Area 8, which is designated as open space. The Whittier Conservancy proposes to re-use the chapel as a community center owned by the HOA. As an alternative re-use, the Chapel could serve as a public community facility that generates revenue through facility leasing activity” (16).

The Conservancy position has changed and it now recommends re-use consistent with my proposal—a public facility generating revenue.

Further: “The City has indicated that re-using the building for a publicly accessible community center would allow its site dimensions to be included in the open space dedication, rather than required an additional dedication of equivalent open space elsewhere in the development. Thus, rehabilitating and retaining the building does not result in any loss of developable land that was assumed to be available to sell in the developer’s agreement with the State. However, the subsidies required to renovate the building for a community center use represent cost that the overall Lincoln Plan development would need to absorb if the Chapel were retained” (17).

If the Chapels building, as herein proposed, were to be retained virtually as is for public art and music performance and classrooms for art and music instruction, the costs to the developer would be almost nil.

I look forward to working with you,



Linda de Vries, MFA, PhD
Chair, Board of Directors
Chorale Bel Canto

Member, Whittier Conservancy

7-2

7-3



RESPONSE TO COMMENT LETTER NO. 7

Linda de Vries

November 23, 2014

- 7-1 This is an introductory comment that does not raise new environmental information or directly challenge information provided in the Draft EIR. No further response is necessary.
- 7-2 The commenter provides a detailed description of their alternate proposal for the Project site. While the commenter describes in detail various community needs and facilities that would be involved with the alternate proposal and the associated benefits, there are no specific comments that raise new environmental information or directly challenge information provided in the Draft EIR. The commenter is also directed to Topical Responses A and B.
- 7-3 The commenter summarizes analysis provided within the *Reuse Feasibility Study* prepared as part of the Draft EIR; refer to Appendix 11.17. The commenter states that the Chapels building should be reused as-is for public art, performance space, and classrooms. There are no specific comments that raise new environmental information or directly challenge information provided in the Draft EIR. The commenter is also directed to Topical Responses A and B.

From: cmcnamara@cityofwhittier.org [mailto:cmcnamara@cityofwhittier.org]
Sent: Wednesday, November 26, 2014 2:44 PM
To: margit.allen@kimley-horn.com; jadams@cityofwhittier.org; Ashimine, Alan
Cc: yms@jones-mayer.com; jcollier@cityofwhittier.org
Subject: FW: Nelles Draft EIR comments

Fyi. For inclusion as a DEIR comment. Thx.

Conal McNamara, AICP
Director of Community Development
City of Whittier
cmcnamara@cityofwhittier.org
(562) 567-9320

From: Frederick Kerz [mailto:fpkerz@gmail.com]
Sent: Wednesday, November 26, 2014 12:56 PM
To: Conal McNamara
Subject: Nelles Draft EIR comments

Comments on the Nelles EIR

By Fred Kerz 6211 Washington Avenue

7.0 Alternatives to the proposed project

Project Objectives (page 7-2)

-Provide for diversity in architectural design along with traditional design elements reflecting some of the characteristics of older, established Whittier.

8-1

What better way to provide for diversity than to save the original historic buildings? Reuse the existing building materials by leaving them on the buildings.

Alternatives Considered but Rejected

8-2

Historic structure alternative (page 7-4)

-Under the historic structure alternative, the remaining four historic structures....would be relocated and reused onsite.

This is the most costly and difficult to achieve alternative. *It is much easier to move a few lines on the master plan for a few dollars than relocate existing buildings for millions of dollars each.* This direction adds more than 6 million dollars to the rehabilitation costs of these buildings and almost doubles the cost of saving them. The EIR talks about **the substantial damage that would occur during the relocation process.** If they are left in place, no extra costs will be incurred. *Moving the structures on or off site should not be considered without an alternative that leaves the structures in place to show how costs can be dramatically reduced. Will a true historic alternative be created that leaves all of the historic buildings in place and uses the natural existing slope of the site? Will there be a scheme that retains all of the trees and does not tear them out because of grade change?*

8-2

No Project Alternative (page 7-8)

While the analysis for the no project alternative assumes that the project site would remain in its existing state, there is a potential that the reuse of the site could occur in the event the Lincoln Specific plan is not implemented. Finding a different developer with vision that wants to create a unique destination in Whittier might be the best of all outcomes.

8-3

7.2 Reduced Density Alternative (page 7-14)

The reduced density alternative would be the same as the proposed project, but would consist of a reduced development density for residential and commercial uses. Another way to minimize adverse effects to the site are leaving the sq footage and number of residential units the same, but increasing the housing density in some areas to create more park or landscaped space and save more of the original trees and landscape. This alternative would bring in the same income to the city and leave the Nelles Historic Landmark Site status more intact. Will this alternative be studied?

8-4

7.3 reduced density/ Additional Historic Preservation Alternative (pages 7-22&23)

As adaptive reuse of the additional ...Historic structures would result in a reduction of site area available for new construction.....commercial area in planning area 1 would be reduced by 30 percent. This statement assumes that because there is a historic structure on the site, the land no longer has value, and the site can no longer produce income. By restoring the historic buildings, the buildings would create value and be able to be rented out just like the new commercial buildings. Restoring the historic buildings does not remove them from the potential income stream of the project. They will be rented out just like a new building. They will retain their authenticity, history and sense of place. What is the fundamental difference between a new structure and a historic structure and its relationship to the value of the land? Can the cost of the land be recovered by selling the land and the building to a developer or prospective tenant?

8-5

Any additional parking would be parking that the developer would have to provide if the buildings were demolished and a new building was built and should not be considered lost site area. This parking area should not be counted against the project as "land lost". The land value is the same for a new or historic structure, and

some people would prefer the older building with more character and presence. Why is this parking added to the "lost land" number? It would be there even if the building was new.

8-5

Ability to meet project objectives (page 7-32)

Adaptive reuse of these buildings would also result in lost land revenue that would otherwise be realized through new construction. The adaptive reuse of the historic buildings would not result in a loss of land revenue since these buildings could be sold or leased to prospective tenants creating income just like a new building. The master plan could be modified to include the historic buildings and have the area of the new and historic retail buildings be approx. 203,000sf, thereby creating as much income as the current master plan without any revenue lost. Will this be one of the schemes in the final EIR? The historic buildings might be more desirable to prospective tenants and command a greater per square foot lease income the way that the "Packing House" (an adaptive reuse retail building) in Anaheim does. Any lost income from the land of a restored historic building is wrong and false.

8-6

Reuse Feasibility Study(page 4)

This analysis incorporates the findings of the site analysis performed by the Galloway Group indicating the amount of otherwise developable land in the Lincoln Plan that retained older buildings would occupy, thus reducing the potential land sale values. This statement is completely false. This assumes that the restored buildings have no value and are a detriment to the project. In reality, the restored buildings give value, character and authenticity to the project. The restored buildings can be leased and sold just like any new building on the site, and after they are restored may command higher prices than the less substantial new construction buildings. Where is this "Galloway Group" study? I have looked in the EIR and have not found it? Is it included in the EIR?

8-7

Summary (page 6)

4. If the six remaining historic buildings are reused, the revenue-generating developable land will be reduced by an estimated 132,000 sf (roughly 3 acres). This represents roughly 5% of all developable land, which means the project's total land value would be expected to decrease by the same proportion. This assumes that the historic buildings will not generate any revenue and is a false statement. Restored buildings will generate equal to or greater revenue than the newer buildings with less character and detail if they are all restored as retail or restaurant space. No income will be lost. Page 7-23 of the EIR states that 30% of the land area is lost because historic buildings are on the site and it cannot be developed. Are both of these numbers incorrect? Why are they different?

8-8

Table 2 Summary of Findings (page 7)

The heading category "Lincoln Plan Land Displaced by Reuses".

This is a false category and is used to inflate the cost of reusing the historic structures by 6.2 million dollars. There is not any lost land revenue. See comments on page 4 above.

8-9

Potential uses (page 20)

8-10

Because of the grade differential between the gymnasium site and the retail center planning area, additional renovation costs scenarios must be considered. A good developer would see the advantages to the project by restoring the existing historic buildings and redesign the master plan to reduce the cost of the grading and keep all of the existing buildings at their current grade. Changing a master plan is a lot less expensive than moving a building for millions of dollars. Why isn't the master plan modified to accommodate the historic buildings in a historic scheme?

8-10

Table 11 (page 23), Table 17 (page 31), Table 20 (page 35), Table 24 (page 42)

The heading category "Lincoln Plan Land Displaced by Reuses".

8-11

This is a false category and is used to inflate the cost of reusing the historic structures by 6.2 million dollars. There is not any lost land revenue. See comments on page 4 above.

Potential Uses

The Whittier Conservancy proposes re-use as an assisted living facility, or a component of an assisted living facility. This is not a feasible use for this building. It should be a retail or restaurant use to generate the maximum lease rate per sf. Many costs are associated in this expensive type of reuse and is not feasible for a project trying to generate a profit. Why is this building not conceived of as a retail or restaurant function that will be more successful?

8-12

Table 9 (page 21), Table 10 (page 22), Table 13 (page 26), Table 14 (page 27), Table 15 (page 29), Table 21 (page 37), Table 22 (page 38), Table 23 (page 39)

8-13

All numbers for relocating the existing historic buildings should be considered not feasible and removed from all "subsidy reuse analysis" or other tables.

Auditorium (page 31)

The Whittier Conservancy has proposed continued use of the structure as an auditorium or possibly as a movie theater. This building would make a poor theater because of lack of stage area and large windows that would need to be blacked out for a live or movie performance. In order for retail to be accommodated here, the seating should be removed and the sloping floor filled in to allow a retail or restaurant function to thrive here. This would eliminate the costs to redo the stairways to the stage and create a level floor. A new tenant might chose to add a mezzanine to take advantage of the high ceilings. This building should not be a church as EPS assumed. This would not bring in the income to justify the expense of restoration of this building. What is the EIR proposal to make this building produce a profit? If it was repurposed to be a retail space, would the cost come down?

8-14

Impact of reuse Program on Lincoln Plan Economics (page 39)

The additional six buildings sum to an estimated \$7.3 million to \$9,8 million in required subsidy. The retained buildings also reduce the amount of land available for the developer to sell, thereby reducing the gross revenues from the project. Site analysis by the Galloway Group indicates that the additional six buildings considered for retention would reduce the developable land by 132,000 sf, which EPS estimates to have a market value of roughly \$6.2 million. . This assumes that the historic buildings will not generate any revenue and is a false statement. Restored buildings will generate equal to or greater revenue than the newer buildings, with less character and detail, if they are all restored as retail or restaurant space. No income

8-15

will be lost. Where is this “Galloway Group” study? I have looked in the EIR and have not found it? Is it included in the EIR?

8-15

2)The State of California offered the Nelles Property on a competitive basis, with the stipulation that only two of the buildings...retained and reused. This was an error by the state and should have required all 8 historic buildings to be saved. Has SHPO commented on this error? Are they ok with the sale as it is currently written in the entitlements?

8-16

6) If the project is required to retain six additional older buildings at a net cost of \$13.6-16.0 million (cost of subsidizing reuse plus lost land sales from reduction in developable land), the \$25. million target return would be reduced to \$9,1-11,5 million. If the \$6.2 million of lost land is removed from the equation, then the return would be \$15.3-17.8 million.

8-17

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Frederick Kerz



RESPONSE TO COMMENT LETTER NO. 8

Fred Kerz

November 26, 2014

- 8-1 The commenter suggests that the original historic buildings on the Project site should be retained. Refer to Topical Response B.
- 8-2 Refer to Topical Responses B and H.
- 8-3 The CEQA Guidelines Section 15126.6 describes the requirements for the analysis of the No Project Alternative. The CEQA Guidelines require the analysis of an alternate development proposal under the No Project Alternative if “disapproval of the project under consideration would result in predictable actions by others.” In the case of the proposed Project site, the Nelles facility has remained vacant and in its existing state since its closure in 2004. There are no known, predictable alternate development proposals for the Nelles facility, and any other assumption for the site under the No Project Alternative would be speculative.
- 8-4 Refer to Topical Response B.
- 8-5 Refer to Topical Responses B, C, and D.
- 8-6 Refer to Topical Responses B, C, and D.
- 8-7 Refer to Topical Responses B, C, D, and F.
- 8-8 Refer to Topical Responses B, C, and D. In addition, the commenter raises the question of how much developable land is estimated to be lost if the buildings are retained, as the commenter believes there is contradictory information in the Draft EIR. Page 6 of the EPS Report states “if the six remaining historic structures are reused, the revenue-generating developable acreage will be reduced by . . . roughly 5 percent of all developable land.” The Draft EIR itself, on page 7-23, states that the size of the commercial buildings in Area 1 would be reduced by 30 percent under the “Reduced Density/Additional Historic Preservation Alternative.” These are not equivalent ideas – one pertains to land acreage in the entire Project, the other to building square footage in the commercial program, and they apply to different project scenarios – and there is no inherent contradiction between them.
- 8-9 Refer to Topical Responses B, C, and D.
- 8-10 Refer to Topical Response H.
- 8-11 Refer to Topical Response C.
- 8-12 Refer to Topical Responses B and G.
- 8-13 Refer to Topical Response I.
- 8-14 Refer to Topical Response G.
- 8-15 Refer to Topical Responses B, C, D and F.



- 8-16 The California Office of Historic Preservation (OHP) has submitted a comment letter to the Draft EIR. The State's land sale agreement was predicated in part on the Page & Turnbull, Mack5, and Gruen Reports which determined that the reuse of all eight of the historic buildings would be economically infeasible. These studies are included as appendices to the Final EIR. In addition, it should be noted that preservation of the two buildings (Superintendent's Residence and the Administration Building) achieves a return that is closely approximate with the economic feasibility threshold for a developer to decide whether to proceed or not proceed with the Project. This strongly suggests that the State's decision to require preservation of these two buildings was not an "error."
- 8-17 Refer to Topical Responses B, C, and D.



Mr. Conal McNamara
 Director of Community Development
 City of Whittier
 12320 Penn Street
 Whittier, CA 90602

November 29, 2014

RE: Nelles Draft EIR Comment Submission

Dear Mr. McNamara,

Thank you for the opportunity to comment on the draft EIR for the Lincoln Specific Plan. The Whittier Conservancy is a local non-profit organization founded after the 1987 Whittier Narrows Earthquake. The mission of the Conservancy is to preserve, protect, and enhance Whittier's unique character and quality of life. Our group of volunteers works for the preservation and sensitive use of Whittier's significant residential structures, landmark commercial buildings, and notable landscapes—including its valuable cultivated trees, public parks, and the natural beauty of the Whittier Hills. Most of these assets can be found on the Nelles site and they are an integral part of the earliest history of the town.

The Nelles site, California Historic Landmark # 947, represents a rare opportunity not only for the community of Whittier, but for the county and the state as well. The 74-acre parcel, one of the largest remaining contiguous pieces of relatively open land in urban Los Angeles County, is a significant historic resource that should be developed in a sensitive manner that respects the important history of the former Nelles School.

The historic significance of the site and the nine historic resources within it have not been disputed. What concerns us is that the draft EIR does not contain a full range of meaningful preservation alternatives as required by CEQA. This is especially troubling since the comments we and others made during the scoping process weren't addressed within the draft document released on Oct. 17, 2014. We believe that the scoping comments should inform and sculpt the EIR.

Particularly, the draft states that only two buildings, the Superintendent's Residence and the Administration Building will be saved and assimilated into the Proposed Project. Yet the draft also refers to mitigation that preserves two additional buildings, the Chapels Building and the Assistant Superintendent's Residence. The cost analysis within the draft asserts that it is too costly to retain any more than two; yet the mitigation that adds two more buildings relies on the information that states it is not feasible to do so. The draft combines discussion of mitigation with alternatives prior to any decision as to which alternative, if any, the decision-makers might choose. Mitigation can only occur within the context of the Proposed Project or an alternative. The California Public Resources Code that governs CEQA makes it clear that mitigation cannot be a substitute for alternatives.

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Community Development

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9-1

We note that the Land Use and Planning section of the DEIR asserts consistency with all applicable city codes and plans. We respectfully disagree and have detailed our concerns within our submitted comments.

9-2

Finally, we are concerned about the objectivity of several of the supporting documents used to uphold the conclusions of the DEIR. Specifically, the Fiscal Impact Study, the Tree Evaluation, and the Reuse Feasibility Study were all prepared for the applicant and not for the Lead Agency, the City of Whittier. Were these studies shared with Brookfield prior to the release of the draft EIR? Were they supplied to RBF by Brookfield or by the City of Whittier?

9-3

We very much appreciate your cooperation in supplying some of the peer reviews that were not included in the DEIR. However, in studying the draft document and the attending reports and appendices, we discovered other documents that were referenced in the DEIR, but absent from the record. In particular, we have asked the City as the Lead Agency and you as the contact person, for the site analysis done by the Galloway Group, as referenced in the Reuse Feasibility Study, and the Kaiser-Marston peer-review, referenced in the Fiscal section.

9-4

Having numbers and conclusions without all related or supporting documents limits our ability to fully understand how these conclusions were drawn and by what measure. The absence of such information, which should be part of the public record, has made it difficult for us to respond in a way that is fully-informed.

In addition to this letter, please find 36 pages of additional comments in three sections: Alternatives to the Proposed Project, Cultural Resources, and Land Use and Planning (which includes an analysis of the Urban Decay data). Our primary concern is that the preservation of the eight historic buildings and the possible inclusion of the historic track and field were not discussed as part of a viable preservation alternative. To that end, we have included our own alternatives for consideration. We fully expect that the Final EIR will correct the deficiencies in the draft and include a more meaningful range of alternatives prior to public hearings.

9-5

We look forward to the responses to our comments. Please inform us as soon as they are complete.

Sincerely,



Ted Snyder
President, Whittier Conservancy
(562) 692-7066

Alternatives to the Proposed Project

One of the most glaring deficiencies in this DEIR is its failure to offer meaningful, realistic preservation alternatives that would adequately mitigate or eliminate significant impacts to this state historic site.

Most of the preservation scenarios considered involve relocating historic resources which, in all instances except the Assistant Superintendent's Residence, is neither practical nor desirable from a historic preservation perspective.

Despite numerous examples of historic structures being repurposed successfully for commercial, civic and residential uses across the country and in Whittier itself, the DEIR seems to adopt the view that historic resources are inherently an obstacle to be overcome, not an opportunity to be exploited.

Nowhere is this more obvious than in the single preservation alternative given full consideration, the so-called Reduced Density/Additional Historic Preservation Alternative, which assumes by its title that historic preservation within the commercial plan area reduces the commercial "density," even when at least one of the buildings is proposed to be used for commercial purposes.

Although this alternative is declared environmentally superior in all but two categories (one where its effect is determined to be neutral), it is deemed infeasible due to its supposed fiscal impact on the commercial part of the project. Specifically, this alternative asserts that if the Gymnasium and Auditorium are preserved in place within the commercial plan area, their presence reduces the commercial footprint by 30%, regardless of any proposed use. For example, the approximately 6000 square foot Auditorium, if retained, is presumed to subtract 35,000 square feet of "revenue generating land," as if a large vacant lot were dropped into an otherwise successful shopping center.

These presumptions are unsubstantiated. No evidence is provided to support the contention that restored historic structures have no value or that they could not, under any circumstances, generate as much revenue as new construction.

In reality, given the right context and use, restored buildings can add value, character and authenticity to a project. They can be leased or sold just like any new building, and may command higher prices than less substantial new construction. A unique and beautifully restored building, in the right context, could well be more attractive to prospective tenants.

A true economic comparison can only be made between a plan that integrates the historic resources in a modern and cohesive context to the proposed plan to demolish and replace a majority of them.

9-6

And yet, neither the applicant nor the lead agency appears to have made a serious effort to identify the most economically feasible and integrated use of these buildings. Rather, the resources are addressed separately, as if each structure and its proposed use were inserted artificially into an unrelated project area. Doing so fails to reflect their actual potential value.

A qualified preservation builder/developer should be consulted to propose project alternatives that creatively integrate more of the historic resources with the project and with each other. This is especially feasible with regard to the six historic structures that are (and in one case will be) roughly within the commercial plan areas. Further, we encourage the applicant to partner with such a firm to develop those resources.

Alternative Commercial Concept

We offer a project alternative that seeks to address the deficiencies cited above. Our Alternative Commercial Concept significantly reduces impacts to historic resources while meeting project objectives better than the proposed plan (see Summary below). Other concepts that accomplish those goals should be sought and considered as well, to provide a full range of preservation options.

In the market assessment found in section 11-17, Reuse Feasibility Study, Appendix A, EPS states the following regarding the Whittier commercial market: *“Local brokers report that Whittier is saturated with neighborhood-serving retail, while a significant number of mall and lifestyle center environments a short drive from Whittier absorb demand for destination retail.”*

It further states that *“Whittier retail rents are consistent with the Market Area average, but Whittier restaurant and bar rents outperform it.”* As an example, the assessment cites Uptown Whittier as an emerging area destination for dining and nightlife, where customers are drawn by *“the walkable environment and historic buildings.”*

Our project alternative seeks to capitalize on these trends through a modest modification of the commercial focus of the Lincoln Specific Plan away from “neighborhood-serving retail” and more toward destination dining and entertainment, featuring the kind of unique, walkable, historic environment with which Whittier is already becoming associated regionally.

Further, this plan does not promote isolated, unrelated uses for the historic resources, but creates a synergy among uses to provide a special and singular visitor experience. It offers comparable commercial square footage to the proposed plan, and does so in a more engaging and economically productive way.

We have provided exhibits of this concept below. Features include a vibrant dining and entertainment plaza and amphitheater, an exclusive special event court, handy junior box stores, shops on the boulevard, attractive transportation frontage, and a distinctive corner at Whittier Blvd. and Sorenson.

NO. HISTORIC BUILDING

- 1 Maintenance Garage
- 2 Gymnasium
- 3 Auditorium
- 4 Administration Building
- 5 Superintendent's Residence
- 6 Assistant Superintendent's Residence (Relocated)
- 7 Infirmary
- 8 Chapels

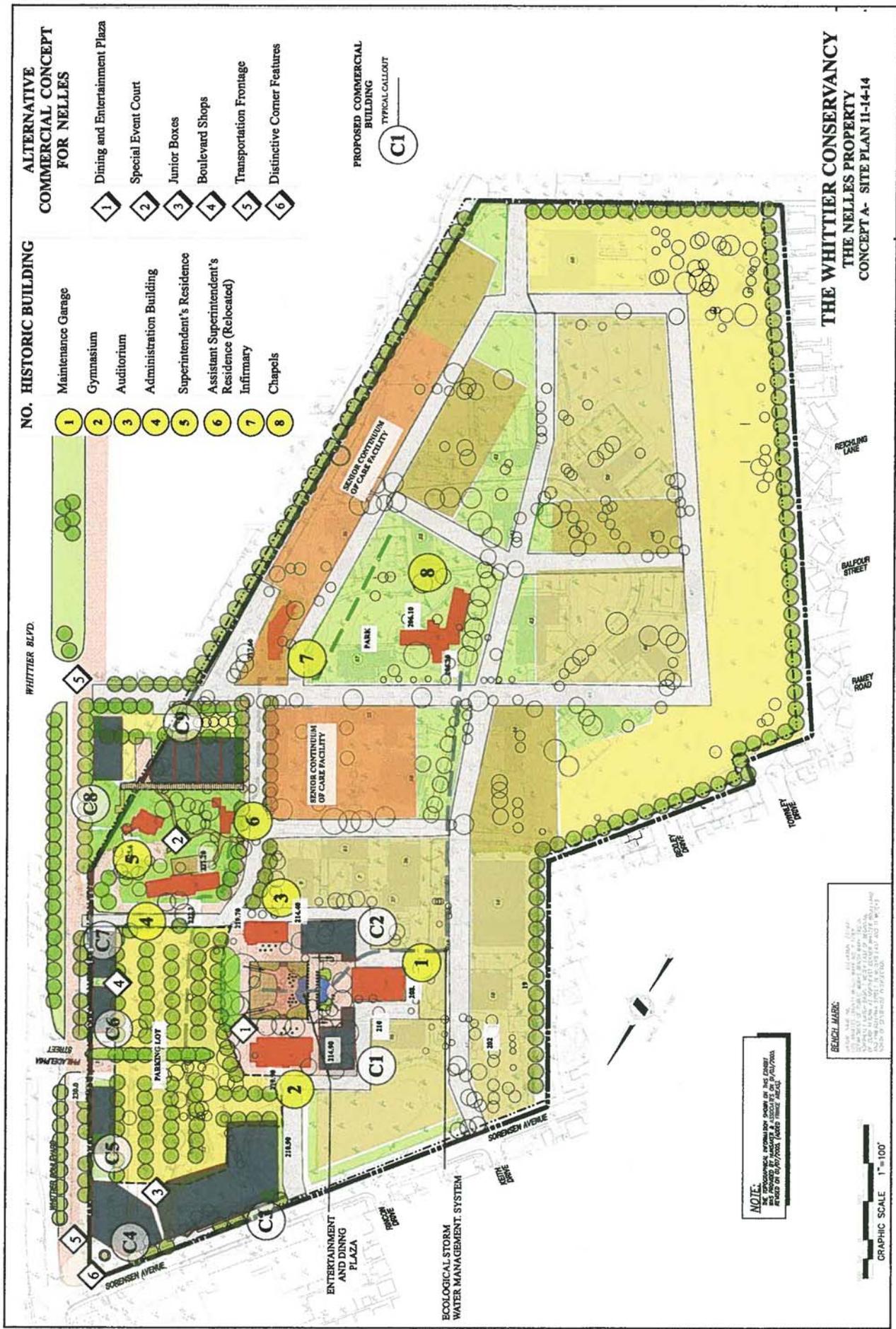
ALTERNATIVE COMMERCIAL CONCEPT FOR NELLEES

- 1 Dining and Entertainment Plaza
- 2 Special Event Court
- 3 Junior Boxes
- 4 Boulevard Shops
- 5 Transportation Frontage
- 6 Distinctive Corner Features

PROPOSED COMMERCIAL BUILDING TYPICAL COLLOUT

C1

THE WHITTIER CONSERVANCY
THE NELLEES PROPERTY
CONCEPT A- SITE PLAN 11-14-14



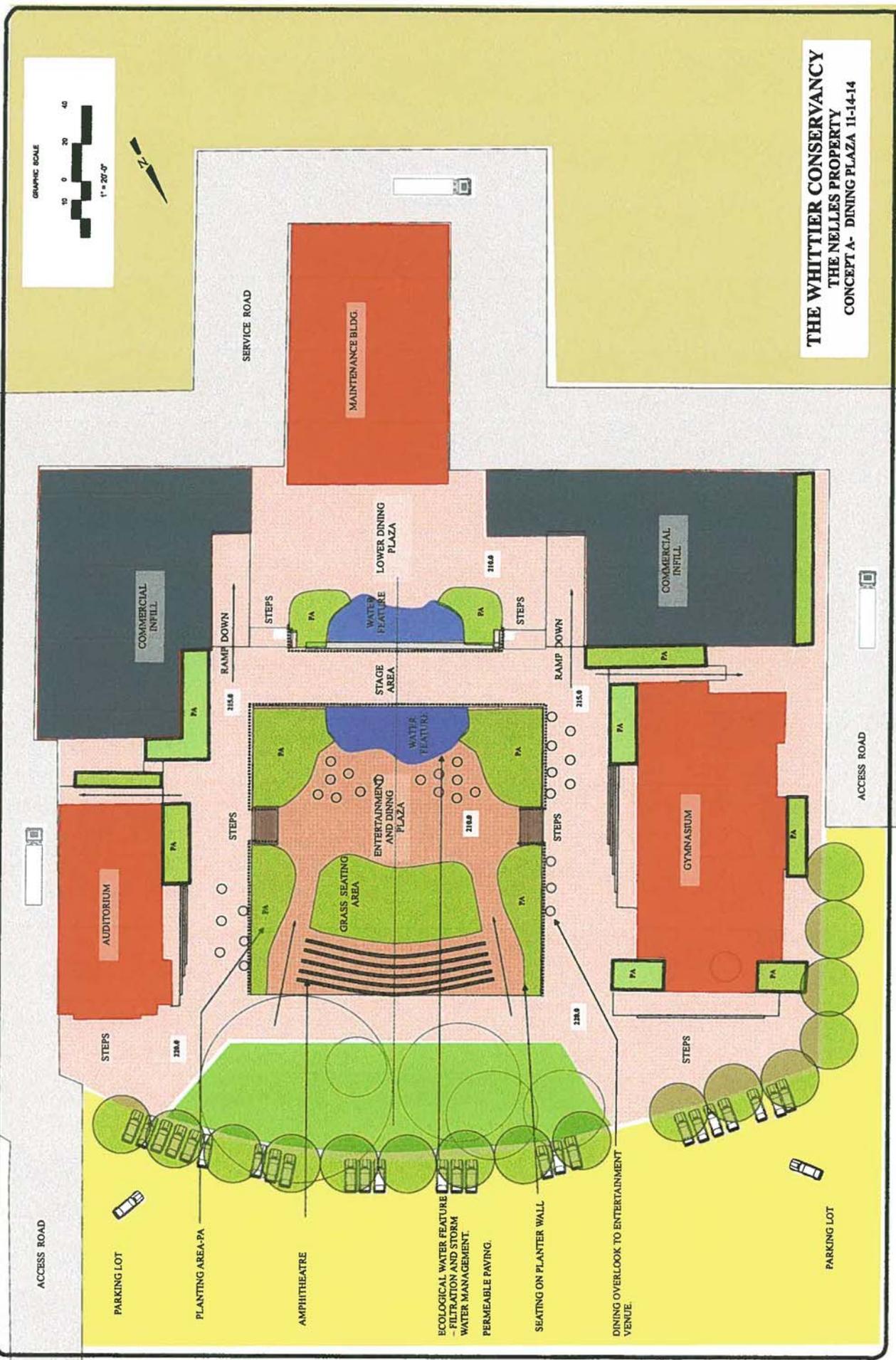
NOTE:
THE TOPOGRAPHICAL INFORMATION SHOWN ON THIS DRAWING IS FOR INFORMATIONAL PURPOSES ONLY. THE CLIENT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND REGULATORY APPROVALS PRIOR TO CONSTRUCTION.

BENCH MARK:
THE BENCH MARK IS A 4" DIA. IRON PIPE SET IN CONCRETE. THE BENCH MARK IS LOCATED AT THE INTERSECTION OF WHITTIER BLVD AND SORENSON AVENUE. THE BENCH MARK IS 111.49' ABOVE MEAN SEA LEVEL.





THE WHITTIER CONSERVANCY
THE NELLES PROPERTY
CONCEPT A - DINING PLAZA 11-14-14



- **Dining and Entertainment Plaza:** The dining and entertainment plaza features an outdoor amphitheater for live music and other performances and for screening major sporting events. The plaza is shaded by a distinctive and iconic sail/awning structure, and includes a water feature and children's activity area.

The former Gymnasium, Auditorium and Maintenance Garage border the plaza, along with two new structures that would mimic and complement the architectural features of the historic buildings.

Potential uses include a sports bar and restaurant, brewery and beer garden, specialty food hall similar to the Packing House in Anaheim, supper club, dance/ karaoke club, a multi-theatre movie complex (think Whittier Village Cinemas West, offering more screens and movie choices for Whittier residents), wine tasting, and possibly establishments like the Old Spaghetti Factory, Yard House, BJ's or Lucille's.

Outdoor dining, beer and wine gardens extend into the plaza from the adjacent buildings, illuminated at night by strings of lights. The plaza could also feature boutique kiosks or carts and a grassy open area for picnicking or children's play (professional babysitting services could be offered). Ambient music would add to the lively atmosphere.

- **Special Event Court:** The special event court utilizes the former Administration Building, Superintendent's Residence, Assistant Superintendent's Residence (moved from its current location) and possible complementary infill. It would serve as a comprehensive event facility for weddings, quinceaneras, retirement parties, and other celebrations, providing full-service arrangements for such events.

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The Administration Building functions as a one-stop event center, featuring event planning services, caterer, bridal gown and tux shop, decorator, day spa/ hair salon, florist, jeweler etc. Rehearsal dinners and smaller events could be held in the building's lovely reception hall.

Landscaped garden event sites utilizing some of the mature trees would be available behind the Superintendent's Residence and/or in the courtyard between the buildings. Receptions could be held in trellised or tented areas in the courtyard, at the nearby Chapels, or at facilities in the Dining and Entertainment Plaza.

The Superintendent's Residence could serve as a B and B for the bride and groom, featuring a reception area and robing rooms for the wedding party. The Assistant Superintendent's Residence could function as an intimate fine-dining restaurant, tea room, or as an additional B and B for wedding party members. Alternatively, either building could house additional event service businesses.

- **Junior Boxes:** Prominent junior box stores also attract attention from Whittier Boulevard.

- **Boulevard Shops:** Shops and restaurants along Whittier Boulevard are separated by landscaped openings, framing views of the junior boxes, Special Event Court, and Dining and Entertainment Plaza.
- **Transportation Frontage:** Attractive transportation frontage on Whittier Boulevard provides transit stops and access for vehicles, bicyclists and pedestrians. A welcoming entry road winds its way past the impressive front of the former Administration Building and into the residential part of the development, while a pedestrian gateway guides visitors through the Special Event Court to the interior of the project.
- **Distinctive Corner Features:** Flanking commercial structures, monumentation and signage at the corner of Sorenson and Whittier Boulevard make an especially grand and inviting architectural statement.

The Lincoln Specific Plan proposes a road separating the rear of the Administration Building from the front of the Superintendent's Residence. Our alternative reroutes that road to the FRONT of the Administration Building, thus showcasing and highlighting what is arguably the most dramatic and iconic facade representing the history of the property. The result is that the area identified as "Heritage Court" in the Lincoln Specific Plan is actually a more cohesive courtyard and retains the important historic context that the two buildings have always had.

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Our alternative also seeks to address the fact that the Lincoln Specific Plan places a new structure directly in front of the Administration Building, further hiding it from view. Our plan relocates the square footage occupied by that proposed structure to retain the visual prominence of the Administration Building and to establish a continuity between the two historic commercial areas we are proposing.

Chapels

In addition, we seek to coordinate the above concept with needs identified by the Whittier arts community. We support their proposal that a consortium of Whittier arts organizations lease and manage the Chapels as a live music performance and arts education facility, one that could also be rented for private events.

The two adjoining chapels, one intimate and one large, with their shared foyer, would offer beautiful locations for indoor weddings and ceremonies of different sizes, serviced by businesses in the Special Event Court. The current large classroom wing of the building would similarly be appropriate for catered receptions. This lease/management arrangement could work whether the Chapels were privately owned, or preferably, city-owned. Art-in-public-places funds could even support these uses.

Summary

The above concept has a number of environmental advantages. It unifies uses for six of the historic structures, creating in the process a more viable historic district. In doing so, it strengthens the opportunity to take advantage of national historic tax credits that are available for rehabilitation projects that serve commercial purposes. Further, it saves money and time for the applicant and reduces environmental impacts by requiring less grading than the current plan.

Our proposal also better meets four of the stated objectives of the Lincoln Specific Plan, while detracting from none:

Generate net revenue for the City of Whittier General Fund: Our Alternative Commercial Concept creates two vibrant historic commercial areas designed to form a regional retail destination with the potential to generate more economic activity than the proposed, more conventional, commercial configuration.

Create public space amenities within the commercial area: As currently presented, the Lincoln Specific Plan does not meet this objective. Our alternative creates a plaza and courtyard that will serve as gathering places, not only for people from within the project, but for people in surrounding neighborhoods and beyond.

Provide for diversity in architectural design along with traditional design elements reflecting some of the characteristics of older, established Whittier: Our alternative better preserves Whittier's historic architecture by preserving more of the site's historic buildings. It reuses existing building materials in an even more sustainable way by leaving them on the buildings.

Create connectivity between land uses: Our alternative connects commercial uses to the Chapels, further integrating the historic resources as a focal point for the development. Some Special Event customers will rent the Chapels, and concert attendees at the the Chapels are likely customers for the Dining and Entertainment Plaza before and after events.

Continuum of Care Project Alternative

Despite the fact that many prominent citizens in Whittier have identified the need for a senior continuum of care facility in Whittier, and the city recently conducted a market study confirming the viability of such a facility, no project alternative was presented in this EIR to fill that need. The Whittier Conservancy believes that such an alternative should be studied.

A senior continuum of care facility would offer independent living and active adult residences that are integrated with Assisted Living and Skilled Nursing services for seniors. There is currently no facility in Whittier fitting that description, and long-time residents are leaving town to find one. Development of the Nelles property offers an

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opportunity to take advantage of a booming market driven by aging Boomers and their even more vintage parents.

The inclusion of such a facility would better meet plan objectives to *“Provide for a range of housing types and opportunities to address a variety of lifestyles, life stages and economic segments of the marketplace.”*

Such an alternative also promises to substantially mitigate several of the impacts identified in the DEIR, since residents of such facilities have fewer cars, or have stopped driving altogether, resulting in more internal capture and reduced traffic.

In such a context, the historic Infirmary could be adapted to function successfully as a skilled nursing component. As a matter of clarification, The Whittier Conservancy never intended to suggest that either the Infirmary or the Maintenance Garage could or should function as a stand-alone assisted living facility, as considered in the DEIR. Uses related to senior care were always intended to function within the context of a larger more comprehensive senior community.

Increased Density and Open Space Project Alternative.

The Whittier Conservancy believes that a project alternative featuring increased density and more open space should also be considered. As indicated in the DEIR, the city open space requirement for a project this size is 7.3 acres. Currently, the Lincoln Specific Plan only provides 4.6 acres of open space, even when the preserved Chapels are counted toward open space requirements.

This is insufficient to Whittier’s current and future needs, as the 0-14 age group comes to dominate Whittier demographics. This development needs more play areas, and the environmental advantages of providing more open space should be considered.

Doing so also offers the opportunity to preserve more of the current landscape features, including the mature trees on the property. Revenues to the city would be the same, but the status of the historic landmark would be more intact.

In addition, the pedestrian trail, as currently configured, is little more than an enhanced sidewalk, entering the property in two places, tracking two internal streets and ending at a locked gate adjacent to the PIH property.

We contend that a trail worthy of the designation should be a landscaped path that winds its way throughout the property, forming a loose loop that connects the various internal neighborhoods and commercial components.

An alternative like this would better meet plan objectives by truly creating *“connectivity between land uses,”* providing *“recreational amenities within walking distance of residential neighborhoods,”* and more fully promoting the “healthy lifestyles” promised in Lincoln marketing materials.

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Reuse Feasibility Study

As mentioned earlier, we question the so-called “impact analysis” and “lost-land” calculations that subtract any land occupied and associated with historic resources from potential “revenue-generating” land.

While Spectra’s work determining rehabilitation costs was extensively peer-reviewed, there was no such peer review for the assumptions and methodology employed by EPS to claim that further retention of historic buildings threatens the economic feasibility of the entire project.

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These claims appear to have been accepted without independent, objective scrutiny. And scrutiny is required when such overarching statements are made by a company hired by the applicant. Further, the site assessment done by the Galloway Group, which is referenced multiple times as underpinning much of this contention, is nowhere to be found in the DEIR at all.

Also, while the analysis is quick to conclude economic infeasibility if all historic buildings are preserved, it does not locate the tipping point between so-called “feasibility” and “infeasibility.” Where is it?

Were peer reviews incorporated into the DEIR? It’s not clear they were. For example, on page five of the peer review conducted by Structural Focus, attention is drawn to the fact that Spectra’s report states that upgrades are not required for the foundation systems (page three), but then goes on to include the cost of strengthening foundations and replacing the slab on grade for several buildings. This contradictory material remains in the current Reuse Feasibility Study.

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We contend that the costs of demolishing historic buildings should be itemized and quantified as part of new construction estimates.

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There is also an internal contradiction on page 21, where the text indicates that because the proposed use for the Gymnasium is consistent with the developer’s planned uses for the area, “there may be no net reduction in the allowable retail building square footing in the Lincoln Plan.” But in their calculations they proceed to deduct \$1.2 million for the loss of revenue-generating land anyway.

This highlights the fact that the subsidy analysis is subject to wide variability depending on the use chosen for a particular resource. That is why more care needs to be paid to identifying the best possible use for each structure as they relate to the project as a whole and as they relate to one another.

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If some of the historic resources are grouped, in place, as we do in our Alternative Commercial Concept, and used in ways that complement each other and the project as a whole, then the negative fiscal impacts predicted in these analyses are mitigated or

eliminated. Indeed, context has a lot to do with the success of any commercial endeavor. How businesses relate to each other matters.

The analysis in the Reuse Feasibility Study assumes that historic resources will be inherently out of place and therefore non-contributory to the whole. Indeed, if you were to place a historic resource in the middle of a conventional shopping center, it might seem incongruous. For example, the 1909 Duarte School, the historic Fullerton Train Depot, or the Anaheim Packing House, all of which contain successful dining enterprises, might seem out of place in a conventional mini-mall that housed a Dollar Store, a Trak Auto, and a pawn shop. But we think few would argue that the historic resources identified above should be demolished in favor of a new strip mall.

9-13

We contend that the costs and negative economic impacts of retaining historic buildings are dramatically overstated in the Reuse Feasibility Study and the profitability of the project to the applicant vastly understated.

Specifically, regarding the “subsidy analysis,” which projects the potential market value of adaptively-reused historic structures and compares that to the costs associated with preservation, we contend that scrutiny is required from an objective, independent consultant, not one hired by the applicant. Preferably such a consultant would have expertise in preservation valuation and financing. As previously stated, we also believe these buildings could have much higher values if used in a meaningful, integrated context.

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In addition, we seriously question the validity of the so-called “impact analysis,” which deducts all land related to historic structures and subtracts from profits the value such land could have if sold as a finished pad. This subtraction assumes that the historic structures, if rehabilitated and retained, have no value whatsoever to the applicant. However, in the subsidy analysis, a market value for the structures is projected.

We contend that projected profits from the sale of finished pads on the so-called “lost-land” need to be measured against the values identified in the subsidy analysis for the same land if historic resources are rehabilitated and retained.

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For example, if the market value of the retained Gymnasium, Maintenance Garage, Auditorium and Infirmary, even at the questionably low values shown in the subsidy analysis, are compared to the values potentially obtainable through the sale of finished pads, then the retention and sale of the historic resources actually result in an increased value of \$1,892,290, not a loss of \$6,296,500, as the impact analysis contends.

The Reuse Feasibility Study goes on to project total revenues to the applicant of \$125.5 million, based on the sale of finished pads at \$47 per square foot over 61.3 available acres. It also estimates that the profit margin for the applicant will be 25% based on an agreement between the state and the applicant to share profits that exceed the 25% threshold. But nowhere in the document does it say what the applicant’s actual expected revenues, costs or profit margin will be.

Even if one were to accept the projection of a 25% profit margin, page 40, item 5 states that “the entitled, improved land at Nelles will be worth roughly \$125 million” and that “a 25 percent profit margin on such a project would be \$25 million...” Profit margin, as typically defined (net profit as a percentage of revenues) would actually, in this instance, be \$31.3 million. This is confirmed in the calculations on page 42, where a presumed profit margin of \$25.1 million is shown as 20%, not 25%, of total revenues.

So, what is the actual projected profit margin?

Further, the EPS analysis is premised on the contention that profits for the project applicant end at the sale of finished pads. But, in reality, divisions of the applicant corporation will be building and selling residences on those finished pads, yielding, according to the fiscal report, a finished project value of \$283 million. In this light, it would seem that projections of the project’s demise due to the preservation of historic buildings are wildly exaggerated.

The historic resources at Nelles are approaching a century of use. If allowed to continue to serve the community, they will stand for another century and more, long after conventional shopping centers (and the businesses that occupy them) have been forgotten by everyone. Preservation is the sustainable alternative.

The Lincoln Specific Plan is designed to serve short-term needs by creating a conventional retail area that can be found in Anytown, U.S.A. But Environmental Impact Reports are designed to identify long-term impacts. Similarly, we urge the lead agency and civic leaders to consider their long-term legacy and look for long-range benefits.

Where such distant vision is required, the economic analysis provided in the Reuse Feasibility Study is myopic in its assumptions. Even if one were to accept the inflated and, we think, erroneous contention that historic preservation would inherently reduce revenue generating land by 3 acres, that still leaves 71 acres unencumbered, plenty, one would reasonably conclude, on which to generate a healthy profit, especially when the ultimate value of the improved property is estimated to be \$283 million and land acquisition costs are only \$42.5 million.

It’s important to note that CEQA only requires that a project alternative be feasible and generate a reasonable profit, not that it generate equivalent profit to the applicant’s preferred plan. Therefore, the question is not how much the applicant may lose if unable to develop 3 acres in the way they estimate will be most profitable, but can the applicant make a reasonable profit from the remaining 71 acres? In our review of the facts, we say yes to that question. We do not concur that the economic feasibility of the project is at risk if more historic resources are preserved. Rather, we conclude that the value of the project has the potential to rise with further preservation.

Cultural Resources/Historical Resources:

“Development associated with implementation of the Proposed Project would result in significant impacts [to] historical resources within the project site”. (p 5. 4-35) Scoping comments and other information, including the Galvin Report contained in the DEIR, suggest that a range of preservation alternatives should be presented and studied. CEQA mandates such a range, and yet there are not options detailed in the DEIR that would inform the decision-makers about preservation alternatives. The draft is insufficient in this required function as an informational tool the purpose of which is to offer a range of reasonable, meaningful preservation choices.

9-16

The City of Whittier’s General Plan states that, “In order to preserve the historic character of certain neighborhoods, it is *necessary* that historic structures are preserved, ... and maintained in their original form.” (p. 9-1) The Historic Resources Element of the General Plan carries the same weight as the Housing Element; therefore, all *policies* should also be equal in *practice*. How is the proposed project consistent with retention and protection of the city’s historic resources, given the goals and policies stated in both the City’s General Plan and Historic Resources Ordinance? The significance of the Nelles site has never been in dispute. Given that fact, why are the *eight* designated buildings, (aside from the fact that the current Cultural Resources evaluation lists *ten* historic resources) not considered for adaptive reuse at the outset of the project and as part of a reasonable alternative in the DEIR?

The City's General Plan also requires the "establish[ment] of historic districts, as appropriate, to protect Whittier's historic neighborhoods, and to preserve and enhance the distinctive visual and functional image of Whittier." While the current Galvin Report in the DEIR does not support the concept of the Nelles site as a historic district, several other reports do. The Page and Turnbull peer-review of Spectra's study concurs. In addition, the 2005 EIR for the First Amendment to the Whittier Blvd. Commercial Corridor includes the Chattel Report of 2005 that states that, "The subject property is eligible for listing as both an historic landmark and historic district under City of Whittier regulations." (City of Whittier Resolution No. 7794, p. 421) The Chattel Report made thirteen recommendations that included:

RR3- Enact a preservation program to reduce potentially significant impacts to the Nelles Historic District.

RR4—At a minimum, retain a *majority* of the contributing resources of the historic district.

RR5—Rehabilitate ,restore, and reconstruct contributing resources in a manner consistent's with the *Secretary's Standards*.

RR13—Respect the setting of contributing resources. (Res. 7794, p. 419)

9-17

The site retains both integrity and function for purposes of qualifying as a historic district under state, federal, and municipal requirements. The California Office of Historic Preservation has referred to the site as a historic district in correspondence with the Dept. of General Services as recently as Dec.3, 2013. Can the FEIR re-evaluate the issue of historic district status and respond for potential significance and possible inclusion into the final site plan? Can the historic district evaluation be reconsidered based on the fact that when the

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Cultural

currently non-contributing resources are demolished, the remaining cluster of buildings will result in an intact, fully contextual historic district comprised of the five historic buildings within the commercial core and another moved there through accepted mitigation, for a total of six. (see Conservancy Alternative Commercial Concept)

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9-17

New Road Proposed between the Administration Building and the Superintendent's Residence: The intrusion of a road between these two significant structures would have an adverse effect on the setting of the most visible buildings and would detract unnecessarily from their ability to convey their original meaning. *The new road would "render its historic use and setting unrecognizable [and] would diminish its ability to convey its significance as the oldest or first example of its type...".* Altering the setting of both the Superintendent's Residence and the Administration building would diminish the integrity of both buildings by changing their setting and ambiance to a level that no longer conveys the meaning of the Nelles site as a whole. The Whittier Conservancy Plan would diminish these impacts and retain that area's context with little or no damage to the Lincoln Plan as a whole. Can the FEIR address the Conservancy's Alternative Commercial Concept that moves the road to the northwest, thus forming a more cohesive historical context with less disruption to two National-Register-eligible buildings? The Conservancy alternative mitigates and minimizes the possible loss of eligibility of the Superintendent's Residence and the Administration Building while also retaining setting, aesthetics, and historic landscape. What attempts were made in the Lincoln Specific Plan design phase to encourage the connectivity of the two retained buildings in their own setting?

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Documents of Record:

According to adopted City of Whittier Resolution 7794, "Future redevelopment of the Nelles property could result in the potential loss of visual amenities, including mature landscaping and open space that exist, [and] which contribute to the visual character of the site and the historical significance of the existing development." (Res. 7794, p. 23). Mitigation Measure 4.8-1 states that, "The setting of contributing resources should be respected in the design of future development." Where in the Lincoln Specific Plan is this provision applied?

9-19

The First Amendment to the Whittier Boulevard Commercial Corridor EIR was certified in June, 2005 along with Resolution #7794, which adopted the Chattel Report in its entirety. These findings and recommendations are the prevailing documents of record. Were the conclusions and recommendations from these certified and adopted documents considered as part of the Lincoln Specific Plan in the early stages of planning? Were they used as reference materials in the preparation of the current DEIR?

9-20

The Lincoln Specific Plan conflicts with both the adopted Whittier Blvd. Commercial Corridor First Amendment EIR and attending Resolution 7794 as well as with the Historic Resources Section of the Whittier Municipal Code. Specifically, the code calls for the city to:

* Safeguard the heritage of the city by protecting resources that reflect its cultural, historical and architectural legacy.

9-21

*Promote the use of historic resources.

*[Ensure that] all efforts to restore, rehabilitate, and/or relocate the resource have been exhausted.

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Where in the DEIR is there a comprehensive and meaningful preservation alternative? The Alternatives Section of the DEIR suggests a hybrid of sorts, the Reduced Density/Alternative Historic Preservation Alternative. This “alternative” does not look at the preservation and adaptive reuse of the two additional buildings (gymnasium and auditorium) as a sole preservation option, but instead presumes that saving two buildings reduces commercial density. The Whittier Conservancy asserts that this is not an adequate CEQA-compliant alternative to demolition. How does the retention of two additional buildings result in a reduction of the available land area, since those buildings would effectively take the place of *new* construction and retain their own footprint of viable commercial space?

9-22

The lack of a breadth of preservation alternatives result in the DEIR’s deficiency in exhausting all efforts at restoration, rehabilitation, and/or relocation. The assertion that moving the Auditorium, the Gymnasium, and the Maintenance Garage is necessary due to their location in the area to be graded does not allow for the alternative of leaving them in situ. The Conservancy Alternative Commercial Concept (submitted with this document) retains these buildings in place, with fewer alterations to the existing slope. Goals can be accomplished without grading at this site. Will the FEIR address the retention of these three buildings in place and consider their context within a defined sub district that includes two adjoining commercial clusters of three buildings each? (see Conservancy Alternative Commercial Concept)

9-23

The notion that the commercial building area would be reduced to 145,845 square feet is simply not true. These calculations do not give credit for the square footage of the potentially retained historic buildings and they add an incrementally quantified amount of lost available space in parking and surrounding setbacks that do not add up to the “reduced space” stated in the DEIR. The retained buildings do not equal loss of income. In fact, for CEQA purposes, cost does not make a project infeasible. Will the FEIR offer a full range

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of reasonable preservation options from which decision makers can choose a viable alternative?

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Specifically, per historic resource:

Assuming the retention of the Superintendent's Residence and the Administration Building in place, and the relocation of the Assistant Superintendent's Residence to that end of the site, could the Conservancy's Alternative Commercial Concept of a grouping of three resources be included in the historic commercial corner so as to retain both the eligibility and setting of that important entrance to the site?

(See Whittier Conservancy Alternative Commercial Concept) Would this configuration lend itself to the potential for additional historic preservation funding by preserving the setting, and retaining an additional resource? Wouldn't such additional mitigation be beneficial to the retention of the aspects of the entire site that most clearly define its history and presence on Whittier Boulevard? Couldn't this plot plan also act to further mitigate the negative aesthetic impacts of the project, by emphasizing and positioning these three buildings in a more visible, more cohesive, and more pedestrian-friendly manner?

9-25

The Gymnasium, Maintenance Garage, and Auditorium form a well-situated cohesive triangle that could be considered as part of the commercial center. (See Conservancy Alternative Commercial Concept attached). The Lincoln Specific Plan calls for the demolition of all three of these documented resources. Their loss, according to the DEIR, would render the entire site ineligible for future National Register designation and would alter the site irreversibly to a state that, "the significance of an historic resource is materially impaired." To retain eligibility, and thus to qualify for historic tax credits and other financial incentives, can the FEIR specify why these three buildings cannot be incorporated in situ into the commercial center? Where is the data that suggests that their demolition is necessary for grading purposes? Why could they not be adaptively reused in

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place, thus eliminating their adverse impacts and the need for demolition and replacement? Couldn't this concept (part of the Conservancy's Alternative Commercial Concept) also serve as a means to reduce the environmental impacts of the project by applying sustainable building practices that reduce waste and consumption of raw materials by a substantial amount? Has this been considered in any context other than the individual building analyses prepared for this DEIR?

9-26

Why was the assessment on the financial feasibility of preserving, adaptively reusing, and/or moving the historic structures prepared by the applicant's consultant and not by the lead agency, the City of Whittier? The distinction is important to the independence and reliability of the information provided. Why is there no peer-review of the EPS data and assumptions?

9-27

Can the FEIR do an economic and sustainable analysis of the retention vs. demolition of this grouping (gym, auditorium, and garage) and address the proposed grading required in the draft? Reuse would eliminate many of the adverse significant impacts, resulting in the retention of eligibility of these three buildings individually and within the context of the Conservancy's proposed historic district that would include all six of the commercial buildings in the northwest quadrant of the site.

9-28

The Chapels are currently located in the center of the proposed park. Mitigation in the DEIR allows for their rehabilitation and retention as a recreation center or some other use within that designated space. The Conservancy concurs that this mitigation is sufficient to preserve and protect the chapels and adaptively reuse them for homeowners' purposes. Has the total square footage of the chapels been subtracted from the overall square footage of the park, so as to generate the NET square footage of open space that remains? Can the chapels be adaptively reused for community purposes, with potential revenue calculated into the project's costs to offset the cost of rehabilitation? Can ongoing revenue be applied to the project's long-term net revenue?

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The Infirmary, currently slated for demolition within the proposed project, is also a historically significant and designated structure that retains integrity and can be repurposed for an alternative use. Could its use as a care facility, within a continuum-of-care residential community, be assessed as a potential adaptively reused structure? If so, both the infirmary and the entire Nelles site could retain their integrity and remain qualified as a National Register site, conveying the long-term use of both the infirmary and the site as a whole.

9-30

The Track and Field together constitute a historic resource that contribute to the California Register site. In scoping comments, mention was made of the city of Whittier's lack of field and practices facilities and the potential that the Nelles site had for remedying some of this need. Could the site be used as a revenue-generator if leased to clubs, schools, and teams? Could the FEIR address the need for such a facility, compare it to the General Plan's goals, and consider it as open space in line with the city's need for usable parkland?

9-31

Cumulative Impacts:

As part of the FEIR, we would like to see the city consider the cumulative effects to the community upon the loss of the Nelles historic resources.

Beginning in the post-war building boom of the 1950's, many of the city's most notable historic structures were demolished, including the magnificent Carnegie Library in Uptown. Numerous homes from the earliest settlers were razed along with churches, schools, and other community landmarks.

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The Sylmar earthquake of 1971 resulted in the demolition of the Quaker Church and fires took the William Penn Hotel, the Roxy Theater and more.

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Redevelopment in the 1970's and 1980's changed the landscape of the intact residential neighborhoods of Uptown when large, incompatible apartment buildings with little or no parking replaced single-family dwellings of the 'teens and twenties. These historic neighborhoods have never recovered.

The ultimate assault came with Mother Nature in the form of the 1987 Whittier Narrows Earthquake. Much of the historic core of Uptown Whittier was either destroyed or severely damaged. Hundreds of homes and stores were affected. It was the vision and work of the Whittier Conservancy that led to the creation of the first historic district, Central Park; and subsequently the North of Hadley Residential Historic District which promoted the concept of historic preservation as a planning tool. These neighborhoods, now stable and secure both physically and economically, are a testament to what good preservation practices can do to make a community better.

9-32

When all of the previous losses are considered, the Nelles site--having been part of the community since its inception in the early 1890's and a driving force in the establishment of Whittier as a viable presence in the growth of Los Angeles and northern Orange Counties--is clearly one of the last remaining, intact historic resources in the region. Its designation as a California Landmark (#947) makes its retention within the redevelopment of the site even more valuable. All of this should be considered within the DEIR as a reasonable alternative to demolition, not a last option. This DEIR makes little mention of meaningful alternatives that would allow for considerations other than demolition of most of the well-documented historic resources, including the Nelles site as a whole. Can the FEIR address the cumulative impact of the loss of this site with all of its attending resources and also consider other alternatives?

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Other Comments and Questions:

The feasibility analysis done by EPS was commissioned by Brookfield, the applicant. Was this an independent study done pursuant to CEQA requirements to determine the feasibility of the retention of the historic resources? Is it an objective analysis done within the scope of the DEIR under the direction of RBF Consultants? Was the EPS report done *for* the DEIR at the request of RBF, or is it a report commissioned by Brookfield and given to RBF for inclusion into the DEIR?

9-33

Where in the DEIR is the *totality* of the project's economic viability within the seventy-four acres measured against the same with or without the eight historic buildings? Why is the track/field not included as part of the economic study for rehabilitation and restoration? The eight historic buildings represent a very small percentage of the total square footage of the site. Leaving ALL of them in place would result in a net of over seventy acres still available for development. Is this DEIR concluding that the applicant can make no profit on seventy acres of developable land?

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The DEIR refers to the City of Whittier's consultation with the State Office of Historic Preservation. Can the FEIR include the dates of such correspondence and any information gathered from those consultations?

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Mitigation alone cannot serve as a substitute for a meaningful preservation alternative. The Whittier Conservancy believes that the CEQA process requires a reasonable range of alternatives above and beyond the mitigation proposed in the DEIR. Will the FEIR correct this inadequacy and provide reasonable alternatives?

9-36

The Lincoln Specific Plan, prior to mitigation that cannot be assured at this time, calls for the demolition of six of the eight historic structures along with two additional historic resources: the track/field and the site as a whole. Even with the suggested potential mitigation which would retain the Chapels building and

9-37

the Assistant Superintendent's Residence, under this scenario integrity will be compromised to the point that the site as a whole will lose its ability to become a National Register Historic District and a majority of the contributing resources on the site will be lost. What measures can be taken to ensure the ongoing eligibility of both the site and the historic resources? Can the FEIR address a more inclusive range of alternatives?

Cultural Resources: Trees

The Tree Evaluation done for Brookfield, dated June 12, 2014, states that "few, if any" of the trees can be saved due to conflict with the proposed plan's grading and drainage" schemes. The Page and Turnbull Tree Report, done for the state in 2004 and the Chattel Study of 2005 detail the tree-scape as part of the site's overall historic nature. Since the entire site is California Landmark #947, why aren't the trees considered as part of the cultural resources and deemed eligible for consideration along with the other resources?

The current report states that the site has been neglected and left without water since the school's closing in 2004. We have been told that the grounds were maintained until water pipes burst about four years ago. Could the chance for survival be better than what is suggested in the report? Since no core boring or pathology samples were done, how can we know for sure what their condition is?

Brookfield's solicitation of the current Tree Evaluation is somewhat self-serving, since it was done outside the scope of the CEQA process in which the lead agency, the City of Whittier, should have initiated the report. The findings should have been shared with Brookfield at the time of the release of the draft, not two months prior to the time that the public received the same information. The applicant's ability to review EIR documents prior to public disclosure falls outside the intent and purpose of the independent CEQA review process.

The Whittier Conservancy is skeptical of the finding that ALL of the trees must be removed in order to accommodate the proposed development. What about the mature trees that surround the Administration Building, the Superintendent's

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Residence, and the Chapels? Are they so stressed that they must be removed as well?

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The Tree Evaluation states that “there are a good number of trees that could be restored to health given enough time and specific care.” It further states that, “Project design is still at the conceptual, Specific Plan stage; therefore the final placement of buildings, roads, utilities and other improvements will not be determined until later stages.” If this is so, why the rush to destroy all of the culturally site-significant landscape? Why is there not a *plan* to preserve and protect mature trees that could be incorporated into the future landscape scheme of the proposed project? Since the trees near the chapels are not in the way of any future development, why are they not able to be preserved?

9-39

The trees should be considered a cultural resource for purposes of CEQA and treated similarly to the other resources that must obtain a Certificate of Appropriateness prior to removal.

Cultural Resources: Pre-history

The Duke Cultural Resources Management Report that analyzes the pre-Quaker settlement of the area refers to the period of Mexican influence (1821-1848). It was during this time that Pio Pico, the last Mexican Governor of California lived at El Ranchita, another California Landmark just down the road from what is now the Nelles site. We believe that Pio Pico’s acreage, part of the old Bartolo Mexican Land Grant, was either adjacent to or covered the Nelles site prior to Quaker settlement. If so, the potential for artifacts from the time of Pio Pico could be present and may be found on excavation. Will the site monitor be made aware of such potential findings? Please note.

9-40

The potential for human remains from the early Nelles years should be considered in addition to the possibility of Native American remains on the entire site, not just where specific grading is done for site-specific buildings. This condition should be stipulated in the monitoring process with *local* preservation and archeological officials present to oversee these activities. Will this occur?

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LAND USE and PLANNING

SCAG Growth Visioning Program

SCAG's regional growth vision derives from the four key components of Mobility, Livability, Prosperity, and Sustainability. In order to achieve these goals, they encourage four areas of concentration in the planning of future development:

- * Focus on major transportation corridors
- * Create mixed-use development and walkable communities
- * Consider planned transit stations
- * Preserve existing open space

9-42

The Lincoln Specific Plan DEIR lacks sufficient data to show how three of these four goals can be met: mixed-use, transit-oriented, and open-space friendly. The definition of "mixed-use" in the development lexicon suggests interactive housing/commercial occupying the same integrated space. The current plan calls for commercial development to be separated from the residential component, making it inaccessible to the mid-sized retail from the interior without walking through large, traffic-centered parking lots. How does the Lincoln Specific Plan reconcile this and where is the information in the DEIR that supports this concept?

The proposed Gold Line light-rail extension will be coming to Whittier in the next two decades. While its presence may fall just outside the time-frame for the build-out of the proposed project, why haven't its implications been studied as a part of the environmental assessment in the DEIR?

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Numerous recent reports by the National Trust for Historic Preservation prove that the most sustainable way of lessening a project's impact on the environment is to preserve, adaptively reuse, and restore existing buildings. Projects that employ sustainable construction practices reduce landfill tonnage, reuse and recycle existing materials, and recapture the physical energy already spent on the initial construction of the those buildings. Without the consideration of a meaningful preservation alternative in the DEIR, sustainable building practices by way of adaptive reuse have not been addressed. According to the National Trust for Historic Preservation, "the construction, operation, and demolition of buildings accounts for well over 40% of the U.S.' carbon dioxide emissions." Conversely, reusing and retrofitting does the reverse. How much waste will be generated by the destruction of the site and how much could this be reduced by saving all eight of the historic buildings? Was this tonnage calculated into the proposed project's environmental impact assessment?

9-44

The conservation and improvement of our existing built resources, including re-use of historic and older buildings, greening existing building stock, and reinvestment in older historic communities, is crucial to making our urban spaces greener, more livable, and healthier. (NTHP)

9-45

Since the preservation of the existing buildings is also *a proven economic incentive*, why does the DEIR not contain pertinent data to support a preservation alternative?

GENERAL PLAN CONSISTENCY

LUE 1.6---Not Consistent City Policy is to "promote adaptive reuse of historic structures." In measuring required consistency with the City's General Plan, the determination was made that:

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The Specific Plan proposes to preserve/reuse two of the eight historic structures on-site and...the Chapels Building and Asst. Superintendent's Residence would be required as mitigation within this EIR. The adaptive reuse of the remaining four historic structures Was determined to be infeasible; (p.5.9-10)

9-46

This determination is flawed for three reasons: it does not fulfill the city's policy of adaptively reusing historic structures; the adaptive reuse of the remaining four structures was NOT determined to be infeasible, *structurally*. Only the *economics* of saving them was considered to be infeasible DUE TO COST. **Cost cannot govern the feasibility of preservation within CEQA.**

LUE 3.2---Not Consistent While the city's *Policy* encourages the "grouping of commercial activities," the DEIR cites the separation of the commercial from the residential as the determinant of consistency. "Grouping" and "separating" are not the same and result in the very opposite of the definition of "Mixed-Use."

9-47

LUE 3.3---Not Consistent "visual quality with regard to trees, historic buildings as seen from public viewpoints." Not consistent with policy of "Improve, protect, and maintain the visual and aesthetic qualities of commercial areas."

9-48

LUE 5.1---Not Consistent "Develop and *retain* parks and recreation areas throughout the City to serve the greatest number of residents." There is a viable track and field that is listed as a historic resource and, therefore, must be considered as such under CEQA. The demolition of this resource does not retain, but rather demolishes an existing resource and the proposed plan provides less

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than the required open space per code. Fees cannot make up for this deficiency and the loss of this resource was not addressed per the Certificate of Appropriateness requirements.

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LUE 5.2, 5.3, and 5.4---Not Consistent, same as above

LUE 6.1---Scenic Areas---Not Consistent

City policy is to "promote the retention and development of landscaped buffer zones along major thoroughfares, streets, and railroad lines." Proposed Plan consists of the destruction of existing mature trees along both Whittier Blvd. and within the periphery of the two main historic buildings that front the boulevard.

9-50

LUE 7.1—Goal 7--Promote Mixed Use Development---Not Consistent

The definition of "mixed use" as applied in urban land development use clearly is not intended for tract-like homes at one end, apartments in the middle, and commercial at the other end. Mixed-use is integrative and promotes a synergy whereby residents and businesses co-exist in an interdependent, close, and sometimes simultaneous physical space and are mutually interactive and reasonably close. The proposed project separates the residential from the commercial. How is this consistency applied?

9-51

LUE 8.1—Goal 8--Preserve Institutional Uses---Not Consistent

This provision assumes that the only former use is that of a correctional facility. In fact, the period of significance for this historic site is established at the time of its use as a reform school. For this reason, an institutional use, once suggested by nearby Presbyterian Hospital, could be a nursing school. The layout of the site is perfectly conducive to the adaptive reuse of the historic buildings--and their

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attending physical site amenities, like topography and trees.” The Infirmary is ideally suited for some kind of care facility adjoining the hospital. The DEIR’s notion that there was only one concept, that of the correctional facility, leaves little room for uses other than a prison. Where is the idea of *reform*? How is this consistent?

9-52

According to the needs assessment done for the city’s recreational fields and youth sports facilities, there is a dire need for additional space. The track and field, identified in the DEIR as a significant historic resource and institutional use, could serve that purpose and fulfill one of the policies of the General Plan. Where is that noted?

9-53

Housing Element

HE 1.7—Maintenance of Amenities—Not Consistent

This policy requires “landscaping, trees, urban design, parks, etc. [to] provide beauty, identity, and form to this City and the residential neighborhoods within the community.” How do the destruction of all of the trees on the entire site, the culturally-defined landscape, the urban design of the site during its documented period of significance (1912-1927), the loss of the urban open space, and the destruction of the track and field allow for consistency with the *policy of maintenance*? (p. 5.9-14)

9-54

HE 1.8—Parks and Community Recreation—Not Consistent

This policy work[s] to provide local parks, including special facilities for community recreation with an average ratio of 4.8 acres for every 1,000 people. The proposed project not only doesn’t meet this goal; it substitutes park fees for land in basically the only development where open space presently exists for such facilities. This is not the intent of the General Plan. Also, the proposed project

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demolishes an otherwise usable, much-needed recreational facility, the track and field, at a time when the City's own facilities directors say that there is not enough youth sports acreage to serve the needs of the community. Where is the consistency? Can the project's goals not be met with less acreage for building and more for recreation?

9-55

HE 2.3—Housing Arrangements—Not Consistent

Policy calls for "a variety of housing...with reference to topography, traffic circulation, community facilities, and aesthetic considerations." The fact that the proposed project suggests the demolition of all but four resources on site, grades the entire site to a flat, padded, unnatural state, rejects the track and field as a viable recreational facility, and plans building pads that will obscure the two prominent historic buildings--the Administration Bldg. and the Superintendent's Residence--underscores the fact that there was no effort to be consistent with either the intent or the word of the General Plan.

9-56

HE 2.5—Topography---Not Consistent

This policy "promotes development that...does not disrupt the fragile natural topography." The development at the center of the commercial core that comprises six of the significant historic structures would be leveled and rendered unrecognizable as the former Nelles site. Why not include the natural topography along with those six buildings in their natural setting?

9-57

HE 2.6—Continued and New Investment---Not Consistent

The policy encourages "new investment in the established communities of Whittier." The argument for GP consistency says that the "forecast [is] to create approximately 491 new jobs with the Specific Plan area." Since the proposed plan calls for medium-size retail and food establishments, most of these jobs will

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be minimum wage jobs. Can the DEIR state how the creation of low-paying jobs will help investment in the community compared to the cost of services to those 491 people? What will the average price of the apartments in the project be? Is it possible for a minimum wage-earner to afford to live within the project? How are these types of jobs supposed to spur the economic vitality of the community?

9-58

HE 3.2—Affordable Housing—Not Consistent

According to the DEIR, since the demise of state redevelopment funds, there is no requirement for subsidized affordable housing. Will all of the proposed housing on the site, both owned and rented, be market-rate housing? How does that fulfill the GP policy of establishing housing for all income levels of the population?

9-59

Historic Resources Element

HR 2.3—New Development Near Historic Structures—Not Consistent

The policy “encourages new development near historic structures, sites, or districts to be compatible with the existing significant structures in scale, material, and character.” The conceptual plans for the proposed project call for a “formula” of developer-driven commercial buildings that have neither spacial nor character-defining features of the designated historic structures; nor are they in any way relevant or complementary to the historic site. How can this be remedied?

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WHITTIER BOULEVARD SPECIFIC PLAN CONSISTENCY

Revitalization Strategy for the Corridor—Not Consistent

The WBSP calls for the plan to “showcase the high quality of Whittier from the Boulevard.” Yet the proposed project calls for a shopping center that is of conventional design and quality. It proposes graded, denuded, leveled, ordinary square dirt pads that would accommodate possible fast food restaurants and-- as the applicant asserted in the public forums—“regular kinds of stores” along the portion of the boulevard the placement of which hides and diminishes the best of the beautiful historic buildings.

9-61

How does this “showcase the high quality of Whittier” and distinguish the proposed stores from any other development in Southern California? How is this a revitalization strategy if the same type of center is located every few miles east or west of the proposed site?

The WBSP states that development of the Nelles site “must comply with all standards of the Workplace District section.” The proposal includes zoning amendments that would compromise the Workplace District, leaving no opportunity for other usages that might be complementary to PIH. How is this viewed as consistent with the current plan? While the “Specific Plan” designation is technically legal, the intent of the Workplace District zoning will be ignored to accommodate the project. How is this consistent?

9-62

Reduction of the Amount of Land Zoned for Retail—Not Consistent

Changing the nomenclature does not change the facts. The change of zoning to “Specific Plan” does not alter the fact that retail is exactly what will be fronting the boulevard and exactly what will compete with close-by shopping clusters that ~~already exist~~, especially the Marketplace directly across the street and the historic gem of Uptown. *The economic and urban decay data used to support the proposed project is inaccurate and will be challenged.*

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WHITTIER MUNICIPAL CODE CONSISTENCY

Historic Resources Ordinance (18.84)

9-64

The DEIR states that, “a Certificate of Appropriateness would be required as part of the Project’s discretionary approvals.” (p. 5.9-35) Under what provision of the Whittier Municipal Code will the historic resources of the Nelles site be considered for a Certificate of Appropriateness for demolition?

Development Review (18.56)

9-65

The DEIR states that, “All future development proposals within the Specific Plan area boundaries would undergo development review in accordance with the City’s established process” and that this would apply to “all multi-family residential, office, commercial, and industrial development.” Further, “compliance with the Specific Plan would be verified on a project-by-project basis through the City’s established development review process.” (p. 5.9-35) Will *individual* development proposals within the Lincoln Specific Plan have development review separate and apart from the approval process of the *conceptual* plans in Proposed Project?

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REVIEW OF URBAN DECAY ANALYSIS

In US census data, household income data for City of Whittier is similar to that found in communities such as Monrovia, West Covina and Fullerton. The consultant's methodology for projecting household income lifts Whittier Retail Trade Area household income to levels found in communities such as San Mateo, Beverly Hills and Walnut Creek. Does the consultant's methodology perhaps overstate income levels of the trade area? This comparison error could overstate the economic potential of the WRTA by as much as 53%. Wouldn't the adjacent communities of Pico Rivera and Santa Fe Springs provide a more realistic household income comparison? How would revenue potential for the project site look at the lower levels of income?

9-66

On page 8, the consultant cites total existing effective square footage of retail space in WRTA at 2.69 million, with potential demand for an additional 550,000 square feet. This would seem to suggest total current demand for a total of 3.24 million square feet. On page 20, the consultant reports existing effective square footage (including vacancies) at 3.4 million. Does this mean that existing inventory exceeds existing demand and the 195,000 additional square feet proposed for the project site will create even more retail space than there is currently demand for?

9-67

Are real-world traffic patterns consistent with the consultant's modeling of the WRTA? A house at Colima and Mar Vista is closer to Puente Hills Mall than to the Project Site. Can the consultant model WRTA based on average travel time instead of distance?

9-68

How does travel speed on congested east-west surface streets such as Whittier Blvd. compare to that of faster north-south travel on I-605? Should the consultant more realistically depict the trade area of the project site as extending from Carmenita on the East to Paramount on the West, and from Imperial on the South to Rose Hills Road on the North? How would these adjustments affect the average household income of the WRTA?

9-69

If WRTA is really 550,000 square feet short of actual current retail demand for the area, how does the consultant explain the presence of any existing vacancies? If the project site fulfills less than half of the retail demand projected for future years, why is the developer building homes instead of more retail space? Is this evidence that even the developer doesn't believe the consultant's projections for future retail demand?

9-70

Where does the consultant project future population growth to originate? Will population result from an increased birth rate within the existing community, or an overflow of population from surrounding communities? Will population growth resulting from migration tend to originate from the direction of Orange County, or from the direction of Montebello and East L.A.? Is the developer building for a population reflecting the

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household formation patterns and rates of occupancy, tastes, culture and values of Orange County or of East Los Angeles?

9-71

How does the Whittier community's above-average rate of children in the home affect the area's average disposable income per household? Are the WRTA households younger than average? Do these households have less per capita to spend in retail businesses? Does the large number of children per household dilute per capita income, and how might this affect the aggregate spending potential for the WRTA?

9-72

What evidence is there that average retail spending numbers derived from the National Consumer Expenditure Survey are applicable to Southern California, which is one of the nation's most costly housing markets? If households are spending relatively more for housing, how is it possible that they would spend the same share of total income on retail purchases? Wouldn't this assumption tend to over-state retail revenue of WRTA.

9-73

Are national shopping center norms for retail demand applicable to WRTA? Has the consultant examined the relative performance of Whittier area retail businesses compared to those of national averages? Are Whittier area businesses as efficient and/or profitable as similar businesses in other areas? Does a trade area encompassing a larger number of relatively older, more locally owned and perhaps less profitable family businesses face a greater threat from new competitors than does an area with a more robust or balanced competitive environment?

9-74

If the developer has not secured a single agreement to lease from any potential occupants of the proposed retail space, aren't all of the consultant's projections based on assumptions and guesswork and typical patterns of development which may or may not ever be realized in the project area?

9-75

Does the consultant believe that the capture rates on page 16 resemble the actual mix of businesses that are likely at the project site? The consultant seems to have done no specific analysis regarding the mix of existing WRTA businesses by category of product or service. This would seem to suggest that all projections regarding who may occupy the project site and how those occupants may compete or not with existing businesses, are pure speculation. How can the consultant forecast the likelihood of future business failures and urban decay without some more specific information or more explicit assumptions about present business performance in the WRTA, or more specific information about the proposed occupants?

9-76

The chart on page 18 suggests CAGR of .58% for the WRTA sales during the 2014-2024 period. UCLA forecasts California's near-term annual growth rate in the range of 3.1% to 3.4% How does the consultant reconcile these numbers? What astute businessperson would invest in a business in a trade area in which growth is projected to seriously underperform the overall state economy by such a wide margin?

9-77

Table A-2 is labeled “per capita income,” but the numbers would seem to resemble household income numbers cited elsewhere in the report. Is the table mislabeled?

9-78

The consultant’s case for minimal risk of urban decay seems to rest primarily on the proposed project’s relatively small share of total WRTA sales and square footage, compared to existing development. If it’s such a small share of the total, why is it important to do at all? If the project has such limited impact on WRTA, why not find a different project that would do more to contribute to the city’s tax base and quality of life? If the project is so inconsequential, why not encourage a more consequential development? Why settle for such a low-key, inconsequential retail development? Why not imagine a development that will draw customers from more than three miles away? Is this the best we can do with 75 urban acres?

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RESPONSE TO COMMENT LETTER NO. 9

Ted Snyder Whittier Conservancy
November 29, 2014

- 9-1 This comment provides an introduction to the letter, raises concerns related to the range of historic preservation alternatives analyzed in the Draft EIR, and includes statements related to mitigation and their relationship to the alternatives considered. Refer to Topical Response A pertaining to the range of historical alternatives considered in the Draft EIR.

The commenter provides a statement that the Draft EIR combines discussion of mitigation with alternatives, prior to any decision as to which alternative the City may choose. It should be noted that the mitigation provided within Section 5.4, *Cultural Resources*, of the Draft EIR, is independent of the various alternatives analyzed within Section 7.0, *Alternatives to the Proposed Action*. The proposed Project includes the adaptive reuse of two structures (the Superintendent's Residence and Administration Building), while Mitigation Measure CUL-3 requires the adaptive reuse of two additional structures (the Chapels Building and Assistant Superintendent's Residence). The Reduced Density/Additional Historic Preservation Alternative analyzes a scenario in which two completely separate buildings would also be adaptively reused (the Auditorium and Gymnasium). As such, the assumptions under the Reduced Density/Additional Historic Preservation Alternative are separate from Mitigation Measure CUL-3, with the intent of analyzing an alternative that potentially reduces or eliminates the Project's significant impacts to historical resources.

- 9-2 This comment provides an introduction to comments regarding land use consistency later in the letter. It does not raise new environmental information or directly challenge information provided in the Draft EIR. No further response is necessary.
- 9-3 The Fiscal Impact Study, Tree Evaluation, and Reuse Feasibility Study were prepared by the Project Applicant team and provided to the City. However, through the City's review process, each of these studies underwent a thorough review by City staff and the City's environmental consulting team to ensure accuracy and objectivity. The City's peer-reviewers concluded that all of the studies prepared by the Project Applicant were prepared in accordance with professional standards. Also refer to Topical Response E.
- 9-4 All final technical work products supporting the Draft EIR's conclusions were provided as part of the EIR public review period. An independent peer review conducted by KMA of analysis prepared by EPS is provided as Appendix E, *KMA Memorandum* of the Final EIR. Further, the Site Analysis, conducted by Galloway Group, was previously provided to the Conservancy and is also provided as Appendix H of the Final EIR.
- 9-5 This comment provides an introduction to comments regarding historical resources, land use, and alternatives later in the letter. It does not raise new environmental information or directly challenge information provided in the Draft EIR. No further response is necessary.
- 9-6 Refer to Topical Response A.
- 9-7 Refer to Topical Response B.
- 9-8 Refer to Topical Response B.



- 9-9 Refer to Topical Response B.
- 9-10 Refer to Topical Responses C, E, and F. In addition, the issue of economic feasibility and the Project “tipping point” is raised. The commenter states, “while the analysis is quick to conclude economic infeasibility if all historic buildings are preserved, it does not locate the tipping point between so-called ‘feasibility’ and ‘infeasibility.’ Where is it?”

In response to this comment, the EPS Addendum includes a supplemental analysis that provides “scenario-by-scenario” information as to the cumulative impacts of individual buildings that may be combined as part of the preservation program. According to the EPS Addendum, the risk to return ratio pertaining to entitlement, financing, development, and market would be a 20 percent return on costs for the developer would decide whether or not to proceed with the Project. The Project, with retention of the Administration Building and Superintendent’s Residence and demolition of the other six subject structures, approaches this feasibility target at an estimated 19.1 percent return. The retention of the Chapel and Assistant Superintendent’s Residence, as required by the City in the Draft EIR, lowers the overall Project returns to between 15 and 16 percent. The retention of any additional building is estimated to lower Project returns still further such that a typical developer would determine the Project is economically infeasible and decide not to proceed with the Project. The “tipping point” identified in the EPS study and its addendum was confirmed by the City’s independent peer reviewer (KMA).

- 9-11 Refer to Topical Response E.
- 9-12 The commenter states, “We contend that the costs of demolishing historic buildings should be itemized and quantified as part of new construction estimates.” Please note that the EPS Addendum, provided as [Appendix A](#) of the Final EIR, accounts for the cost of demolishing historic structures (and cost avoidance associated with adaptive reuse).
- 9-13 Refer to Topical Responses B, C, D, and G. In addition, the commenter states that there is an “internal contradiction” on page 21 of the EPS Report, because it states that “there may be no net reduction in the allowable retail square footage in the Lincoln Plan” if the Gymnasium is reused for commercial purposes, yet it deducts the value of the land that might otherwise be developed for commercial purposes under the Gymnasium. This is not an internal contradiction. The fact that the retail *building* square footage does not change does not mean that the economics of the commercial component are unchanged. If the Gymnasium is not retained, the plan would have 12.9 acres of commercial land available for sale at market value, and the value of the buildings on that land is expected to exceed their construction costs, yielding positive “residual land values” that can be paid by the commercial developer to the land developer. If the Gymnasium is retained, that commercial land available for sale will be reduced by 0.6 acres, thus reducing the commercial land sale proceeds by an estimated \$1,253,000 at an estimated value of \$47 per land square foot. Then, the analysis estimates that the retention of the Gymnasium building for restaurant uses will have a net cost of \$1.8 to \$2.6 million (because the rehab costs exceed the building’s finished value) rather than generating net “residual land values” revenues to the developer. Thus, there is no internal contradiction and the feasibility study does take into consideration the combined cost impacts on Project revenues as part of the overall feasibility analysis.

- 9-14 Refer to Topical Responses D and E.



- 9-15 Refer to Topical Responses C, D, and J. In addition, the commenter states, “If the market value of the retained Gymnasium, Maintenance Garage, Auditorium and Infirmary . . . are compared to the values potentially obtainable through the sale of finished pads, then the retention and sale of the historic resources actually result in an increased value of \$1,892,290, not a loss of \$6,296,500 as the impact analysis contends.” The EPS analysis does account for the gross value of these four buildings as a revenue source to the Project, but subtracts from the gross value the costs of building rehabilitation, and represents the difference as the net value to the Project (in each case, resulting in a “reuse subsidy” summarized on Table 2 of the EPS Report and updated in Table 2 of the EPS Addendum). The commenter’s calculation appears to compare the “gross” value of the four buildings after rehabilitation (\$7.6 million) to the value of the land no longer developable for new uses (\$5.7 million), rather than comparing the “net” value of the buildings after incorporating the cost of their rehabilitation. This does not take into account the considerable cost of basic code-related rehabilitation of the structures.

The commenter also questions the profit margin associated with the Project. The EPS Addendum includes a supplemental analysis that provides “scenario-by-scenario” information as to the cumulative impacts of individual buildings that may be combined as part of the preservation program. According to s the EPS Addendum, the risk to return ratio pertaining to entitlement, financing, development, and market would be a 20 percent return on costs for the developer would decide whether or not to proceed with the Project. The Project, with retention of the Administration Building and Superintendent’s Residence and demolition of the other six subject structures, approaches this feasibility target at an estimated 19.1 percent return. The retention of the Chapel and Assistant Superintendent’s Residence, as required by the City in the Draft EIR, lowers the overall Project returns to between 15 and 16 percent. The retention of any additional building is estimated to lower Project returns still further such that a typical developer would determine the Project is economically infeasible and decide not to proceed with the Project.

- 9-16 Refer to Topical Response A pertaining to the range of alternatives considered in the Draft EIR.

The comment includes text from the City’s General Plan, stating, “In order to preserve the historic character of certain neighborhoods, it is necessary that historic structures are preserved, new structures are designed to be compatible with existing architecture and the surrounding elements, and historic structures are maintained in their original form.”

The historic preservation programs in support of the City’s Historic Resources Element will be effective in preserving the City’s historic character. The terminology “certain neighborhoods” directly correlates with the General Plan designated Historic Districts, as specified in Policies HR 2.1 and HR 2.2. It should be noted that the City is also implementing the intent of these goals and policies through the Whittier Historic Resources Ordinance (Whittier Municipal Code [WMC] Chapter 18.84). Pages 5.9-21 and 5.9-22 of the Draft EIR discuss how the Whittier Historic Resources Ordinance is intended to: safeguard the City’s heritage by protecting resources that reflect its cultural, historical, and architectural legacy; enhance the City’s visual and aesthetic character; and promote the use of historic resources; among other objectives.

WMC Section 18.84.150 specifies that the Certificate of Appropriateness (COA) process was established to ensure that any alteration to a historic resource is in keeping with the



historic character of the resource. No permit would be issued for work on a historic resource until a COA or waiver has been issued in accordance with the provisions of Chapter 18.84. As noted in Section 3.0 of the Draft EIR, a COA would be required as part of the Project's discretionary approvals. The Project's COA application would be reviewed by the City's Historic Resources Commission, with final action by the City Council as part of overall project entitlements. No alteration to the on-site historic structures would be allowed in the absence of an approved COA. Since the Project would comply with the City's standard procedures for review and approval of a COA, impacts in regard to consistency with the City's General Plan and Whittier Historic Resources Ordinance are less than significant. Thus, there is nothing in any of the City's policies or codes that require preservation in all circumstances.

- 9-17 At least four studies of the property have been conducted since 2005. Although the 2005 Chattel report concluded that the property is a historic district, it did not complete the documentation required to support this conclusion. Two separate studies concluded that the property does not appear to be a historic district due to a high number of non-contributing resources and a low number of contributing resources, but they also did not complete the documentation required to support their conclusions. For this reason, the City's consultant, GPA Consulting, evaluated the property to clarify whether the property as a whole or in part would constitute a historic district. GPA determined that although the property has significance as a district under Criteria A, B, and C for its direct association with the development of the California juvenile justice system, its direct association with the productive life of Fred C. Nelles, and as an example of early 20th century correctional facility design, respectively, that it does not retain sufficient integrity under any of these contexts to be eligible for listing. This determination was made in accordance with National Register Bulletin 15, which states that to qualify as a historic district, "the majority of the components that add to the district's historic character,...., must possess integrity, as must the district as a whole (emphasis added).

Due to the demolition of many buildings from the periods of significance and numerous episodes of infill construction from the late 1940s through the 1990s, if it were considered a historic district, the property would have at least 46 non-contributing resources and only nine contributing resources. The percentage of contributing resources would be only 16 percent. According to the National Register Bulletin 15, "The number of noncontributing properties a district can contain yet still convey its sense of time and place and historical development depends on how these properties affect the district's integrity." In the case of the Nelles Youth Correctional Facility, the setting, road configurations and patterns of development, as well as the numerous changes to the open space and special relationships between the individual historic buildings has changed numerous times over the past seventy years. Therefore, the current relationship of historic buildings no longer reflects the historic period from which the site is significant. As a result, the district no longer retains integrity of setting (orientation of open space and landscaping features), design (layout of buildings, circulation patterns and road configurations), or feeling (of a pre-1942 youth correctional facility). The only aspect of integrity which it retains in full is location. This alone is not enough for the property to be eligible for listing in the National Register as a historic district (refer to page 22 of the *Historical Resource Report* prepared by GPA, provided as Appendix 11.6 of the Draft EIR).

Previous reports discussed the possibility of delineating smaller districts within the property boundary relating to the Nelles Facility's pre-1942 history. As such, GPA investigated potential smaller districts in their report, which included mapping analyses



utilizing the guidelines for historic districts presented in National Register Bulletin 15. GPA looked at the potential for a smaller district to be present, including the potential for a discontinuous district. This included a careful review of historic maps, aerial photographs, and site plans for the property over time.

According to National Register Bulletin 15, the boundaries (of a historic district) must be based upon a shared relationship among the properties constituting the district. For a district to retain integrity as a whole, the majority of the components that make up the district's historic character must possess integrity even if they are individually undistinguished. In addition, the relationships among the district's components must be substantially unchanged (emphasis added) since the period of significance (prior to 1942).

The Bulletin states that when evaluating the impact of intrusions upon the district's integrity, "take into consideration the relative number, size, scale, design, and location of the components that do not contribute to the significance." A district is not eligible if it contains so many alterations or new intrusions that it no longer conveys the sense of a historic environment. Based on the prior analysis by GPA, the City has concluded that the property as a whole contains too many non-contributing features from after the historic period of significance to constitute a historic district.

However, although a district is most commonly a single geographic area of contiguous historic properties, a district can also be composed of two or more definable significant areas separated by nonsignificant areas. Therefore, GPA reviewed the National Register guidelines to determine if a smaller geographic area on the Nelles facility could constitute a discontinuous district.

National Register Bulletin 15 guides to define a discontinuous property when large areas lacking eligible resources separate portions of the eligible resource. However, it also states that "it is not appropriate to use the discontinuous district format to include an isolated resource or small group of resources which were once connected to the district, but have since been separated either through demolition or new construction." There are several factors to consider in selecting and defining the boundaries of a National Register property. First, you must compare the historic extent of the property with the existing eligible resources and consider integrity, setting and landscape features, and use. Activities that often compromise integrity include new construction or alterations to the resource or its setting.

Setting refers to the character of the place in which the property played its historical role. It involves how, not just where, the property is situated and its relationship to surrounding features and open space. The features and their relationships should be examined not only within the exact boundaries of the property, but also between the property and its surroundings. This is particularly important for districts. So, for the purpose of the re-analysis of a potential discontinuous district, GPA took into consideration whether or not the immediate areas surrounding the contributing buildings were intact and still conveyed their integrity of setting. The assessment was made based on the areas current configuration; not what it once was or what it could be if buildings were removed.

The re-analyses determined that the property as a whole does not constitute a historic district with its current boundaries due to the small ratio of contributing to non-contributing resources and due to the multitude of changes in the circulation patterns,



open space, and relationships between buildings. The extant pre-1942 buildings are separated by 1950s and 1960s-era mid-modern classroom buildings and dormitory buildings, and the circulation patterns have lost their original spatial relationships. Although the remaining contributing (pre-1942) buildings are still in their original locations, the historic buildings that once separated them have since been filled in with modern (post 1950 buildings). Therefore, in keeping with the National Register Bulletin 15 guidance regarding discontinuous districts, "it is not appropriate to use the discontinuous district format to include an isolated resource or small group of resources which were once connected to the district, but have since been separated either through demolition or new construction." Therefore, it is more appropriate to identify these properties as individual resources. Refer to [Appendix I](#), [GPA Graphics](#) of the Final EIR for a depiction of buildings in 1945, as compared to 2014.

- 9-18 The current setting around the Superintendent's Residence and the Administration Building are not the building's historic setting. Although each building had some limited landscaping, the immediate surroundings of these two buildings has changed at least six times. Throughout the history of the site in general, the roadways and circulation patterns throughout the site have changed numerous times and old buildings were replaced and new buildings were added. Historically, as evidenced in the historic maps and site plans of the site in the 2005 Chattel Report, there was a road between these two buildings in 1928, 1945, 1951, and 1958; refer to [Appendix I](#) of the Final EIR for a depiction of conditions during various time periods since 1928. In 1958 the Administration building was completely surrounded with a parking lot and had little to no landscaping features. It was not until 1962 to the roadway between these two buildings was truncated and the buildings were surrounded with open space. Therefore, due to the changes within the immediate setting that occurred around these buildings in the 1950s and 1960s until today, the immediate setting around these two buildings are not one of the aspects of integrity that are necessary for conveying their association to the historic-period of the detention facility's significance. Therefore, the re-introduction of a roadway between the Administration Building and the Superintendent's Residence would not diminish the overall integrity of either building to a level that it would minimize their ability to convey their significance.
- 9-19 The Whittier Commercial Corridor Redevelopment Project (First Amendment to the Redevelopment Plan) is the last adopted Redevelopment Plan for the Whittier Commercial Corridor Redevelopment Project Area. The Redevelopment Plan, which was completed in July 19, 2005 by the Whittier Redevelopment Agency, established a process and framework for redevelopment, rehabilitation, and revitalization of any area within the Redevelopment Project Area. It is noted, the California Legislature passed Assembly Bill (AB) 26 in June 2011 to end redevelopment agencies and lay out a process for how they would be dissolved. As a result, the Whittier Redevelopment Agency was formally dissolved. Thus, although the Project site was included within the boundaries of the Redevelopment Plan, the Plan and associated Redevelopment Plan EIR are no longer applicable to the Project as a result of AB 26 and the dissolution of the City's Redevelopment Agency. Also refer to Response 9-16; since the Project would comply with the City's standard procedures for review and approval of a COA, impacts in regard to consistency with the City's General Plan and Whittier Historic Resources Ordinance are less than significant. Moreover, the preservation policies set forth in the Redevelopment Plan and the Redevelopment Plan EIR were predicated on the existence of tax increment financing available through the local Redevelopment Agency. The reuse of many historical buildings cited by the commenter (e.g., Fullerton, Anaheim) were possible only through extensive public subsidies made possible through the use of



tax increment financing formerly available under the Community Redevelopment Law. Now that the State has eliminated redevelopment law however, the use of tax increment financing is no longer available. Thus, the elimination of tax increment financing and redevelopment law has eliminated one of the tools that were previously available to local agencies to assist on the “economic feasibility” of historical reuse. The policies set forth in the former RDA Plan and EIR related to preservation were predicated on the existence of redevelopment law and the availability of tax increment financing.

- 9-20 The commenter is correct that the 2005 Chattel Report was utilized as a source for the *Historical Resource Report* prepared by GPA, as noted in Section 8, Sources, of the GPA report. However, a *Historic Resources Report* with its own findings and recommendations is appropriate for the Lincoln Specific Plan for several reasons. First, if the City attempted for this project to adopt an Addendum or Supplement to the First Whittier Boulevard Commercial Corridor EIR, then it would be appropriate to rely entirely on the 2005 Chattel Report’s findings and recommendations. In this case, the Lincoln Specific Plan is an entirely different project as defined under CEQA from the Whittier Boulevard Commercial Corridor EIR, thus, requiring its own findings and recommendations that also take into consideration those from the previous EIR. Also refer to Response 9-19.
- 9-21 Refer to Responses 9-16 and 9-19 for a discussion of consistency with the City’s WMC and relationship to the Whittier Boulevard Commercial Corridor EIR, respectively.
- 9-22 Refer to Topical Response A pertaining to the range of alternatives considered in the Draft EIR.
- 9-23 Refer to Topical Responses A, B, and H.
- 9-24 Refer to Topical Responses A, C, and D.
- 9-25 Refer to Topical Response B.
- 9-26 Refer to Topical Responses B and H.
- 9-27 Refer to Response 9-3.
- 9-28 Refer to Topical Responses B and H.
- 9-29 The existing Chapels Building would be preserved in-situ as part of Independence Green park. The building would be incorporated into the approximately 2.6 acres of open space associated with Planning Area 8 of the Lincoln Specific Plan. The Project proposes a total of 4.6 acres of new recreational area that would in part satisfy the demand for parkland generated by population growth through new residential development. In addition, pursuant to WMC Chapter 3.48, the subdivider would pay the City fees to minimize, to the greatest extent practicable, the impact that new development has on the City’s public services and facilities. Toward that end, the City intends that applicants for such development projects pay their fair share of the costs of providing such public services and facilities. Compliance with WMC Chapters 3.48 and 17.16, which require dedication of land, payment of a fee in-lieu thereof (i.e., payment of a development impact fee), or both at the City’s option, would further minimize, to the greatest extent practicable, the Project’s impact on the City’s parks and recreational facilities.



Although the precise use for the Chapels Building would not be determined until the final design phase, it is expected that it would serve as a community facility supporting the use of Independence Green. It is not expected that the operation of the facility would generate substantial revenue as part of the Project, as opposed to facilities such as commercial/retail uses proposed in other areas of the Project site.

9-30 Refer to Topical Response B.

9-31 Similar to the Auditorium and Gymnasium on the Project site, the Athletic Track and Field is located at a significantly lower grade than the Administration Building and Superintendent's Residence, which are to be preserved in place. In order to create a continuous building pad for proposed commercial facilities and adjoining residential uses, this area would need to be elevated through placement of fill. The elevation of this area would also accomplish the City's objective to maximize the long-term viability of commercial uses onsite by achieving an even vertical grade for this area with Whittier Boulevard, to maximize visibility.

The commenter is also directed to Topical Responses A, B, and C. The reuse of a facility occupying as large of a land area as the Athletic Track and Field would result in a substantial reduction in commercial land available for sale and associated substantial reduction in commercial land sale proceeds. As determined by EPS, economic infeasibility below the 20 percent return feasibility threshold has already been crossed with the preservation of the four buildings (Administration Building, Superintendent's Residence, Chapels Building, and Assistant Superintendent's Residence). Thus, the preservation of the Athletic Track and Field would render the Project infeasible.

9-32 As discussed on page 5.4-54 of the Draft EIR, the proposed Project would result in a significant and unavoidable impact related to the loss of historic resources existing on the site, despite implementation of Mitigation Measure CUL-3. Although none of the cumulative development projects listed in [Table 4-1, Cumulative Projects List](#), are known to feature unique or significant historic buildings or features, additional analysis through the CEQA process on a case-by-case basis would be required to make such a determination. However, the City of Whittier, having been incorporated in 1898, has a rich and diverse history with an extensive range of historic-era resources situated throughout the City. Surrounding cities and communities (i.e., Santa Fe Springs, Pico Rivera, County of Los Angeles) feature a similarly extensive history tied to 19th- and 20th-century development in the Los Angeles area.

The demolition of historical resources associated with the former Nelles facility would contribute to a cumulative loss of historic resources in the Project area when past, current, and probable future projects are considered. The Nelles facility represents a unique historic resource in Whittier, and is a prominent feature that has been associated with the local community since the late 1800s. Although Mitigation Measure CUL-3 would reduce the impacts to these resources, Project impacts would remain significant and unavoidable. Therefore, the proposed Project's cumulative contribution to the loss of historic resources is considered significant and unavoidable. Also refer to Topical Response A for a response to the range of alternatives addressed in the Draft EIR.

9-33 Refer to Response 9-3.

9-34 Refer to Topical Responses B, D, and H. In response to the comment related to profitability, the EPS Addendum includes a supplemental analysis that provides



“scenario-by-scenario” information as to the cumulative impacts of individual buildings that may be combined as part of the preservation program. According to the EPS Addendum, the risk to return ratio pertaining to entitlement, financing, development, and market would be a 20 percent return on costs for the developer would decide whether or not to proceed with the Project. The Project, with retention of the Administration Building and Superintendent’s Residence and demolition of the other six subject structures, approaches this feasibility target at an estimated 19.1 percent return. The retention of the Chapel and Assistant Superintendent’s Residence, as required by the City in the Draft EIR, lowers the overall Project returns to between 15 and 16 percent. The retention of any additional building is estimated to lower Project returns still further such that a typical developer would determine the Project is economically infeasible and decide not to proceed with the Project.

- 9-35 The Notice of Preparation (NOP) for the proposed Lincoln Specific Plan was distributed to the Office of Historic Preservation (OHP) on January 24, 2014 to initiate consultation with OHP regarding the appropriate scope of the Draft EIR. OHP provided a response to the NOP dated February 24, 2014 and it is included within Appendix 11.2, *NOP Comment Letters*, of the Draft EIR.
- 9-36 Refer to Topical Response A pertaining to the range of alternatives considered in the Draft EIR.
- 9-37 An extensive mitigation program has been incorporated into the Draft EIR as part of Mitigation Measure CUL-3. Despite implementation of this mitigation measure, impacts to historical resources were determined to be significant and unavoidable. Refer to Topical Response A for additional discussion related to the range of alternatives analyzed in the Draft EIR.
- 9-38 As noted in Section 5.1, *Aesthetics*, of the Draft EIR, approximately 460 trees are currently located on the Project site. Based on the Tree Evaluation, these trees have been unirrigated for at least the last 10 years; as a result, many are in a poor health. These trees have created hazardous conditions on-site due to hanging tree branches, shallow root conditions, declining health, and structural deficiencies. The Tree Evaluation evaluated the conditions of the on-site trees, and provided recommendations for their removal, preservation, and/or transplantation. The Tree Evaluation confirmed that approximately 217 of the 460 trees on the Project site have a deficient structural condition, and therefore would pose a public safety hazard if retained. Many of these trees are dead, in ill health, and/or are impacted by pests. It is anticipated that these trees would not survive under current conditions. Of the 460 trees, 34 were identified as stumps or were completely missing at the time of the Tree Evaluation. The remaining 243 trees would not be able to be preserved due to Project construction activities, and therefore, would be removed. The Tree Survey also evaluated the potential for on-site tree transplantation. Of the 460 trees, it was determined that only 3 trees are in sufficiently healthy condition to potentially survive transplantation. As such, given the limited number of sufficiently healthy trees, transplantation is not considered a suggested strategy to minimize impacts to on-site trees. The precise number of trees to be impacted and their locations would be determined during the final design process. There is a potential that numerous trees near historic structures to be adaptively reused may remain, depending on health and condition. Affected trees shall be identified within a Tree Removal Plan and subject to review and approval by the City prior to construction, as noted in Mitigation Measure AES-2 of the Draft EIR.



In addition, as discussed on page 5.4-39 of the Draft EIR, the City's known historic resources have been identified in the *Historic Resources Element Background Report (Background Report)*. The *Background Report* identifies the City's exceptional trees, which are considered significant due to age, historical/cultural value, and aesthetic quality, among other factors. These trees are listed in *Background Report* Table 9 and illustrated in *Background Report* Exhibit 9-2. According to in *Background Report* Table 9 and Exhibit 9-2, two trees have been identified within Project site boundaries, including one Banyan fig tree (planted in 1904) and one silk oak (planted in 1900). The City's designation of exceptional trees is based upon a report entitled "Exceptional Trees of Los Angeles," prepared by Donald R. Hodel in 1988.

Neither the City's *Background Report* nor the *Exceptional Trees of Los Angeles* report note the specific location of either of these two trees on the Project site. However, based upon the *Fred Nelles School Tree Evaluation (Tree Evaluation)* prepared for the proposed Project (refer to [Appendix 11.3, *Tree Evaluation*](#)), there are no Banyan fig trees that exist on the Project site. It is assumed that the Banyan fig cited in the *Exceptional Trees of Los Angeles* report was removed since the report was prepared in 1988. In addition, the *Tree Evaluation* indicates that there are a total of four silk oak trees existing on the Project site. Three of the four silk oaks were determined to have declining structural health, most likely due to a lack of irrigation and maintenance since the Nelles facility ceased operations. The fourth silk oak was determined to be of good health and average structure, but due to long limb lengths, is considered a safety risk if left in place. As the exceptional trees designated by the City on the Nelles site either no longer exist, are in declining structural health, or represent a safety risk, impacts in this regard are considered less than significant, as described in the Draft EIR.

Also refer to Response 9-3 regarding the City's peer review process for the Tree Evaluation.

9-39 Refer to Response 9-38.

9-40 As described on pages 5.4-31 and 5.4-32 of the Draft EIR, the Project site and surrounding area have been highly disturbed as part of development that has occurred onsite, and the Project site occurs in a highly urbanized area. Based on the Archaeological/Paleontological Report, the research conducted indicates that while no archaeological resources were identified within the Project, the fact that the Nelles Facility was constructed in 1891 and all of the original buildings were demolished in the early 1900s indicates that there is a high potential to discover buried historical archaeological resources within the Project during future ground disturbing activities within the top seven feet of the existing ground surface. Therefore, as discussed in the Draft EIR, Project development could result in a potentially significant impact to archaeological resources, should there be grading activities within seven feet in depth from the current surface during future development. In order to mitigate this potential impact to less than significant, archaeological monitoring is recommended, as specified in Mitigation Measure CUL-1. Mitigation Measure CUL-1 would require that an archaeological monitor, working under the supervision of a qualified archaeologist, be present full-time during excavation within the top approximately seven feet from the current surface. The archaeological monitor would monitor for all types of archaeological resources, including resources tied to the period of Mexican influence and Pio Pico. Therefore, upon compliance with General Plan and WMC policies and implementation of Mitigation Measure CUL-1, impacts to archaeological resources would be less than significant.



- 9-41 As discussed on page 8-4 of the Draft EIR, given the highly disturbed condition of the site, the potential for Project implementation to disturb any human remains is remote. Additionally, no conditions exist that suggest human remains are likely to be found during Project construction activities. Nevertheless, if human remains are found (whether Native American or associated with historic-era resources), those remains would require proper treatment in accordance with applicable laws.
- 9-42 Table 5.9-6, SCAG Consistency Analysis, provides an analysis of the Project's consistency with the 2012 RTP/SCS Goals and Adopted Growth Forecasts. As concluded in Table 5.9-6 (page 5.9-27 of the Draft EIR), the Project is consistent with the 2012 RTP/SCS Goals and growth forecasts, resulting in a less than significant impact in this regard.

The Project site is located along Whittier Boulevard, a major transportation corridor, and in proximity to the San Gabriel River/605 Freeway. Transportation Element Exhibit 4-1 illustrates the City's Circulation Plan and indicates Whittier Boulevard is classified a Major Arterial and Sorensen Avenue is classified a Secondary Street. WMC Chapter 12.16 specifies the City's dedication and improvement requirements. All streets required to be improved pursuant to WMC Chapter 12.16 must be constructed and improved in accordance with Code provisions and the improvement standards specified in WMC Section 12.16.080. As described in Specific Plan Section 3.1, *Master Plan of Circulation*, the Project would provide infrastructure and access for various modes of travel, including automobiles, transit, bicycles, and pedestrian. The proposed Master Plan of Circulation considers the perimeter public streets (Whittier Boulevard and Sorensen Avenue), regional trails (the Whittier Greenway Trail), site access, internal streets, roundabouts, alleys/private drives, and non-vehicular circulation elements accommodating the pedestrian and bicycle. Specifically, the Project proposes to widen Whittier Boulevard and Sorensen Avenue, and extend Elmer Street within Project site boundaries. The Project's adjacency to Whittier Boulevard, proximity to the 605 Freeway, and proposed infrastructure and access improvements, which would be subject to compliance with WMC Chapter 12.16, would maximize mobility and accessibility, and ensure travel safety and reliability for all people and goods in the region.

The Project is subject to compliance with WMC Chapter 18.67, which sets forth the requirements for new developments to implement applicable Transportation Demand Management (TDM) and trip reduction measures, and provide facilities that encourage and accommodate the use of pedestrian and bicycle commuting (among other alternative modes). The Specific Plan also includes a Parks and Open Space Plan that provides community, neighborhood, and open space on a total of 4.6 acres within Planning Areas 3, 4, and 8.

The Project includes a mixed-use concept that would promote internal trip capture and would also reduce vehicle miles traveled in the Project area. The Project would include bicycle and pedestrian facilities (Freedom Trail and a network of roadways and sidewalks) that would promote connectivity between residential and commercial uses on the Project site.

- 9-43 The Los Angeles County Metropolitan Transportation Authority (Metro) Gold Line Extension (Phase 2) Project includes a build alternative (Washington Boulevard Light Rail Transit Alternative) that would implement an at-grade station south of Washington Boulevard, west of Lambert Road. This station would be approximately 0.4-mile south of



the Lincoln Specific Plan site. While the proposed Gold Line station is proximate to the Project site, it was not considered a cumulative project within the Draft EIR analysis since it is not expected to become operational until 2035, 15 years after the Lincoln Specific Plan is expected to complete construction. In addition, there are numerous other build alternatives associated with the Gold Line Extension that have been analyzed by the Metro that do not include construction of the station at Washington Boulevard /Lambert Road. In addition, construction of the Gold Line improvements would be contingent upon availability of adequate funding. As such, the implementation, location, and timing of Gold Line improvements are considered speculative in nature. Moreover, the environmental effects of the Gold Line Extension (Phase 2) are considered within the Draft Environmental Impact Statement (EIS)/EIR circulated for the project in August 2014.

- 9-44 In order to provide a conservative analysis, the Draft EIR considered environmental impacts associated with the demolition of 64,500 tons of material, which includes an estimate for the demolition of 50 of the 52 on-site buildings. Also refer to Topical Responses A and B.
- 9-45 Refer to Topical Response A pertaining to the range of alternatives considered in the Draft EIR.
- 9-46 Numerous comments related to the Draft EIR argue that the Project is not consistent with a number of policies and/or goals articulated in the City's General Plan. Several comments raised repeat a primary concern related to the demolition of a number of existing structures on the Project site. Nothing in the City's General Plan (or any applicable Specific Plan) requires preservation of all of the historic structures that currently exist on the Project site.

The Project is consistent with every General Plan Policy and Goal that the commenter states is inconsistent with the Project. Moreover, the Conservancy's comment letter fails to discuss many of the General Plan's other policies and goals, the entirety of which are also consistent with the Project (see Draft EIR, pages 5.9-9 to 5.9-17).

The commenter contends that the Project is not consistent with the General Plan Land Use Element (LUE) Policy 1.6, which is to "promote adaptive reuse of historic structures" because the City determined that adaptive reuse of some of the structures was not feasible due to economic factors, and the commenter claims that "[c]ost cannot govern the feasibility of preservation within CEQA."

First, the Project is consistent with this policy, as it involves the adaptive reuse of two historic structures as part of the project and two additional structures as part of EIR Mitigation Measure CUL-3. This policy is not meant to somehow require adaptive reuse of all historic structures (refer to Draft EIR, page 5.9-10).

Second, cost is a factor that a lead agency must consider when determining if mitigation is feasible, which is defined as "capable of being accomplished in a successful manner within a reasonable period of time, taking into account **economic**, environmental, social, and technological factors" (Pub. Res. Code § 21061.1 [emph. added]). Because adaptive reuse of all the currently existing structures on the Project site is not economically feasible, the Project cannot go forward if adaptive reuse of all current structures was required (refer to Draft EIR pages 5.4-38 to 5.4-39; 7.3-7.7; and Draft EIR Appendix 11.17).



- 9-47 Policy LUE 3.2 states “Encourage the grouping of commercial activities to facilitate access and provide beneficial concentrations of businesses.” This policy comes under the Land Use Element’s overarching Goal 3 to maintain and develop commercial uses – the Project accomplishes that, by developing high quality commercial uses for the currently underserved western portion of the City on a site that has been vacant and unmaintained for the last decade.

The commenter claims that because the Project separates its commercial uses from its residential uses, it therefore does not “group commercial activities.” This comment misinterprets that policy, which encourages the grouping of commercial activities together, which is what the Project has done by putting all the commercial uses in the same area of the Project site. As discussed on page 5.9-11 of the Draft EIR, LUE 3.2, the proposed commercial uses within the Specific Plan have been grouped in the northern portion of the Specific Plan (Planning Areas 1, 2, and 9), particularly fronting Whittier Boulevard. Thus, the proposed Specific Plan groups commercial activities in order to facilitate access, consistent with this Policy, as well as provide a beneficial concentration of businesses, as the proposed commercial uses would also be in the vicinity of the existing businesses along Whittier Boulevard. This “separation” of the commercial and residential uses within the project site is what makes the Project consistent with this policy.

- 9-48 Currently, the onsite historical resources are not readily visible from areas of existing public views, as depicted on [Exhibit 5.1-4](#) through [Exhibit 5.1-6](#) of the Draft EIR. Currently, the Project site is developed with the former Fred C. Nelles Youth Correctional Facility and an approximately two-acre property located immediately east of the Nelles facility (at 12090 Whittier Boulevard). The only existing commercial uses onsite include the two-acre property. Thus, implementation of the proposed Project would be developing commercial uses that would be improve, protect, and maintain the visual and aesthetic qualities of the surrounding commercial areas to the northeast, north, and northwest of the Project site as well as the on-site two-acre commercial property. As discussed on page 5.9-11 of the Draft EIR, LUE 3.3, Whittier Boulevard along the Project site is designated a Design Corridor; see Environmental Resource Management Element (ERME) Exhibit 5-4. The ERME dictates standards for new development along Design Corridors, in order to preserve the corridors’ qualities. Lincoln Specific Plan Section 5.0, *Design Guidelines*, includes design guidelines intended to provide the overall design integrity envisioned for the Project’s residential and nonresidential uses. These guidelines address the design elements and expressions necessary to achieve quality environments within the Specific Plan area. They provide guidance to establish the envisioned character through site planning and architecture and landscape design. As noted above, Specific Plan Section 4 provides specific standards for land use development to ensure the highest quality of development. As concluded in Draft EIR [Section 5.1, *Aesthetics*](#), Project implementation would result in less than significant impacts involving damage to scenic resources (i.e., trees and historic buildings) as seen from public viewpoints, and would not substantially degrade the existing visual character or quality of the site and its surroundings, following compliance with the established regulatory framework (i.e., the Specific Plan’s design guidelines and development regulations, the Whittier Boulevard Specific Plan [WBSP], and the City’s Zoning Code) and recommended mitigation. Compliance with the standards/ guidelines would be verified on a project-by-project basis through the City’s established development review process, thereby ensuring protection of the surrounding commercial area’s aesthetic qualities.



Furthermore, the Project will improve the aesthetic qualities of commercial areas by developing brand new commercial buildings, complete with landscaping and other aesthetic improvements. This new development will not only be of a higher aesthetic quality than many of the currently existing commercial uses in the City (particularly commercial uses near the Project site), but it will also improve areas of the Project site's current aesthetics, which have fallen into disrepair due to a lack of maintenance since the facility's closure in 2004; refer to Appendix G, Site Photographs. As such, the Project will improve the Project site's visual quality as seen from public viewpoints, such as Whittier Boulevard, and will be a significant aesthetic upgrade for other currently existing commercial uses in the area.

- 9-49 Pertaining to the General Plan Policy LUE 5.1, there are currently no City-owned parks or uses designated for park use onsite. The Project actually results in the addition of parks and recreation areas, not a loss of such uses. The existing track and field site to which the comment refers is in a state of disrepair due to a lack of maintenance, and as such, it is unusable for recreation purposes. Moreover, the Project site is not currently open to the public (refer to Draft EIR, page 3-5), meaning that the track and field site is not an operating park or recreation area. Indeed, the track and field site has never operated as a park or recreation area, as it was used privately by a correctional facility. Therefore, the demolition of the track and field area and development of the Project will not somehow diminish or reduce the City's park and recreation areas.

Instead, the Project is consistent with all of these policies because it will result in the development (and net gain) of park and recreation areas by including open space uses such as pocket parks, the "Independence Green" and the "Freedom Trail," which unlike the track and field facility, will be open to the public.

In addition, as discussed on page 5.9-12 of the Draft EIR, LUE 5.1, the Project would generate a demand for 7.2 acres of parkland (based on the City's target ratio of 4.8 acres per 1,000 persons). The Specific Plan proposes a Parks and Open Space Plan that provides 4.6 acres of community, neighborhood, and private open space; refer to Exhibit 3-6, Parks and Open Space Plan. The Project would be subject to compliance with WMC Chapter 17.16, which addresses the dedication of land and/or payment of fees for open space, park, and recreational facilities, and WMC Chapter 3.48, which addresses an Applicant's payment of development impact fees. Compliance with WMC Chapters 3.48 and 17.16, which require dedication of land, payment of a fee in-lieu thereof (i.e., payment of a development impact fee), or both, would ensure potential impacts involving parks and recreational facilities are reduced to less than significant. Thus, the Project is consistent with Policy LUE 5.1.

- 9-50 The commenter states that the Project is not consistent with LUE Policy 6.1, which is to "encourage landscaped buffer zones" because the "Proposed Plan consists of the destruction of existing mature trees along both Whittier Blvd and within the periphery of the two main historic buildings that front the Boulevard." However, the Project specifically incorporates landscaped buffer zones, which are expressly required by the City's design guidelines (refer to Draft EIR, pages 3-17 and 5.1-27). Additionally, the Project will replace every tree removed with two new trees, as required by Mitigation Measure AES-2. The mere fact that the new landscaping may not include all of the currently existing trees does not mean that there is not landscaping. Policy 6.1 encourages "landscaped buffer zones" generally, and makes no specific mention of requiring retention of previous landscaping or trees. Many of the currently existing trees



are in poor health as a result of a lack of maintenance and irrigation since the facility's closure in 2004. Thus, the proposed Project is consistent with Policy LUE 6.1.

- 9-51 The commenter states that the Project is not consistent with LUE Policy 7.1/Goal 7, which is to encourage new housing in mixed-use districts and “promote mixed-use development” because according to the commenter, the “definition of ‘mixed use’ as applied in urban land development use clearly is not intended for tract-like homes at one end, apartments in the middle, and commercial at the other end.” In making this statement, the commenter appears to suggest that “mixed-use” means commercial uses must be interspersed throughout residential uses – that is incorrect and unsupported by any evidence, including the text of the City’s General Plan (refer to Draft EIR page 5.9-13). In fact, certain commercial uses would not be compatible or feasible if they were surrounded by residential units as opposed to adjoining those units.

The Project is a mixed-use project, as residential and commercial uses will be constructed on a single site. Indeed, the City agrees with the commenter that “[m]ixed-use is integrative and promotes a synergy whereby residents and businesses co-exist in an interdependent, close, and sometimes simultaneous physical space and are mutually interactive and reasonably close.” That statement describes what the Project is; the commercial portion of the Project, as well as the open space and recreational uses, are close enough for convenient walking or biking access by the Project’s residents. The Project provides Freedom Trail, which connects all the uses throughout the Project site. In sum, the Project implements Policy 7.1 by developing new housing as part of an infill mixed-use Project, and specifically, the development of a mixed-use project along Whittier Boulevard, which is encouraged by LUE Policy 7.2 (refer to Draft EIR page 5.9-13).

- 9-52 As discussed on page 5.9-13, LUE 8.1, the Project site is vacant and does not serve the City as an institutional use and has not since the facility’s closure in June 2004. In December 2004, the facility was declared a State surplus property, suggesting that this service is no longer needed in the City, or region. There is no existing public benefit related to an institutional use as part of the Project site.

As to the comment that the infirmary would be ideally suited for “some kind of care facility,” it does not take into account the fact that the proposal is a mixed-use Project, and development of the Project site as a hospital/care facility would not meet any of the Project’s objectives, nor would it be consistent with the Policy LUE 7.2 to encourage mixed-used development along Whittier Boulevard. Moreover, as stated in Topical Response A and B, adaptive reuse of these buildings is not feasible, and the Project includes the addition of parks and recreation areas. Thus, the proposed Project is consistent with Policy LUE 8.1 in this regard.

- 9-53 Refer to Response 9-49. There is no existing public benefit associated with the onsite track and field, since it is not (and never has been) accessible to the public. Thus, the proposed Project is consistent with Policy LUE 8.1 in this regard.

- 9-54 As noted in Section 3.0, *Project Description*, of the Draft EIR, no regular maintenance of the Nelles facility occurs. Given the age of the facility and time since the Fred C. Nelles Youth Correctional Facility ceased operations in 2004, portions of the site show signs of deterioration. Onsite buildings appear to range from poor to good condition. As the



buildings have been vacant for some time, visible cracks, peeling paint, possible roof leaks, and other indications of potential deterioration have occurred.⁶ Much of the onsite vegetation is in poor condition due to a lack of maintenance and adequate irrigation. As such, the existing site can be considered as conflicting with Policy HE 1.7 of the City's General Plan.

Implementation of the proposed Project would result in the construction of public amenities for proposed residential uses. Pertaining to tree removal, development of the proposed Specific Plan would be encouraged to follow the Landscape Design Guidelines presented in Section 5 of the Specific Plan. These guidelines include general landscape guidelines for planting and tree replacement and relocation, a landscape concept (Exhibit 5-2, *Landscape Concept Plan*, of the Specific Plan), and plant palette (Table 5-1, *Plant List*, of the Specific Plan). Any trees removed as part of the Project would be replaced at a 2:1 ratio in accordance with Draft EIR Mitigation Measure AES-2. Further, in numerous locations the project is expected to result in a beneficial impact since the quality of the landscape would be improved as a result of removal of the existing perimeter security fencing, numerous existing vacant and aging structures, and unhealthy trees. As such, the Project is consistent with Policy HE 1.7 of the General Plan.

There is no loss of "urban open space" nor does the "destruction of the track and field" impact the City's supply of parks and recreational uses. The site is not an open space, park or recreational use, but instead an abandoned school/detention facility that is not, and has never been, open to the public, and therefore, is not being used or appreciated as open space or a park. Instead, development of the Project would result in an increase in parks and recreational uses available to the public. As such, the Project would be consistent with Policy HE 1.7 of the City's General Plan.

9-55 Refer to Response 9-49.

9-56 The commenter states that the Project is not consistent with Housing Element (HE) Policy 2.3, which is to "encourage a variety of housing arrangements and densities, each appropriately located with reference to topography, traffic circulation, community facilities, and aesthetic considerations," because the Project proposes to demolish a number of the existing buildings on the Project site.

This comment does not appear to have a reasonable relation to Policy HE 2.3, which concerns developing a variety of housing arrangements and densities – which the Project here does. The existing structures that are being demolished are not residential uses. Instead, these buildings must be demolished in order to facilitate the construction of the "variety of housing arrangements" encouraged by this Policy because building such housing without demolition is not feasible (refer to Draft EIR pages 5.4-38 to -39; 7.3-7.7 and Draft EIR Appendix 11.17.) Additionally, the Project has extensively analyzed topography, traffic circulation, community facilities and aesthetics considerations (refer to Draft EIR Sections 5-1, 5-12, 5-13, 5-14, and Draft EIR page 5.9-15).

⁶ Page & Turnbull, *Fred C. Nelles Youth Correctional Facility Re-Use Feasibility Study For 8 Historic Buildings*, November 14, 2011.



It should also be noted that the proposed project would not result in increased view blockage of the Administration Building or Superintendent's Residence as a result of Project development, as these structures are not readily visible from existing public views.

- 9-57 The commenter states that the Project is not consistent with Policy HE 2.5, which is to “promote development density in the City and planning area that is consistent with environmentally sound development and does not disrupt the fragile natural topography,” because the destruction of the existing structures and the grading of the Project site purportedly disrupts such topography.

The demolition of the existing structures has nothing to do with this Policy, and the Project site does not involve “fragile natural topography.” The Project site has previously been graded for construction of the Nelles facility, and the site's natural topography no longer exists. Moreover, the Project site's existing grading needs to be altered in order to make the site usable (e.g., allow commercial usage with frontage on Whittier Boulevard, which is specifically encouraged by Policy LUE 7.2). As such, the Project is consistent with Policy HE 2.5.

- 9-58 The commenter states that the Project is not consistent with Policy HE 2.6, which encourages “continued and new investment in the established communities of Whittier” because the Conservancy presumes that the jobs created by the Project will be minimum wage jobs. There is no evidence from either the Conservancy nor in the public record of proceedings that the 491 jobs created by the Project would be minimum wage (refer to Draft EIR pages 5.9-15, 6-4). Instead, there are anticipated to be a wide range of jobs associated with both the residential and commercial portions of the Project that are commonly associated with pay that is higher than minimum wage.

The Project provides a new, infill mixed use development in an underserved area of the City. With the exception of the Project site, the City is virtually built-out, and has been built-out for many decades, making the site the only location within the City that can provide a mix of needed new retail and housing opportunities for City residents. The economically-vulnerable residents that live in the vicinity of the Project site are in need of new housing and retail opportunities. The east end of the City provides modern retail shopping opportunities to City residents by way of Whittwood Town Center and the Quad Shopping Center. Both of these shopping centers are home to high quality, national tenants that provide convenient and safe retail and neighborhood grocery and service opportunities to City residents. The residents of the west of the City have not had the benefits of a new, modern neighborhood serving shopping center being developed in recent years. Moreover, residents in the western portion of the City would also benefit from move-up, mixed use-adjacent housing opportunities that would significantly cut down on vehicle miles traveled. Further, the City's Housing Element contains a goal of providing new housing opportunities and includes a number of policies to implement the City's new Housing Production Goal (refer to Housing Element, pages 3-7 to 3-8.)

- 9-59 This comment is in regard to the Housing Element, and states that the Project is not consistent with Policy HE 3.2, which is to “encourage housing which is affordable to the various income levels of the population.” The commenter appears to argue that because the Project does not include subsidized housing, it is not consistent with this Policy.



The Project proposes 750 dwelling units (DU) in various residential densities and types (refer to Draft EIR, page 5.9-10). While the Project does not include subsidized affordable housing (which is not required) as a result of the wide variety of unit sizes and types that will be developed, the market rate housing will still be affordable to various income levels of the City's population.

As discussed on page 5.9-14 of the Draft EIR, HE 2.1, the City's total potential housing units are expected to exceed the RHNA allocation for the 2014-2021 planning period by 617 units. Notwithstanding, the Specific Plan proposes 750 DU within Planning Areas 3 through 7, in various residential densities and types to address the needs of households with various income levels; see Specific Plan Section 2.1.2, *Residential Land Use Area*. The list of permitted residential uses are intended to convey the general character envisioned for the residential areas, which may take the form of single-family detached, attached, and multi-family dwelling units with a maximum density of 35 units per acre, providing a range of affordability at the Project site.

- 9-60 The commenter states that the Project is not consistent with the Historical Resources Element's (HR) Policy 2.3, which is to "encourage new development near historic structures, sites, or districts to be compatible with the existing significant structures in scale, material, and character." The commenter contends that the Project involves a "formula of developer-driven commercial buildings that have neither spatial nor character-defining features of the designated historic structures; nor are they in any way relevant or complementary to the historic site."

As noted in Section 3.0, Project Description of the Draft EIR, the Superintendent's Residence and Administration Building would be adaptively reused in-situ within Planning Area 2 (Heritage Court). As a result of Mitigation Measure CUL-3, the Project Applicant also proposes to relocate the Assistant Superintendent's Residence to Heritage Court. Through this approach, three historic structures would be grouped in proximity to each other to encourage compatibility and association between the buildings. The majority of commercial development associated with the Project (over 80 percent, or 170,000 square feet) would occur within Planning Area 1 (The Market), within a separate area to the northwest of Heritage Court. As such, Heritage Court would maintain its historic character as three historic structures would occur within this Planning Area.

- 9-61 The commenter states that the Project is not consistent the Whittier Boulevard Specific Plan's (WBSP) strategy to "showcase the high quality of Whittier from the Boulevard" because according the commenter, the Project includes a "shopping center that is of conventional design and quality," and "regular kinds of stores" that "hides and diminishes the best of the beautiful historic buildings."

In actuality, the Project results in the development of high quality commercial and residential uses that are an improvement over existing commercial uses along Whittier Boulevard within the vicinity of the Project site and onsite buildings and landscaping that have been allowed to fall into a state of disrepair over the past decade; refer to Appendix G, Site Photographs.

As discussed on page 5.9-23, Table 5.9-5, the proposed Project would include design characteristics, architecture, landscaping and lighting that would be subject to City review and approval to maintain a high quality aesthetic environment in the Project vicinity. Lincoln Specific Plan Section 5.0, *Design Guidelines*, includes design guidelines



intended to provide the overall design integrity envisioned for the Project's residential and nonresidential uses. These guidelines address the design elements and expressions necessary to achieve quality environments within the Specific Plan area. They provide guidance to establish the envisioned character through site planning and architecture and landscape design. As noted above, Lincoln Specific Plan Section 4 provides specific standards for land use development to ensure the highest quality of development.

- 9-62 WBSP Section 4.0.5, *Standards for Specific Land Uses*, notes the following regarding the youth correctional facility property:

Prior to the development of the Nelles property, a master plan must be prepared and approved by the Planning Commission prior to any development occurring on the site. The master plan must comply with all standards of the Workplace District section, and must promote a reasonable mix of land uses that will provide needed services to the community and be revenue-positive to the City. Alternately, a separate Specific Plan that includes development standards and design guidelines compatible with the Whittier Boulevard Specific Plan may be prepared for the property.

The Project would be consistent with the strategies and standards of the WBSP. In addition, the Project would comply with WBSP Section 4.0.5, which requires the preparation of a master plan (or alternatively a specific plan) for the Nelles property that promotes a reasonable mix of land uses and needed services, while providing revenue benefits to the City.

- 9-63 The commenter states that the Project is not consistent with the WBSP strategy to "reduce the amount of land zoned for retail along the Boulevard." As noted in [Section 5.9, *Land Use and Planning*](#), the proposed Project would include a Zoning Code and Zoning Map amendment to change the zoning of the site from "SP – Whittier Boulevard Specific Plan" to "SP – Lincoln Specific Plan." No retail zoning would be included as part of the Project. Although the Project may include retail uses within the commercial area proposed along the Whittier Boulevard frontage, the Project would also include commercial and residential uses providing economic and environmental benefits associated with mixed-use developments.

As noted above, WBSP Section 4.0.5, *Standards for Specific Land Uses*, notes the following regarding the youth correctional facility property:

Prior to the development of the Nelles property, a master plan must be prepared and approved by the Planning Commission prior to any development occurring on the site. The master plan must comply with all standards of the Workplace District section, and must promote a reasonable mix of land uses that will provide needed services to the community and be revenue-positive to the City. Alternately, a separate Specific Plan that includes development standards and design guidelines compatible with the Whittier Boulevard Specific Plan may be prepared for the property.

The Project would implement a zoning designation of "SP – Lincoln Specific Plan," that would allow for site-specific development regulations and design guidelines that implement a mix of uses that result in a beneficial impact for the City's General Fund. As noted in the Draft EIR, the Project is consistent with the goals and policies of the



WBSP, however, upon its adoption the Lincoln Specific Plan would serve both planning and regulatory functions for the specific plan area, replacing the provisions of the WBSP.

Additionally, the Project would not result in urban decay, as made clear in the study attached as Appendix 11.10 of the Draft EIR. The commenter's unsupported statement that "the economic urban decay data used to support the proposed Project is inaccurate and will be challenged" is without merit, and contradicted by substantial evidence in the record of proceedings. To the extent that the commenter later discusses urban decay on pages 11 through 13 of the "Land Use" section of its comment letter, that criticism is not supported by any evidence, but instead merely poses "questions" regarding an experts' analysis without providing evidence that would contradict that analysis. Substantial evidence in the record of proceedings, including Appendix 11.10 of the Draft EIR, supports the finding that the Project would not result in urban decay.

- 9-64 WMC section 18.84.150 *et seq* will be the provision under which the Certificate of Appropriateness is considered by the City. As discussed on page 5.4-29 of the Draft EIR, Article III. *Certificate of Appropriateness - Economic Hardship* sets forth requirements and establishes a process to ensure that any alteration to a historic resource is in keeping with the historic character of the resource. No permit shall be issued for work on a historic resource until a Certificate of Appropriateness (COA) or waiver has been issued in accordance with the provisions of this chapter. Once a COA has been issued, the secretary shall, from time to time, inspect the work to ensure that the work complies with the approved COA.
- 9-65 As noted in Section 3.0, Project Description, of the Draft EIR, the Lincoln Specific Plan is intended to provide an orderly and efficient development of the Specific Plan area, in accordance with the provisions of the Whittier General Plan. If adopted by the Whittier City Council, the Lincoln Specific Plan would serve both planning and regulatory functions including land use regulations, circulation patterns, and development standards. Combined, these elements would provide the necessary framework for the creation of a mixed-use, pedestrian friendly urban infill community. Future development plans, tentative parcel, and/or tract map(s) or similar entitlements for Specific Plan properties would be subject to City review for compliance with the Specific Plan regulations, as well as other applicable City regulations. Under WMC Section 18.56.020, development review is required "prior to the issuance of a building permit for all single-family, duplexes, multiple family, office, commercial and industrial development." In other words, nothing would be built without first being required to undergo to the City's development review process.
- 9-66 The *Urban Decay Study* for the Lincoln Specific Plan (The Natelson Dale Group, Inc. [TNDG] February 28, 2014) included estimates of household income for the Whittier Retail Trade Area (WRTA) based on Environmental Systems Research Institute (ESRI) data. ESRI is a nationally-recognized supplier of geographic information system (GIS) and geodatabase software, which is often utilized to provide demographic information. The data provided by ESRI is specific to the WRTA and is considered an accurate source for baseline assumptions within the *Urban Decay Analysis*. In addition, ESRI income data are based on U.S. Census data, updated to base year estimates.
- 9-67 As noted on page 8 of the *Urban Decay Study*, the study shows that there is potential market demand for approximately 3.24 million square feet of retail space. In addition, there is approximately 2.69 million "effective" square feet of existing occupied retail space in the trade area. The difference between potential demand and existing occupied



- space is approximately 550,000 square feet, as indicated in the *Urban Decay Study*. The reviewer's confusion results from the fact that the table on page 20 includes both services and vacant space. When estimating demand for new retail space, it is appropriate to compare potential demand to existing occupied space, as is done in the *Urban Decay Study*.
- 9-68 The traffic analysis conducted as part of the EIR was performed in accordance with the requirements and thresholds of the potentially affected agencies within the study area (i.e., Whittier, Pico Rivera, Santa Fe Springs, County of Los Angeles, and Caltrans). The analysis was conducted in accordance with CEQA, and the results are provided within Section 5.14, *Transportation and Traffic*, of the Draft EIR.
- 9-69 Traffic impacts along Whittier Boulevard and Interstate 605 are analyzed within Section 5.14, *Transportation and Traffic*, of the Draft EIR. The WRTA boundaries within the *Urban Decay Study* were based on data attained from the International Council of Shopping Centers (ICSC), which note that a community center similar in scale and scope to the proposed Project would typically have a trade area of three to six miles. Thus, the suggested trade area radius was used as a starting point to design the customized trade area polygon. To be analytically conservative in this analysis (that is, to not overestimate potential demand for the proposed retail components), the customized polygon is at the lower end of this suggested range. This polygon takes into account natural traffic barriers (such as major roads and highways) and the locations of existing competitive shopping centers.
- 9-70 The presence of existing vacancies in a market is not inconsistent with the finding of residual demand to support new development. In most markets, there is a "structural vacancy" rate to account for the normal turnover of retail tenants. In fact, as noted in the *Urban Decay Study*, the trade area's relatively low vacancy rate of 6.0 percent is at the lower end of the range (5 percent to 10 percent) generally considered to be reflective of a healthy retail market. In addition, some vacant retail space, due to any number of factors (e.g., size or specific location), may not be suitable for a new tenant. For example, a new hypothetical tenant that requires a 50,000 square foot space would not be able to occupy 10 separate vacant buildings that are each 5,000 square feet in size. Further, the Project Applicant's development plan is irrelevant for purposes of calculating supportable retail demand levels in the trade area. As noted in Section 3.5, *Goals and Objectives*, of the Draft EIR, one of the primary objectives of the Project is to deliver a mix of land uses, including residential, commercial, and recreational elements. In addition, the provision of commercial uses onsite advances the objective to generate net revenue for the City of Whittier General Fund.
- 9-71 As noted in the *Urban Decay Study*, the near-term population growth forecasts (through 2018) are based upon ESRI demographic data/forecasts. The long-range population growth forecasts (2018 to 2024) are based on Southern California Association of Governments (SCAG) projections. These forecasts are based on regional demographic data and projections, and account for growth within an existing community, and migration that occurs between various communities.
- 9-72 The commenter make two claims with respect to household expenditure levels. First, larger than average household sizes in Whittier will reduce retail expenditure levels per household. Second, younger than average households in Whittier will further reduce retail expenditure levels. As noted in the *Urban Decay Study*, TNDG relied on data from Bureau of Labor Statistics' (BLS) Consumer Expenditure Survey (CES), which provides



household expenditure levels based on average household income levels. Further, it should be noted that the reviewer's claims are not consistent with existing data for the Whittier community. First, on the issue of household size, the most recent estimates (as of January 1, 2014) from the California Department of Finance (DOF) show an average household size of 3.00 persons per household in Whittier and 3.02 persons per household for Los Angeles County. Thus, existing demographic data does not support the contention that Whittier has higher than average household sizes. Second, with respect to average age of Whittier households, the most recent U.S. Census data (2013 American Community Survey), show that the age of the householder⁷ is 44 years or less in approximately 40 percent of households in Los Angeles County, compared to approximately 35 percent in Whittier. Thus, based on this measure, Whittier households are not younger than the countywide average.

- 9-73 The National Consumer Expenditure Survey (CES) program consists of two surveys, the Quarterly Interview Survey and the Diary Survey, that provide information on the buying habits of American consumers, including data on their expenditures, income, and consumer unit (families and single consumers) characteristics. The survey data are collected for the Bureau of Labor Statistics by the U.S. Census Bureau. As noted within the *Urban Decay Study*, the CES factors were based on households with comparable income levels to those in the WRTA and in the project area. Thus, the assumptions within the analysis were specifically selected for retail spending characteristics within the WRTA.

In addition, existing income and taxable sales data for Los Angeles County suggest that the household retail expenditure factors used in the *Urban Decay Study* do not overstate potential expenditure levels in the trade area. The chart below shows total income and estimated retail sales in Los Angeles County for 2012, the most recent year taxable sales data is available from State Board of Equalization (SBOE). As shown below, the most recent available data for Los Angeles County show that estimated retail sales accounted for 43.1 percent of total household income in the County. This data point provides further evidence that the household retail expenditure factors (36.3 percent for trade area households, and 37.0 percent for project area households) used in the *Urban Decay Study* do not overstate potential levels of retail demand in the trade area.

⁷ As excerpted from the Census website, "The householder refers to the person (or one of the people) in whose name the housing unit is owned or rented (maintained) or, if there is no such person, any adult member, excluding roomers, boarders, or paid employees. If the house is owned or rented jointly by a married couple, the householder may be either the husband or the wife. The person designated as the householder is the "reference person" to whom the relationship of all other household members, if any, is recorded."



**Table 1
2012 State Board of Equalization Taxable Sales Data**

Variable – Los Angeles County (2012)		
Estimated Retail Sales (\$000s) ¹	A	\$108,133,195,318
Total Households	B	3,231,660
Average Household Income	C	\$77,581
Total Household Income	D = B x C	\$250,715,414,460
Retail Expenditures as % of Income	E = A / D	43.1%

Sources: California State Board of Equalization (SBOE), "Taxable Sales in California (Sales and Use Tax), 2012; United States Census Bureau, American Community Survey, Income in the Past 12 months, 2012 American Community Survey 1-Year Estimates; TNDG.

Notes:

1. The SBOE provides data on taxable retail sales. In order to estimate total retail sales, TNDG multiplied taxable sales in the Food category by a factor of 3.2. This factor has been derived by TNDG based on numerous analyses of supermarket supply and demand in comparable communities throughout California, and based on data we have reviewed from the SBOE and selected supermarket chains.

9-74 For purposes of estimating potential retail demand, it is standard industry practice to use industry standard sales per square foot factors, as provided on Table III-1, page 18 of the *Urban Decay Study*. It should be noted that individual businesses' sales volumes are closely guarded, and are typically not available in published form. In addition, the commenter asserts that trade businesses are older and less profitable than some unnamed reference area without providing any data and/or reference source. None of the questions included in this comment have the ability to change the findings provided in the *Urban Decay Study*.

9-75 As is common with many projects that include commercial or retail uses during the entitlement process, the specific users and tenants of the commercial component of the Project have not been identified as part of the Draft EIR. However, the proposed onsite commercial uses would be limited by the range of permitted and conditionally permitted uses identified in the Lincoln Specific Plan. The *Urban Decay Study* utilizes assumptions for the proposed commercial development based on other similar-sized commercial centers in the WRTA (based on the trade area inventory conducted as part of the analysis). This represents a reasonable approach, based on data specific to the WRTA.

9-76 Refer to Response 9-75.

9-77 The reviewer indicates that the projected growth rate in retail demand (as measured in new supportable sales) is inconsistent with the growth of some unnamed variable from a UCLA forecast with no reference. Given that an unnamed variable is provided from a non-referenced report, it is impossible to determine what the reviewer is attempting to compare. Nonetheless, by definition, largely built-out markets, such as the WRTA, experience relatively lower growth rates compared to areas with significant capacity to accommodate to new development. However, the *Urban Decay Study* clearly indicates that the bulk of the retail demand to support the new project would come from existing residual demand – demand that is not currently being met by existing retailers, and not from new population growth.



- 9-78 The “Per Capita” in Appendix A, Table A-2 of the *Urban Decay Study* is a transcription error. It should read “Average Household”. The data provided are average household income estimates. Thus, no *Urban Decay Study* findings are affected by this transcription error. Table A-2 of the *Urban Decay Study* has been revised as follows:

Table A-2
~~Per Capita~~ Average Household Income Projections
Whittier Retail Trade Area
In constant dollars

- 9-79 CEQA requires that the Draft EIR disclose the environmental impacts of the proposed Lincoln Specific Plan. The *Urban Decay Study* analyzes the potential for urban decay, and concluded that significant impacts would not occur in this regard. The Project would advance multiple benefits to the surrounding community and City, including delivering a mix of land uses (residential, commercial, and recreational elements) and providing commercial uses onsite that generate net revenue for the City of Whittier General Fund.

LINCOLN SPECIFIC PLAN

Environmental Impact Report
(Corrigendum sent by email)

Comments by John Beynon, 13428 Park Street,
Convener, Whittier Area Environment Coalition.

3.5 GOALS AND OBJECTIVES

In general, these goals and objectives ask little creativity from the project designers. The comments below are made in the spirit that those goals and objectives are not subject to change, but that comments to the project design should take them into count.

This document focuses on the following:

- (6) Create connectivity between land uses
- (8) Create a Freedom Trail, an enhanced multi-purpose trail that navigates through the community connecting parks, land uses and the adjacent hospital.
- (16) Create a mixed-use project to promote internal capture and to reduce vehicle miles traveled.

While these are not numbered in the Draft EIR the comments below will refer to them by the numbers assigned above.

Comment: The choice of "Freedom Trail" is relevant to John Greenleaf Whittier's New England (there is a renowned "Freedom Trail in Boston) but has no more significance to Whittier than to any other American City. This piece of land was possibly once owned by the last Mexican Governor of California, Pio Pico, It's main access is off a road that most probably was the El Camino Real, and the site itself was where a brave new concept for treating youth offenders was born. And by looking a little further into Whittier history one finds even more prominent American names including two US Presidents.

10-1

3.3 PROJECT CHARACTERISTICS

Parks and Open Space

Freedom trail (page 3-14)

Comment:

1. **Goal 8 makes the trail a major element of the project. The description on page 3-14 indicates that it that deliberately parallels the two busiest streets in the residential areas. That is incompatible land use as it mixes pedestrians, exercisers, bicyclists, and runners with automobile traffic.**

10-2

2. *The description gives only a vague, non-committal “the concept for the Freedom Trail may also include exercise stations, rest areas and play areas. “ that is inadequate for such an important element of the design. Given the importance of Goal 8 and the objective of goal 16 to reduce vehicular traffic, the pedestrian route should be seen the backbone of the overall design.*

10-2

Non-Vehicular Circulation (page 3-15)

Comment:

The description states” the non-vehicular circulation elements are designed in consideration of the Whittier Greenway Trail”.

1. *Exhibit 3.6, Parks and Open Space Plan, shows the trail as a dotted green line that straddles a street boundary.*
2. *Exhibit 3.5 Planning Areas, does not show the trail at all even though at least two segments of residential areas would need to be given over to the trail.*
3. *Exhibit 3.8 Tentative Tract Map shows no provision for land to be used for the trail.*

10-3

5.9 LAND USE AND PLANNING

Table 5.9 LAND USE AND PLANNING

Policy #	Policy	Comment
HR 2.4 Page 5-9.17	Encourage the preservation of open space areas around historic buildings	<i>The proposal to cluster the four historic buildings is negated by separating them by a major road and the pedestrian/bicycle trail. This is a three-way incompatible land use. The trail should provide access to this commercial center but not bifurcate it. Also, as stated above, having the trail parallel a major automobile route in this area is also incompatible.</i>
- Page 5.9-25	Increase transit options along Whittier Boulevard	<i>The Draft EIR states, “the project proposes non-vehicular circulation elements accommodating pedestrians and bicyclists via the Freedom Trail and connection to the Whittier Greenway Trail”. The exhibits show no such connection. In Phase 1 the trail dead ends on Whittier Boulevard. Users would be obliged to cross Whittier Boulevard then travel on the existing sidewalk one block North to Hadley and two streets East beyond Magnolia to join the trail, or travel on the existing sidewalk one block South to Penn and one half block East to connect to the trail.</i> <i>If Phase 2 is ever completed the situation could be improved if the trail is rerouted, or has a parallel route that joins with D street at Whittier Blvd.</i>

10-4

10-5

5.14 TRANSPORTATION AND TRAFFIC

Bicycle and Pedestrian Facilities

The second Para of the text indicates that the project trail would connect parks, land uses and the hospital.

Comment:

1. There is a major new development as regards light rail with a terminus at Lambert and Washington Blvd. While that may be some years off, it will happen eventually and provision needs to be made now for improved pedestrian and bicycle access to the that station. While an access is tentatively indicated on exhibit 3.6, access to a future light-rail station should be mentioned as one of the reasons for linking the trail to the hospital grounds.

10-6

2. An alternative of turning the railroad right of way that runs along the Eastern edge of the property could be developed as a city trail. This should be studied and analyzed in the final EIR.

10-7

3. Goal 16 calls for the trail to reduce vehicular traffic. Goal 6 calls for the project to “create connectivity between land uses”. Presumably much of the internal traffic will be residents going to one of the shops in the commercial area. The designated location of the trail (exhibit 3.6) does not lead into the main shopping center. Rerouting the trail or making a short “feeder” link could do this.

10-8

The same paragraph states “”according to the Bicycle Transportation Plan bicyclists and pedestrians are most likely to use Class 1 routs as the paths are designed as routes separate from vehicular traffic.

Comment:

10-9

While the documents state that the trail will be Class 1, the exhibits give no graphic evidence of that. Furthermore, putting a bicycle trail beside a road for vehicles makes it difficult, expensive and unsightly to achieve separation of the two uses. It would be preferable for the trail to be framed by housing or commercial buildings.



RESPONSE TO COMMENT LETTER NO. 10

John Beynon

December 1, 2014

- 10-1 This comment is an opinion with regards to the Project's goals and objectives, and provides background information on the "Freedom Trail". The comment does not address the adequacy of any environmental issues in the Draft EIR. No further response is necessary.
- 10-2 This comment states that the proposed location of the Freedom Trail on the Project site between busy streets would create a mix of incompatible land uses, and that the ancillary exercise stations along the trail do not comply with the Project's objectives. As noted on Draft EIR page 5.14-67, the Freedom Trail would be a Class I multi-purpose path that navigates through the community connecting parks, land uses, and the adjacent hospital. This Class I bicycle trail would be separated from adjacent roadways, and safe for all pedestrians and bicyclists. In addition, as noted in Section 3.0, Project Description, of the Draft EIR, the Lincoln Specific Plan is intended to provide an orderly and efficient development of the Specific Plan area, in accordance with the provisions of the Whittier General Plan. If adopted by the Whittier City Council, the Specific Plan would serve both planning and regulatory functions including land use regulations, circulation pattern, and development standards. Combined, these elements would provide the necessary framework for the creation of a mixed-use, pedestrian friendly urban infill community. Future development plans, including the development of Freedom Trail and associated ancillary recreational elements, would be subject to City review and approval.
- 10-3 The location and proposed characteristics of Freedom Trail are clearly stated in Section 3.0, Project Description, of the Draft EIR. The Freedom Trail concept would include an enhanced walking/ biking/running trail that would run adjacent to one side of each of the two main streets connecting the proposed residential area to Whittier Boulevard, Sorensen Avenue, Independence Green, and Presbyterian Intercommunity Hospital (PIH). The concept for the Freedom Trail may also include exercise stations, rest areas, and play areas along its route and/or as part of Independence Green.
- 10-4 Refer to Responses 9-18 and 10-2.
- 10-5 Access to the Whittier Greenway Trail could be attained via numerous routes along Whittier Boulevard, the nearest being Philadelphia Street. In all cases, trail users would be required to cross Whittier Boulevard. However, there are existing crosswalks at Philadelphia Street and Hadley Street to ensure safe crossing of Whittier Boulevard.
- 10-6 This comment is noted. The proposed Freedom Trail would provide connectivity to a range of different uses in the Project area, including a potential off-site future transit station associated with the Gold Line Extension.
- 10-7 This comment is considered an opinion with regard to a trail along the eastern edge of the property. It does not address the adequacy of the environmental analysis in the Draft EIR. No further response is necessary.
- 10-8 The proposed Freedom Trail would proceed directly through and adjacent to the commercial portion of the Project site. The segment of Freedom Trail that connects to Whittier Boulevard would pass directly adjacent to Planning Area 1 (The Market) and



Planning Area 2 (Heritage Court), and numerous bicycle/pedestrian connections to surrounding uses would be provided via the trail to provide direct connectivity between residential and commercial portions of the Project site.

10-9 Refer to Responses 10-2 and 10-8.

Thomas A. Bihl, Landscape Architect, No. 4115

10448 Portada Dr., Whittier, CA. 90603

cell (562) 242-8927~ Email- tmbihl@mac.com

Date: December 1, 2014

**TO: City of Whittier
Community Development Department
13230 Penn Street, 2nd Floor
Whittier, California 90602
Attn: Mr. Conal McNamara, Director of Community Development
cmcnamara@cityofwhittier.org**

FROM: Tom Bihl, Landscape Architect, 4115

RE: Nelles – AKA Lincoln Specific Plan , DEIR Comments

Please review my comments and questions with respects to the Nelles Property.

Comments:

1. Sec 05-04 Cultural Resources

1.1. See Historical Resources Methodology 2. a..

“The property as a whole is listed as California Historical Landmark #947. It is also listed in the California Register and has been formally determined eligible for the National Register. Its Status Code at the initiation of this report was 2S2: individual property determined eligible for the National Register by a consensus through Section 106 Process and listed in the California Register. “

If the Nelles Property is eligible for the National Register, then, is the entire site, including trees and other site elements to be included in the historic analysis and review of the proposed project? If buildings are preserved, will the historic landscape be preserved?

1.2. Please refer to:

CALIFORNIA STATE OFFICE OF HISTORIC PRESERVATION
Department of Parks & Recreation
TECHNICAL ASSISTANCE BULLETIN #8
User’s Guide to the California Historical Resource Status Codes
& Historic Resources Inventory Directory
<http://ohp.parks.ca.gov/pages/1069/files/tab8.pdf>

See Page 18 with regard to a sample project that has designation 2S2, similar to the Nelles Property.

11-1

Thomas A. Bihr, Landscape Architect, No. 4115

10448 Portada Dr., Whittier, CA. 90603

cell (562) 242-8927~ Email- tmbihr@mac.com

2. Sec 11-03 Tree Evaluation

2.1. See Page 5. “Compliance with State Law and Local Regulations. Neither State law nor local regulations contained in the City of Whittier Municipal Code provide protection for any of the tree species identified on the Project site. “

11-2

If the trees are identified as ‘historic’, then the landscape may become eligible for tax credits, like the buildings, true or false?

11-3

The recommended replacement ratio is 2:1, with 15 Gallon size as the recommended replacement size. Before that ratio is determined, would it not be prudent to perform a Tree Valuation? And determine a valuation of the entire inventory and establish a baseline for replacement and utilize this value to set goals for replacement of an entire landscape?

11-4

Since the grading operations have yet to be determined, it is recommended to overlay the existing tree locations with the proposed development. Once the trees are identified within the proposed development and with a proper valuation some direction can be made of the project proposal.

A sample Tree valuation System can be found here:

<http://joa.isa-arbor.com/request.asp?JournalID=1&ArticleID=2973&Type=2>



RESPONSE TO COMMENT LETTER NO. 11

Tom Bihl

December 1, 2014

- 11-1 Section 5.4, *Cultural Resources*, of the Draft EIR fully analyzes impacts to historical resources associated with the Project site, including structures, trees, and ancillary site facilities. No further response is required.
- 11-2 This comment quotes language from the Tree Evaluation for the project site and is informational. This comment does not address the adequacy of the environmental analysis in the Draft EIR, and no further response is necessary.
- 11-3 Properties need to be income-providing to be eligible for tax credits, which trees are not. No further response is required.
- 11-4 As noted in Draft EIR Section 5.1, *Aesthetics*, a Tree Evaluation was conducted for the Project site, and included identification of all on-site trees and their health, condition, size, height, and other conditions. The Tree Evaluation was conducted for CEQA purposes (for the environmental analysis in the Draft EIR) only and did not include a tree valuation. As noted on Draft EIR pages 5.1-27 and 5.1-29, implementation of Mitigation Measure AES-2 (replacing on-site trees at a ratio of two trees for each healthy tree removed) would result in a net increase in trees on-site, and benefits related to tree health would also occur given the number of existing trees that are in poor condition.

In addition, as noted on Draft EIR page 5.1-30, Mitigation Measure AES-2 would require the Project Applicant to submit a Tree Removal Plan to the City of Whittier Community Development Department prior to commencement of demolition, earthwork, and/or grading activities. As such, it is up to the discretion of the City to review and approve the Tree Removal Plan. At that time, the City would determine what trees shall be retained and replaced based on Project characteristics and tree health.

From: cmcnamara@cityofwhittier.org [mailto:cmcnamara@cityofwhittier.org]
Sent: Tuesday, December 02, 2014 4:14 PM
To: voneill@cityofwhittier.org; Ashimine, Alan; margit.allen@kimley-horn.com
Cc: jadams@cityofwhittier.org
Subject: RE: Nelles Development

Thank you. Let's include for RTC.

Conal McNamara, AICP
Director of Community Development
City of Whittier
cmcnamara@cityofwhittier.org
(562) 567-9320

From: Virginia O'Neill
Sent: Tuesday, December 02, 2014 4:13 PM
To: Conal McNamara
Cc: Jeff Adams
Subject: FW: Nelles Development

This was in our WebMail.

From: Linda Brown [mailto:lindawestbrown@gmail.com]
Sent: Monday, December 01, 2014 12:08 PM
To: WebMail - ComDev
Cc: Linda de Vries
Subject: Nelles Development

Dear Mr. McNamara,

I have read the Nelles Consortium Proposal written by Linda DeVries, and I support the idea of using the Chapels Building as public performance spaces and arts education for community and school groups from Whittier. This would great enhance possibilities for arts education for Whittier's citizens of all ages, and would be a wonderful use of historic buildings in the City.

Thank you for your consideration.

Sincerely,

Dr. Linda L. Brown
Professor, Rio Hondo College (retired)
Associate Conductor, Chorale Bel Canto

12-1



RESPONSE TO COMMENT LETTER NO. 12

Linda Brown

December 1, 2014

- 12-1 The commenter concurs with previous comments submitted to the City regarding an alternative use for the existing Chapels Building. The commenter does not raise new environmental information or directly challenge information provided in the Draft EIR, and no further response is necessary.



December 1, 2014

Conal McNamara, Director of Community Development
City of Whittier,
13230 Penn Street, 2nd Floor
Whittier, California 90602

5 3RD STREET, SUITE 424
SAN FRANCISCO, CALIFORNIA
94103-3205

415.495.0349 PHONE
415.495.0265 FAX

CPF@CALIFORNIAPRESERVATION.ORG
WWW.CALIFORNIAPRESERVATION.ORG

Submitted Electronically

Email: cmcnamara@cityofwhittier.org

**RE: DRAFT ENVIRONMENTAL IMPACT REPORT (DEIR) LINCOLN SPECIFIC PLAN
(FRED C. NELLES YCF)**

Dear Mr. McNamara,

On behalf of the California Preservation Foundation, I am submitting comments on the referenced project. The California Preservation Foundation (CPF) is the only statewide nonprofit organization dedicated to the preservation of California's diverse cultural and architectural heritage. Established in 1977, CPF works with its extensive network to provide statewide leadership, advocacy and education to ensure the protection of California's diverse cultural heritage and historic places.

The CPF provided comments to you regarding the need to conduct a thorough analysis of the Fred C. Nelles Youth Correctional Facility (California Landmark #947). In that letter, we referenced a 2005 report by Page and Turnbull that concluded that eight buildings and two sites are contribute to the historic significance of the site. Of the eight buildings, six appear to be eligible for individual listing on the National Register. This was further confirmed and documented by GPA, consultants hired by the City of Whittier.

The significance of these sites is well documented and the requirements under CEQA compel the lead agency to analyze alternatives to the proposed project that would not cause significant irreversible impacts to the environment. This was emphasized in our letter from February 2014 when six of the eight buildings were identified for demolition: "The DEIR must contain a meaningful historic preservation alternative, including adaptive reuse of the structures, to attempt to mitigate this impact to a level of less than significant".

There is a preponderance of evidence which identifies the historic resources under CEQA, yet the proposal to reduce impacts to the historic resources to a level of less than significant includes demolition of six out of ten identified resources, with a detailed plan for documentation, distribution and interpretive exhibits of the site and demolished buildings. The basis for this determination is based on infeasibility due to increased costs.

The DEIR does not state why the "document and demolish" mitigation measures serves the interest protected by CEQA. Project consultants have documented projected rehabilitation costs, but have not stated why the retention and rehabilitation of the structures is infeasible. The determination that the project is infeasible is not consistent with CEQA Guidelines, which has mandatory – not permissive–language. CEQA Guideline, section 15126.6 (b) requires that "the discussion of alternatives shall focus on alternatives to the project or its location which are

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EXECUTIVE DIRECTOR
Cindy L. Heitzman

13-1

13-2

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."

We strongly encourage the project applicant and the City of Whittier to present a plan that includes the adaptive reuse of all historic buildings, incorporate the State Historical Building Code to use alternatives to the prevailing codes and comply with the Secretary of the Interior's Standards for Rehabilitation. Until that is done, our position is that same now as it was in February 2014 -- the DEIR must contain a range of meaningful historic preservation alternatives, including adaptive reuse of the structures, to mitigate this impact to a level of less than significant.

Please notify CPF of any future actions on this project. You may email information to cheitzman@californiapreservation.org. Please feel free to contact me at (415) 495-0349 if you have any questions or concerns.

Sincerely,

A handwritten signature in black ink, appearing to read "Cindy Heitzman". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

Cindy Heitzman
Executive Director

cc: Helen Rahder, Whittier Conservancy, P.O. Box 9114, Whittier, CA 90608-9114

13-2



RESPONSE TO COMMENT LETTER NO. 13

Cindy Heitzman California Preservation Foundation

December 1, 2014

- 13-1 This is an introductory comment that provides background regarding the California Preservation Foundation and a summary of comments provided as part of the Notice of Preparation. The comment does not raise new environmental information or directly challenge information provided in the Draft EIR. No further response is necessary.
- 13-2 Refer to Topical Responses A and B.

From: cmcnamara@cityofwhittier.org [<mailto:cmcnamara@cityofwhittier.org>]
Sent: Monday, December 01, 2014 4:58 PM
To: Ashimine, Alan; margit.allen@kimley-horn.com; jadams@cityofwhittier.org
Subject: FW: questions Nelles DEIR

One more for RTC.

Conal McNamara, AICP
Director of Community Development
City of Whittier
cmcnamara@cityofwhittier.org
(562) 567-9320

From: david dickerson [<mailto:attorneydickerson@yahoo.com>]
Sent: Monday, December 01, 2014 4:56 PM
To: Conal McNamara
Subject: questions Nelles DEIR

As to the Reuse Feasibility Study: All references are to the historic gym, maintenance building and auditorium in the commercial area, hereafter "buildings.". How was the 208000 sq. ft. of commercial space determined? What is the breakdown of lost land area buildings noted in table 2 page 7? Why was the gsf land value not set at what the developer actually paid? Why was retail use of the restored buildings not considered? Were calculations done as to savings on grading if buildings left in situ? Why was it presumed the buildings would generate no income? Why was an expert on adaptive reuse ,not just construction, consulted as to creative interior use of buildings? Why were the buildings not considered in relation to each other rather than isolated from each other? What is a "finished pad" as noted at page 4? Why not sell the existing buildings for \$1 each to a merchant and let them restore it? As to the Alternatives section 7: Why was integrated reuse of the buildings not considered and leave the residential density as is?

David Dickerson
Law Offices of David M. Dickerson
13006 E. Philadelphia St., Ste. 201
Whittier, CA 90601
Telephone: (562) 945-1236
Fax: (562) 945-3339

14-1



RESPONSE TO COMMENT LETTER NO. 14

David Dickerson
December 1, 2014

- 14-1 The commenter provides several inquiries and statements regarding the Reuse Feasibility Study. The Reuse Feasibility Study was completed in August 11, 2014 and provided as Appendix 11.17, *Reuse Feasibility Study*, of the Draft EIR. The Reuse Feasibility Study was prepared to explore the potential for additional adaptive reuse, onsite relocation of historic buildings, and offsite relocation of historic buildings.

The commenter inquires about the calculations associated with the lost land area buildings noted in Table 2, Summary of Findings. As discussed in Appendix 11.17, a Lost Land Revenue Analysis was calculated for each applicable historic building in Table 2, providing further information on how the retention of the building could impact the amount of revenue-generating land available for sale. The commenter is also directed to Topical Responses C and F.

The commenter inquires about how the proposed commercial uses were determined. As discussed in Section 3, *Project Description*, the applicant, Brookfield Residential Properties seeks approval of the Lincoln Specific Plan which includes a land use plan, with a varied mix of residential, commercial (retail/office), and open space land uses. The Land Use Plan does not provide a specific site plan; rather it identifies a land use concept that demonstrates how development allowed under the Specific Plan could be implemented on the Project site. The ultimate building layout and site planning would be determined at the time of site plan submittal for a specific parcel, subject to the development standards and permitted uses outlined in Specific Plan Section 4, *Development Regulations*. As stated in Section 5.10, *Fiscal Impacts*, the proposed commercial land uses would generate recurring General Fund revenues to result in net revenue for the City's General Fund; refer to Appendix 11.11, *Fiscal Impact Study*. In addition, the Project would result in direct and indirect economic benefits due to temporary employment through the need for construction employees, and long-term employment positions related to the various commercial uses proposed under the Specific Plan.

The commenter inquires about the land value utilized in the Reuse Feasibility Study. As discussed in Appendix 11.17, the developer intended to sell finished pads to vertical developers of retail and residential uses, however there have been no recent master-planned developments in the City that offer comparable market transactions. Thus, a reasonable substitute for finished pad value was based on recent land transactions of redevelopment properties in the City. Redevelopment properties were defined as improved but underutilized parcels that have transacted for land value only. Based on this definition, the current market value for a finished pad is \$47 per square foot. In addition, economic feasibility and market support for potential alternative reuses for historic structures on the project site was analyzed through a market analysis and an economic feasibility analysis. Project values for commercial uses are estimated using achievable rents (as determined in the market analysis), typical industry-standard operating assumptions, and a market capitalization rate drawn from the latest (2H 2013) CB Richard Ellis (CBRE) Cap Rate Survey. All revenue and cost assumptions are based on market rates in 2014 for consistency and verifiable purposes.

The commenter inquires about the consideration of retail use for the reuse feasibility of existing on-site buildings. As stated above, project values for commercial uses are



estimated using typical industry-standard operating assumptions that are drawn from the latest (2H 2013) CBRE Cap Rate Survey. In Table 1 of [Appendix 11.17](#), a range of different uses and renovation options were tested for reuse feasibility including reuse alternatives of community center (public use) in place of the existing Chapel Building. The CBRE Cap Rate Survey defines the term neighborhood/community center (grocery anchored) under the retail category, as an open-air retail center that is anchored by a grocery store and, in the case of community centers, a second major retail anchor. The neighborhood/community center (grocery anchored) can range from 75,000 to 350,000 square feet. Therefore, retail use was considered for the adaptive reuse of the Chapel Building.

The commenter inquires about whether the cost savings on grading were calculated as buildings would remain onsite to be adaptively reused. As discussed in [Appendix B of Appendix 11.17](#), a detailed construction cost analysis was provided, which included all costs directly associated with the renovation or construction of vertical improvements and excludes land costs, site costs, and indirect costs such as financing, impact fees, and professional service fees. The construction cost analysis excluded upgrades to the foundation or support systems for the on-site buildings based on the assumption that the existing foundation systems would be adequate and continue to support the vertical structures. Any and all seismic upgrades and retrofit work noted in the cost estimate calculations were for interior walls, roof, and or the building shells alone. In order to provide an accurate assessment of foundation and support upgrades, a thorough review of all buildings would need to be conducted by a registered structural engineer incorporating selective demolition and destructive testing. Therefore, the construction cost analysis focuses on the restoration of existing structures only. Site work, civil work, design services, permits, inspections, and fees, are not included in the analysis.

The commenter inquires about the presumption that the buildings would not generate income. As discussed in [Appendix 11.17](#), a preferred developer return is not assumed in this analysis, and thus a net return of \$0 represents a “break-even” project that requires no subsidy.

The commenter noted that an adaptive reuse expert should be consulted for creative use of the buildings’ interiors. The commenter does not raise new environmental information or directly challenge information provided in the Draft EIR, and no further response is necessary.

The commenter inquires about whether the existing on-site buildings shall be considered in relation to one another instead of individually. As discussed in [Section 5.4, Cultural Resources](#), of the Draft EIR, the historical resources methodology and analysis is based upon a number of California Historical Resource Status Codes referenced to characterize the various resources onsite and their relation to the National Register, California Register, or local criteria. These status codes evaluate the project site as a whole and the existing on-site buildings individually and as contributors to a potential historic district.

The commenter inquires about the term “finished pad”. The Reuse Feasibility Study uses the term to refer to the proposed building pad for development.

The commenter has several inquiries about alternative uses for the on-site buildings and also refers to [Section 7, Alternatives to the Proposed Project](#). Refer to Topical



Response A pertaining to the range of alternatives considered in the Draft EIR. Refer to Topical Response B pertaining to the adaptive reuse of additional buildings onsite.

From: cmcnamara@cityofwhittier.org [mailto:cmcnamara@cityofwhittier.org]
Sent: Tuesday, December 02, 2014 4:33 PM
To: Ashimine, Alan; margit.allen@kimley-horn.com; jadams@cityofwhittier.org
Cc: yms@jones-mayer.com
Subject: FW: Lincoln Specific Plan

Let's include this comment letter too. It didn't go through yesterday and it is date stamped. This is Roberta Fels, who owns the auto dismantling yard.

Conal McNamara, AICP
Director of Community Development
City of Whittier
cmcnamara@cityofwhittier.org
(562) 567-9320

From: m fels [mailto:mbf337@yahoo.com]
Sent: Tuesday, December 02, 2014 4:31 PM
To: Conal McNamara
Subject: Re: Lincoln Specific Plan

On Monday, December 1, 2014 5:58 PM, m fels <mbf337@yahoo.com> wrote:

To Whom It May Concern,

As a representative of the Fels Family Trust, I strongly object to the Lincoln Specific Plan which is located at 11850 Whittier Blvd in the City of Whittier.

Our property which is located at 12090 Whittier Blvd is cited as being part of the this development.

Roberta Fels
337 South Peck Dr.
Beverly Hills, California 90212

15-1



RESPONSE TO COMMENT LETTER NO. 15

Roberta Fels

December 1, 2014

- 15-1 The commenter states that their property located at 12090 East Whittier Boulevard is part of the Project site. The commenter objects to the proposed development. The commenter does not raise new environmental information or directly challenge information provided in the Draft EIR, and no further response is necessary.

**Questions of the Draft Environmental Impact Report
for redevelopment of the Nelles site.**

RECEIVED

DEC 01 2014

George Prather, PhD

Community Development

5.14 Transportation and Traffic

The report analyzes 57 separate intersections and essentially concludes that only those which are already rated below an acceptable level of service will be in need of mitigation. There appears to be no weighting of impact on traffic by distance from the Nelles site. Thus several intersections at the extreme limits of the retail trade area identified in other sections are flagged as requiring mitigation while roads and intersections nearest the proposed development are calculated as receiving no significant impact.

16-1

The commercial component of the proposed project essentially doubles the commercial square footage in the immediate vicinity, while the residential component will add a third more to the total additional trips of 20,000 plus. **Is it reasonable to assume that the intersections of Whittier and Sorenson, Whittier and Hadley and Whittier and Philadelphia will not be significantly impacted?**

16-2

For the purposes of the analysis access to the site was considered to be at two locations on Sorenson Ave and one from Whittier Blvd unless the expansion area is obtained. **Given the 20,000 plus additional trips, is it reasonable to assume that Sorenson will experience less than 300 additional daily trips? How has this been calculated? Have the 20,000 plus trips been assumed to be dispersed over the whole study area rather than in the immediate vicinity of the project?**

16-3

The map in the Project Description shows three access points from Sorenson and two from Whittier Blvd plus a possible expansion access point. These are said to be shown for "conceptual purposes only" with the ultimate access points to be subject to engineering and planning approval. **Can a valid analysis of the traffic impact on the immediate vicinity be obtained without a clear definition of the access points?**

16-4

The intersection of Penn and Whittier Blvd is deemed necessary of mitigation with the installation of a traffic light. **If Penn will be so affected, why has the intersection of Penn and Pickering, or any others on Penn, not included in the analysis?**

16-5

The forecasted 20,330 additional daily trips generated by the project is compared to the total of 21,424 projected daily trips generated by all of the other new projects in the study area proposed through 2020. **Given that the impact of this project relative**

to those 26 others, has the scope of the Nelles (Lincoln) project really been adequately evaluated?

16-5

6.0 Other CEQA Considerations

Long Term Transportation Energy Demand

The analysis assumes that proximity to public transportation and trip reduction and ride sharing programs for employees outlined in Mitigation GHG-1 will sufficiently reduce vehicle fuel consumption. No analysis is provided to support this conclusion. **Do the bus lines near the project have sufficiently short headways to provide reasonable alternatives to private vehicles? Given the extended hours and relatively small number of employees in each of the envisioned retail establishments, are trip reduction and ride sharing measures likely to have any significant impact?**

16-6

Building Energy Demand

It is commendable that the buildings will be designed to be energy efficient above the California standards as also outlined in GHG-1. The high efficiency lighting and heating and cooling systems as well as the reduction in unnecessary outdoor lighting would appear to be the measures required by building codes. **Why has the installation of solar power for the residential and commercial structures not been considered?** Brookfield representatives have stated that the structures would be "solar ready", but that is a very meaningless phrase as generally no modification to either the electrical system or the roof is necessary for a solar installation if a building meets current building codes.

16-7

7.0 Alternatives to the Proposed Project

Project Alternatives

7.1 The No Project Alternative is a pro forma alternative. A more realistic alternative would be a No Grand Project, but one which provided for components of the site to be developed in individual, more organic projects. **Why was this not an alternative?**

16-8

7.2 The Reduced Density Alternative assumes city costs would not be reduced proportional to the reduction in revenues. However, the Fiscal Impact Analysis calculates city costs as either marginal increases to overhead or as per capita costs with the latter contributing almost all of the costs, it would seem that city expenditures for the project might be reduced proportion to revenues from the project. **Why was a more complete analysis of this alternative not provided?**

7.3 The Reduced Density/Additional Historic Preservation Alternative assumes that the land under the historic structures preserved with have no value. **Is this a reasonable assumption since adaptive reuse of the buildings could provide commercial or public value and thus capture the land value as well?**

16-9

The analysis of this alternative also assumes that the historic structures would not be used for commercial purposes and that their restoration would not be economically feasible making the whole alternative not economically feasible. However, the developer now proposes to restore the two additional buildings and one must assume that the developer now believes that this alternative is economically feasible. **Can the current analysis therefore be justified or does not necessitate that this alternative be completely reevaluated?**

16-10

7.4 The Age Restricted Residential Alternative would reduce several impacts though not eliminate them compared to the proposed project. **Shouldn't it therefore be the preferred alternative?**

16-11

It must also be noted that the alternative considered is very limited in the services provided to seniors as it simply sets aside some apartment units for seniors. Presumably these would be handicapped accessible but would not otherwise be related to any special services. **Would not a continuum of care facility in part of the project provide more value to the community while also meeting the project goals? Shouldn't such an alternative have been considered?**

16-12

7.5 Sales tax revenue to the city from the Large Format Retail Alternative is assumed to vary only in minor degree from the commercial footprint of the proposed project. **Is this a valid assumption since a Large Format Retail establishment might sell a richer mix of high ticket items or otherwise more dollar sales per trip or per square foot?**

16-13

However, would this alternative result in a reduction of internal trip capture as assumed since it might not serve as much of the everyday needs of the project residents?

16-14

8.0 Effects Found Not to be Significant

4.1.a. Asks whether the project will "Have a substantial adverse effect on a scenic vista?" The project site itself is a scenic vista from adjacent streets. The replacement of mature trees with ones which will take many years to grow to full height and the construction of multi-storied buildings will substantially alter the vista. Pictures in other sections of the DEIR which compare a present view from adjacent residential street

16-15

with a projected view from the same location after construction make this quite clear.
Has the effect on scenic vistas been adequately evaluated for significance?

16-15

11.10 Urban Decay Study

II-D lists the project commercial square feet at 195,850. In all other parts of the DEIR, this figure is 208,350 square feet. This is in effect a 6% error. **Given that the amount of new commercial space is a key factor in the determination of decay, shouldn't calculations for the Urban Decay Study be recomputed and evaluations changed accordingly?**

16-16

In the comparison of existing supply and demand, the study says there is 3,516,593 square feet of effective retail space in the defined trade area and that 2.69 million square feet of it is currently occupied—meaning vacant space of 826,593 square feet, 24% of the effective space. The study also calculates current demand in the trade area for 3.24 million square feet and then states that demand could support close to 550,000 additional square feet, the difference between the 2.69 million occupied and the 3.24 million figure. The analysis at this point appears to substitute the currently occupied space for the total effective space. **How is this justified?**

16-17

The above figures may also suggest that the standard method for calculating demand from income is substantially overstating current and future demand in the Whittier area. **If demand could support this additional space, why is there such a large vacancy factor?**

16-18

Table III-2 in section III-B posits an average household income for project residents of \$84,546 and an average household income for all of the retail trade area of \$86,395. The latter figure is an upward adjustment for underreporting of income of 11.1% from the mean income imputed by the U.S. Census based on a study by the Center for the Continuing Study of the California Economy. **This adjustment needs to be documented in greater detail.** The specific study is not noted and no matching report can be found on the current CCSCE web site. Other studies indicate that the extent of underreporting may vary by income level and source of income with nonwage income more likely to be underreported. Thus a uniform rate of adjustment may not be appropriate or perhaps a more limited adjustment given the overall income characteristics of the trade area should be applied. Any lowering of the adjustment rate will affect the calculation of retail demand and thus the potential for urban decay.

16-19

The average household income for project residents of \$84,546 used in the Urban Decay Study must be reconciled with the figure of \$74,621 presented in the Fiscal Impact Study. Project household income figures are calculated from the sales prices expected by Brookfield Homes. Given the mix of various owner occupied types and rental units in the project, this is a complicated calculation and a

16-20

worksheet should be shown. Perhaps an even slightly higher adjustment rate has been applied to the \$74,621 figure but that would not be appropriate as this is not a figure subject to underreporting. If anything the calculation of income from sales prices is likely to overstate income as buyers seek to qualify for mortgages larger than a strict accounting of their income might permit.

16-20

In section III-D, Distribution of Retail Expenditures, there are several assumptions or apparent inconsistencies which need to be justified. In the project description in at least one other section of the DEIR it is indicated that a food market would be part of the project commercial area. Food markets appear to be excluded from some tables in the Urban Decay Study, but not all. **Does the Food and Beverage category include all food markets or only some subset? If it does, is the 100% capture rate assumption in Table III-6 reasonable given, for example, the presence of a Walmart and a Costco on the borders of the trade area?**

16-21

In some tables a category of Motor Vehicle and Parts Dealers is some, while in others this is shortened to just Auto Parts. **While a capture rate of 100% might be appropriate if the category is only for auto parts, but the discount would surely be heavy if vehicle sales are included given the departure of most auto dealers from Whittier Blvd.** The remaining auto dealers are apparently not included in the space inventory of the Urban Decay Study though presumably their parts departments should be included if the demand for their sales is also recognized.

16-22

Some other issues raising concern about the care with which this study was assembled should also be noted. The map depicting the Whittier Retail Trade Area is repeated within a few pages of each other. Table A-7 and Table A-8 are exactly the same and follow one after another. The retail space inventory of Appendix B is missing subtotals for some sub groupings. More useful sorting could be provided and the assignment to subgroup and even to the adjustment category needs to be reviewed. Winchell's at Greenleaf and Hadley as assigned to the adjusted group even though it is well within the defined trade area. **Do not these issues and the above noted questions suggest that the Urban Decay Study needs to be carefully reworked?**

16-23

5.10 Fiscal & 11.11 Fiscal Impact Study

The review of the Urban Decay Study which appears to underpin the fiscal impact analysis raises concerns about the validity of the conclusions of financial benefit to the City of Whittier. The Fiscal Impact Study assumes that 85% of sales in the commercial area of the project will generate sales tax over and above that already collected in the City of Whittier. Using the proportion of income devoted to retail sales and the ratio of sales to retail space posited in the Urban Decay Study, it appears that only 171,000 square feet of commercial space would be needed to capture all of the retail expenditures of project residents. Thus under the most optimistic of assumptions

16-24

roughly 18% of the project commercial space will be vacant, underutilized or draw sales from existing establishments. **How can this discrepancy with the revenue forecast of the fiscal analysis be reconciled?**

16-24

The above is based on the more conservative household income assumption of the Fiscal Impact Study but that also is subject to question. It is based on the assumption that the developer will be able to sell all units at his desired price and that re-sales and property assessments will continue at that level. Other somewhat similar recent projects in Whittier have had to discount the asking price in order to complete sell out. The project assumes an average household income of \$74,621, but it is located in a census tract with an average income of \$67,464 and adjacent tract report a similar or lower figure. **Thus would it not be prudent to assume some discount in the sales and corresponding or greater discount to the average income of project residents and a consequent reduction in retail sales to those residents.**

16-25

Could a stress test be applied to the projected revenues to the city? What would be the impact of a 10% reduction in the average sales price on both sales tax and property tax revenue to the city? What were the rates of reduction in sales prices and assessments in the Whittier area during the recent recession and what impact would similar reductions have on the city revenue from the project? What would be the impact on sales tax revenues if different assumptions about the amount of spending by project residents outside of Whittier are made? This is a major project and the fiscal impact needs to be much more carefully evaluated.

16-26



RESPONSE TO COMMENT LETTER NO. 16

George Prather

December 1, 2014

- 16-1 The traffic analysis conducted as part of the EIR was performed in accordance with the requirements and thresholds of the potentially affected agencies within the study area (i.e., Whittier, Pico Rivera, Santa Fe Springs, County of Los Angeles, and Caltrans). Each agency has established level of service (LOS) criteria that provide a clear methodology for evaluating a project's impacts on a particular roadway intersection. No "weighting" of Project impacts by distance from the site was conducted, nor is such a methodology considered acceptable under agency evaluation criteria.
- 16-2 The commenter concerns regarding Project development are noted. However, as shown in Section 5.14, *Transportation and Traffic*, the Project would not result in a significant impact to the intersections of Whittier Boulevard/Sorenson Avenue, Whittier Boulevard/Hadley Street, and Whittier Boulevard/Philadelphia Street based on Caltrans significance criteria.
- 16-3 As noted in Response 16-2, the Project would not result in a significant impact to the intersection of Whittier Boulevard/Sorenson Avenue based on Caltrans significance criteria. The distribution of Project-related trips was established in accordance with the procedures described on Exhibit D-5 of the Los Angeles County 2010 Congestion Management Program (CMP), in conjunction with U.S. Census Bureau data. The trip distribution was also based upon typical travel patterns within the vicinity and routes to major transportation corridors (including Interstate 605). The trip distribution utilized within the *Traffic Impact Analysis* was developed in consultation with City Staff and Caltrans.
- 16-4 While the access points depicted in the Draft EIR are conceptual in nature, the traffic impacts associated with these facilities have been fully analyzed and are not expected to change substantially as final design occurs. However, if the City determines at a later date that any potential change in access may result in a new or substantially increased impact as compared to the Draft EIR, supplemental traffic analysis would be conducted to determine the extent of the impact in accordance with CEQA.
- 16-5 Numerous intersections along Whittier Boulevard were included in the study area for the *Traffic Impact Analysis* since Whittier Boulevard is a major regional east-west travel corridor, and also provides access to Interstate 605. As noted above, the study area was determined in consultation with City staff based upon typical travel patterns within the vicinity and routes to major transportation corridors. Penn Street is a two-lane east-west roadway primarily providing access to residential uses east of the Project site. Through a review circulation patterns and surrounding uses, it was determined that Project-generated traffic would not have the capacity to significantly affect intersections along Penn Street that are east of Whittier Boulevard.

The commenter also notes concerns related the combined effects of Project-related traffic and the identified cumulative projects. It should be noted that the *Traffic Impact Analysis* included an analysis of these combined effects as part of the forecast year 2020 scenario. This scenario is considered conservative, since an annual growth rate of approximately one percent per year over a six year period was also applied to background traffic. Cumulative traffic impacts associated with the Project were determined to be less than significant.



- 16-6 A quantified analysis of greenhouse gas impacts (including the reduction associated with the efficiency measures included in Mitigation Measure GHG-1) are provided in Section 5.6, *Greenhouse Gas Emissions*, of the Draft EIR. Table 5.6-2, *Mitigated Greenhouse Gas Emissions*, of the Draft EIR, provides data for Project-related greenhouse gas emissions, including mitigation such as transit accessibility and ride share. Greenhouse gas impacts associated with the Project were determined to be significant and unavoidable. In addition, Table 6-5, *Project Operational Fuel Consumption* of the Draft EIR provides a detailed breakdown of anticipated fuel consumption associated with the Project, since Project activities would not be considered inefficient, wasteful, or unnecessary in comparison to other similar developments in the region.
- 16-7 Specific design features of the Project related to solar facilities would not be determined until final design. However, as noted within Section 6.0, *Other CEQA Considerations*, of the Draft EIR, even in the absence of solar facilities, the Project would not be considered inefficient, wasteful, or unnecessary. The Project would require that buildings are energy efficient (15 percent above Title 24 requirements), and the Specific Plan incorporates several design features that also minimize energy requirements (pedestrian connections to offsite transportation features, proximity to public transit, etc.).
- 16-8 Refer to Topical Response A pertaining to the range of alternatives considered in the Draft EIR.
- 16-9 The Reduced Density/Additional Historic Preservation Alternative does not assume that the land associated with the Auditorium and Gymnasium have no value. Rather, it assumes that the in-situ preservation of these two buildings reduces the total amount of commercial development that would occur, due to limitations in development surrounding the two buildings created by necessary infrastructure, remediation, and access improvements, among others.
- 16-10 Refer to Topical Responses A and B.
- 16-11 As noted within Section 7.0, *Alternatives to the Proposed Action*, of the Draft EIR, the primary intent of alternatives under CEQA is to describe a range of alternatives that would feasibly attain most of the basic project objectives, but would avoid or substantially lessen any of the significant and unavoidable effects of the project. The Age Restricted Residential Alternative does not avoid any of the significant and unavoidable impacts of the Project, while the Reduced Density/Additional Historic Preservation Alternative does. As such, the Reduced Density/Additional Historic Preservation Alternative was selected as the Environmental Superior Alternative.
- 16-12 Refer to Topical Response B.
- 16-13 It is acknowledged in the Draft EIR that a Large Format Retail Alternative may result in a variation in General Fund revenues for the City. It should be noted that Project impacts related to fiscal revenues were determined to be less than significant in the Draft EIR. Even if a substantially higher General Fund revenue were realized by the City under the Large Format Retail Alternative, conclusions within the Draft EIR and Section 7.0, *Alternatives to the Proposed Action*, would not be affected.



- 16-14 Internal trip capture associated with the Large Format Retail Alternative is discussed within the *Traffic Impact Analysis* of the Draft EIR, and is shown within Table 7-8, Comparison of Proposed Project and Large Format Retail Alternative Daily Trip Generation.
- 16-15 As noted in Section 8.0, Effects Found Not To Be Significant, of the Draft EIR, there are no defined scenic vistas present from within or involving the project vicinity due to the flat topography and urban characteristics. Impacts related to visual character and quality are analyzed in detail in urban characteristics. Impacts related to visual character and quality are analyzed in detail in Section 5.1, Aesthetics, of the Draft EIR.
- 16-16 As noted within the *Urban Decay Study* for the proposed Project, the Whittier Retail Trade Area (WRTA) has the capacity to support an additional net demand of approximately 610,000 square feet (see Table 3, Page 9) of new retail/services space. As such, the 208,350 square feet of commercial development associated with the proposed Project can be supported within the WRTA. Impacts in regards to urban decay would be less than significant.
- 16-17 As clearly indicated in the *Urban Decay Study* on Table II-1 (page 7), the trade area's retail inventory includes 3,516,593 square feet of total space, including retail, services, and vacant space. Vacant space is clearly identified at 210,836 square feet. The reviewer has misrepresented the amount of vacant space in the comment. As shown on Table III-9 (page 19) in the *Urban Decay Study*, supportable retail demand in the trade area is estimated at approximately 3.24 million square feet. To calculate supportable demand for new retail development, it is appropriate to subtract existing occupied retail space (2.69 million square feet) from supportable demand levels. As noted by the commenter, this is approximately 550,000 square feet (see Table III-11 on page 21 of the *Urban Decay Study*).
- 16-18 Refer to Response 16-17.
- 16-19 As clearly shown on page 14 of the *Urban Decay Study*, the unadjusted average household income estimate in the trade area is \$77,756, as derived from U.S. Census surveys. Based on data from the Continuing Study of the California Economy (CCSCE), the report indicates that this average household income level is assumed to be underreported by approximately 10 percent. To derive the estimated actual average household income, we need to divide the reported total by 90 percent, assuming that is underreported by 10 percent (100 percent - 10 percent). To more clearly explain this calculation, see the following: \$86,395 (estimated actual income) x 10 percent (underreporting factor) = \$8,640. Following from this, \$86,395 (estimated actual income) – \$8,640 (estimated underreporting) = \$77,756 (reported income derived from U.S. Census surveys). The above calculations clearly show that estimated income is based on a 10 percent underreporting factor, and not 11.1 percent as indicated by the reviewer. The CCSCE study that cites this factor is the "California County Projections, 2009/10 edition (the most recent edition available)". The following sentence is directly excerpted from the report on page 5-18: "...the Census surveys tend to result in an underreporting of income by 10-15 percent."
- 16-20 The average household income level for project residents is based on projected sales data provided by the Project Applicant. The *Urban Decay Study* included an independent market analysis of projected residential sales values. The following data were used to provide a weighted average household income estimate of \$84,546.



**Table 2
Urban Decay Study – Household Income Assumptions by Home Type**

	SFD – Large	SFD – Small	SFA – 15 du/ac	SFA – 18 du/ac Phase 1	SFA – 18 du/ac Phase 2	Apartments
Single Family Residents						
Average Home Price	\$576,117	\$484,709	\$426,920	\$362,857	\$313,143	
Household Income as Ratio of Home Price	25%	25%	25%	25%	25%	
<i>Average Household Income</i>	<i>\$144,029</i>	<i>\$121,177</i>	<i>\$106,730</i>	<i>\$90,714</i>	<i>\$78,286</i>	
Apartment Residents						
Average Monthly Rent						\$1,100
Average Annual Rent						\$13,200
Annual Rent as Ratio of Household Income						\$30%
<i>Average Household Income</i>						<i>\$44,000</i>
Source: The Natelson Dale Group, December 2014. SFD = single family detached SFA – single family attached du/ac = dwelling units per acre						

**Table 3
Urban Decay Study – Average Household Income Assumptions for Lincoln Specific Plan**

Residential Product Type	Avg. HH Income	Units	Aggregate HH Income
SFD - Large	\$144,029	98	\$14,114,867
SFD - Small	\$121,177	96	\$11,633,016
SFA - 15 DU/Ac	\$106,730	120	\$12,807,600
SFA - 18 DU/Ac Ph.1	\$90,714	70	\$6,349,998
SFA - 18 DU/Ac Ph.2	\$78,286	70	\$5,480,003
Apartments	\$44,000	296	\$13,024,000
Total Average	\$84,546	750	\$63,409,483
Source: The Natelson Dale Group, December 2014. Note: Assumptions per home type are based on data in Table 2, above. Note: Totals may not sum due to rounding. SFD = single family detached SFA – single family attached du/ac = dwelling units per acre			

Although the household incomes shown in the *Urban Decay Study* and *Fiscal Impact Study* may differ slightly, as noted in Response 16-25, below, it is important to note that slightly higher household income does not necessary translate into significantly higher household spending than slightly lower incomes, or vice versa. The Board of Equalization publishes the Consumer Expenditure Survey (the “Survey”) that identifies, by income, the percentage of income spent on goods/services. This Survey generally indicates that as income decreases, the percentage of income spent on goods/services actually increases. As an example, the Survey shows that individuals with an income of \$74,250 spend approximately 26.5 percent of their income on goods/services (for a total of \$19,798.84). However, the Survey also indicates that individuals with an income of



\$67,464 spend 29.9 percent of their income on goods/services (for a total of \$20,150). Hence, a lower income projection would not have significant impact on retail expenditures, and as a result, sales taxes received by the City would be similar under both scenarios.

Moreover, as noted within the *Urban Decay Study* for the proposed Project, the Whittier Retail Trade Area (WRTA) has the capacity to support an additional net demand of approximately 610,000 square feet (see Table 3, Page 9) of new retail/services space. This is substantially greater than what the project Proposes (208,350 square feet). As such, a minor deviation in average household income would not have the capacity to alter the conclusion that the commercial development associated with the proposed Project can be supported within the WRTA.

- 16-21 The commenter states that there are inconsistencies in Section III-D of the *Urban Decay Study* but does not provide any examples. Contrary to the comment, the Food and Beverage category is represented in all relevant tables. See Section III, Tables III-5 through III-11 of the *Urban Decay Study*, all of which include the Food and Beverage category. The location of a Walmart and Costco, both of which are outside of the evaluated trade area, are irrelevant for purposes of determining the Food and Beverage capture rate. First, it would be inappropriate to account for stores outside of the trade area, given that the analysis does not consider potential demand that would be generated outside of the evaluated trade area. Further, as shown in Table III-5 in the *Urban Decay Study*, TNDG's analysis allocates 8.0 percent of total retail sales to the General Merchandise category, based on taxable sales data provided by the SBOE. The General Merchandise category includes major warehouse club stores and discount retailers such as Costco and Walmart. Many of these Warehouse Club/General Merchandise stores allocate a share of their total floor space to grocery sales. Since these sales occur in Warehouse Club/General Merchandise stores they are classified by the SBOE as General Merchandise rather than Food sales. Thus, the demand for grocery sales in these stores is already accounted for in the projected demand for General Merchandise retail space.
- 16-22 Potential demand for auto dealers is irrelevant, as the proposed Project will not include an auto dealership. The reviewer indicates that a 100 percent capture rate for Auto Parts would be appropriate, which is the category evaluated in the *Urban Decay Study*. See Table III-9, Footnote 1 of the *Urban Decay Study*, which explains the conversion of the *Motor Vehicle and Parts* retail category to the *Auto Parts* category. The following tables, III-10 and III-11 of the *Urban Decay Study*, also indicate that the category being evaluated is *Auto Parts*.
- 16-23 A map of the trade area is provided in the *Urban Decay Study's* introduction on Page 4, where the trade area boundaries are introduced. For purposes of completeness, the trade area map is also provided in Section III, Page 12 of the *Urban Decay Study*, where the trade area design is discussed in further detail. Contrary to the commenter's assertion, Table A-7 and Table A-8 of the *Urban Decay Study* are not identical. As indicated in the table titles, Table A-7 provides capture rates for project household, while Table A-8 provides capture rates for the evaluated trade area households. Appendix B of the *Urban Decay Study* provides a comprehensive field inventory of the evaluated trade area. As shown in Appendix B, total occupied and vacant square feet is summarized for each shopping center in the trade area. In addition, the square feet of the tenants which have been discounted is clearly identified in the table. Finally, the Winchell's store on 6502 Greenleaf Avenue is in the northwest periphery of the trade



area (in addition, the square feet of this particular store represents approximately 0.08 percent of the total Eating and Drinking category). Given the above, this comment does not identify any relevant issues with respect to the *Urban Decay Study's* findings.

- 16-24 The *Urban Decay Study* identifies the need for approximately 627,829 square feet of retail space within the Project's trade area. This implies that residents living in the trade area do not have suitable shopping alternatives close to their homes, and are forced to shop outside this trade area. The Fiscal Impact Study prepared by David Taussig & Associates, dated September 24, 2014, evaluates approximately 204,305 square feet of retail that would be generating sales at the Project site, and these additional square feet are expected to reduce the existing need for retail, but still not create an over-supply of retail (far from it) in the trade area. That is, once the Project is developed, there would still be a need for additional retail space in the Project's trade area.

More importantly, an examination of the retail demand and supply Citywide indicates that the current demand for retail in the City of Whittier exceeds the existing supply of retail by approximately \$357 million per year (refer to Appendix J, *Taussig Exhibits* of the Final EIR for Exhibit A for Response to 16-24). This data indicates that many residents in the City are having to shop outside the City boundaries to fulfill their retail needs. As a result, the development of additional square feet would create new sales for the City (sales that are currently occurring outside the City). Based on the Fiscal Impact Study, the Project is expected to generate gross sales of only \$42.2 million per year, well below the \$357 million figure noted above. Accordingly, we can conclude that applying a displacement rate of 15 percent to this gross sales figure (i.e. 15 percent of sales generated at the site would be displaced from somewhere else in the City) is, in fact, a conservative assumption.

- 16-25 The income calculations within the Fiscal Impact Study are based on the premise that an annual mortgage payment is a good indicator of household income. While these projections are higher than the current median income in the Census Tract, they are used for the sole purpose of calculating the average spending by Project residents, and not the average resident with the Census Tract. Importantly, the Fiscal Impact Study discounts resident spending by 50 percent to account for expenditures that would occur either at the Project site (so as to avoid double-counting sales taxes generated by the retail at the Project) or outside the City.

Additionally, it is important to note that slightly higher household income does not necessarily translate into significantly higher household spending than slightly lower incomes, or vice versa. The Board of Equalization publishes the Consumer Expenditure Survey (the "Survey") that identifies, by income, the percentage of income spent on goods/services. This Survey generally indicates that as income decreases, the percentage of income spent on goods/services actually increases. As an example, the Survey shows that individuals with an income of \$74,250 spend approximately 26.5 percent of their income on goods/services (for a total of \$19,798.84). However, the Survey also indicates that individuals with an income of \$67,464 spend 29.9 percent of their income on goods/services (for a total of \$20,150). Hence, the lower income projection would not have significant impact on retail expenditures, and as a result, sales taxes received by the City would be similar under both scenarios. In point of fact, the relationship between income and sales tax generation is quite complex. It is for this reason that the Fiscal Impact Study utilizes the "mortgage approach," as it more accurately captures the spending habits of the specific residents within the Project.



16-26 It is estimated that a 10 percent reduction in property values (both residential and non-residential) would result in an 11 percent decrease in property tax revenues. However, as discussed in the Response 16-25 above, a reduction in prices may actually produce a countervailing effect, due to an increase in overall sales tax generation. Specifically, a 10 percent reduction in price results in a lower estimate for the median income to \$67,159. Yet, based on the Survey estimates, individuals with that income level spend approximately 29.9 percent of their income on goods/services, or \$20,059 per year (higher than the currently projected \$19,799 per year).

With respect to home prices, an evaluation was performed based on home pricing trends available on www.zillow.com (see Appendix J of the Final EIR for Exhibit A of Response to 16-26). In 2006, the average price of a home in City of Whittier was approximately \$570,000. During the depth of the recession (November 2011), the prices had dropped to an average of \$349,000 (a decrease of approximately 39 percent). As of this year, the average price of a home in the City of Whittier is \$454,000.

Furthermore, similar trends can be seen from an alternative source, www.trulia.com that identifies median home price trends (refer to Appendix J of the Final EIR for Exhibit B of Response to 16-26) in the City of Whittier. In 2006, the median price of a home in City of Whittier was approximately \$500,000. During the depth of the recession (November 2011), the median price dropped to approximately \$300,000 (a decrease of approximately 40 percent). As of this year, the median price of a home in the City of Whittier is \$410,000.

Notably, the Fiscal Impact Analysis included as part of the Draft EIR is based on today's dollars (2014) and therefore a decrease from today's levels to the November 2011 lows, would represent a 23 percent decrease, not the larger 39 percent decrease.

Finally, as demonstrated in the example above, based on a 10 percent variation in prices, a 20 percent decrease in property values would have the same approximate decrease in property tax revenues.

DEC 01 2014

RESPONSES TO ENVIRONMENTAL IMPACT REPORT Community Development
 SCH NO 2014011069, Prepared by RBF Consulting, Mr. Glenn Lajoie AICP
 City of Whittier, Nelles Correctional School Facility/Grounds
 Presented By Judith Prather Ph.D. on 12/1/14

Short Biography of Presenter with focus on issues under consideration:

I came to Whittier in 1966 to attend Whittier College and graduated from there in 1966. Later I was an Adjunct Instructor at this College for over 15 years. I have lived in the same home for over 35 years, reared five children here (all of whom attended Whittier elementary and secondary schools) and had more than 10 Foster Children and more than 500 Foreign Exchange Students living in my home over a 25 year period.

I have completed three master's programs in psychology and hold a Ph.D. in Clinical Psychology and am licensed as a Marriage and Family Therapist. I have had my private practice of psychotherapy here for 35 years, have been involved in numerous community organizations and projects (founding committee member of the Whittier Village Festival and Entertainment Chair for eight years, founder of the concerts in the park series, founding member of the Rio Hondo Aids Project, founding member of the Women's Shelter, Gang Task force member, President of clubs such as the East Whittier/Whittier Sunrise Rotary, United Nations Association of Whittier and Vice President of the Southern California Division of UNA, Mark Twain Democratic Club, League of Women Voters, Intercommunity Blind Center, Alcoholism Center for Women, etc.—both as member and leader, have been named a Citizen of the Year in Whittier, La Habra, and Downey, and received numerous local, county, state, and national awards for leadership and special contributions. I was a major party candidate for the California Legislature in 1986.

17-1

In terms of specific environmental considerations, I was the Chair of the Environmental Task Force for Whittier, was selected to represent this District of Rotary and the United Nations Association National organization at the United Nations Conference on Environment and Development in 1992, where I was elected as Chair of the North American Delegation for Non-Profit Organizations (over 600 organizations and 3,000 people represented) and later selected to chair the working group on transnational organization and then the chair of the Human Rights statement of the conference. Subsequently I attended the follow-up conferences in Johannesburg, South Africa, in 2002, and in Rio de Janeiro in 2012. Currently I am the Chair for the Rotary International Action Group on Population and Sustainable Development for North America. Additionally I am an active member of the Whittier Conservancy, the Environmental Coalition of Whittier, the Sierra Club, the Peace and Justice Coalition, and the Whittier Hills Oil Watch groups.

Organization of the responses to the EIR document:

17-2

At first I was distressed by the volume of the EIR document, often because so much of it was repetitive and applied differentially to various areas. The document is not "user-friendly" as it uses numerous acronyms which most citizens would not recognize and some of which I had to search for precise meaning. I had attended the Scoping meeting at the Radisson Hotel and the presentation on the EIR at the Community Center. Neither of these meetings provided an opportunity for dialogue regarding the many issues of concern and interest, and this was especially restricted in terms of any opportunity for citizens to interact with each other. The presentations were organized as informational lecture with only specific questions permitted, and even this was restricted considerably. It is quite notable that many community members stayed after the meetings to talk with each other and in some cases connected on other bases about some concerns. But there was no format or process for these considerations to be heard by either the city staff or by Brookfield Homes which has certainly limited the viability of the EIR as having met the standard for community review and input.

17-2

Therefore I determined that the most rational manner to approach my response was to divide them in two major categories: 1) Those that have overarching/cumulative/integrity of resources and findings status, and 2) Those areas of the specific EIR documents that can be addressed as individual considerations. This second group will be accomplished by chronologically listing various areas and noting concerns directed toward that singular issue.

Each area for both of categories will be followed by a question in boldface that I would like to be answered and want the responses directed directly to me.

AREA #1

It is clear that the EIR used a boiler-plate format because many full sections, paragraphs, and sentences appeared frequently throughout the document, even though they were applied to a variety of issues under consideration. While a reminder of some basic principles is reasonable, if the data is wrong or skewed, it builds a sense that something suspect has credibility.

Questions:

- A1. What would be required to extract the common materials in the EIR document and present them as general considerations so that the specific content could be more evident and understandable?
- A2. What can be done to use the same standard for all considerations? How could the same numbers, square footing, and other demographic and scientific data be presented so that it is clear that the background data is uniform and consistent from topic to topic?
- A3. What can be implemented to assure the perceptual and psychological integrity of the document so that the perspectives of the authors do not dominate the subsequent conclusions by their uniformity and repetition?

17-3

Many issues of concern—most of these presented by slides at the meeting at the Community Center and not made available to the public as part of the EIR documents—are assumed to be of no concern for consideration and are summarily dismissed on an arbitrary basis. Some of these issues are of such considerable concern that there are state and national laws, findings of the United Nations, findings of scientific bodies which have been published. There is no provision for these issues to be brought forward even though they may have many implications for CEQA review. Also, there is both practical and scientific data to support the fact that an accumulation of low level impacts can rise to a level of importance and seriousness when combined and especially when their interactive effects are included. For instance, in my field of forensic psychology, there are standards of law listed as “extreme and unusual hardship”, “reasonable doubt”, “preponderance of evidence” that typically are not assumed to be a singular event or fact, but are interpreted in terms of the full body of data and its complex rise to significance. In science, certain interactions of materials, molecules, matter, may be insignificant in and of themselves but achieve great significance when they are cumulative or when a modifying variable is added to the equation. In medicine, one symptom may not define an illness or condition, but multiple definable symptoms may lead to both different and sometimes serious diagnostic relevance. As a current example, many of the characteristics of Ebola are also associated with rather simple illnesses such as a cold or the flu, but when they are defined in their entirety lead to a very serious diagnosis of illness.

17-3

Questions:

- B1. What data can be presented to assure the public and guide the builders that the issues that have been summarily designated as not having any impact or concerns for their significance indeed do have such designation when they are combined with other and cumulative factors?
- B2. How can that data that was presented at the Community Center meeting, but not released at that time or later, be available for public scrutiny before any action is taken on the entirety of the EIR proposal so that discussion and perspectives of expertise on these areas can weigh in with considerations?
- B3. What process can be implemented to assure citizens that the standards that are evolving in terms of state and federal approved targets that are to be implemented over the term of the project (designated in the EIR as 30 years) will fall within compliance standard so that the project design is not rapidly made obsolete?
- B4. What research, literature review, documentation, has been incorporated as standards to comply with the current “state of the art” in environmental, historic preservation, and master plans for transportation, housing, greenhouse gas emissions standards, and other relevant emergent standards?
- B5. What documentation of the recent global perspectives on climate change (such as the recent conference of the United Nations, called Rio +20, or the

17-4

17-5

recent formulation of Millennial goals of the United Nations, found under My World 2015.com, or the findings and reports of the more than 1,000 climatologists who presented and approved the scientific basis for many climate-related dimensions at their meeting in Rio de Janeiro in 2012 and were reported and approved by 85 heads of state, the non-profit and global citizens forum, and many other bodies and research entities?

- B6. Can you explain in detail why environmental standards for green building were not a lead consideration in the formulation of the mitigation factors that are given in the EIR? For instance, why is solar technology not a primary source of energy utilization rather than an afterthought of the project proposal? Why are other green building standards not presented as primary mitigation factors rather than the predominant zeitgeist of doing the least amount possible to build the project?

17-5

Even after extensive presentation of issues, there are conclusions that suggest that there are no significant effects in that area. First of all, these conclusions do not seem to match with even the data that the EIR document presents, and often the non-significance designation seems arbitrary and almost whimsical as on person's general conclusion and not verified with data.

Questions:

- C1. How can the conclusions of "no significant impact" be clearly defined so that the data the report itself presents is reflected in those conclusions?
- C2. How can the expertise of the formulators of the EIR be given credibility by providing the credentials and training resumes of these people? And especially of concern, how can the likelihood of various contributors to this document be separated so that their familiarity with the subject they are considering can be assured?
- C3. What role did Brookfield Homes have in directly formulating data and document? Did they actually provide any of the research, background, assumptions, or criteria for any aspects of the EIR document?
- C4. Since the City Council is the lead agency in obtaining and overseeing the EIR process, how can the Request for Proposal and relevant Guidelines formulating Guidelines be public knowledge so that citizens can interpret the findings in light of the expectations of the overseers?

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17-8

The intellectual integrity of the EIR is questionable since there are disconnects in terms of the utilization of data. For instance, some sections are based on 1,000 residents, others at 1,500 residents, and others at 2,000, with no reason given for the calculations for this. This makes many conclusions suspect since they cannot be assumed to be using the same data base. This same issue emerges in terms of various notations regarding the square footage of commercial space, the number of historic resources on sight, and the nature of

17-9

the environmental factors of the landscapes, trees, and resultant maintenance of some semblance of the integrity of the property itself.

17-9

Questions:

D1. What efforts were made on behalf of Brookfield Homes, the consultants on the EIR documents, and the lead agency, to ascertain community needs and interests for development of such a large parcel of land?

17-10

D2. What efforts were made to determine if structures (especially designations such as the track, the two gymnasiums, the auditorium, and other structures on the property) might have practical usage and be viable for rehabilitation whether or not they are designated as historic sites?

17-11

D3. What consultation was sought from the Community services personnel as to the community need for some of these recreational facilities? (For instance it is well-known that there are not sufficient basketball courts for the community programs that would like to utilize such venues, and a small auditorium could be repurposed for small events such as chamber concerts, singing group presentations, youth and community meetings, lectures, etc.)

17-12

D4. What research was done to determine how present construction materials could be repurposed? (Which would diminish the environmental impact issues considerably, would diminish the need for leveling of the land so that its current ambiance and trees, as well as a sense of community integration might be maintained). I would cite the experience of Rio de Janeiro, a city which did major overhaul of its central city and eliminated most of the favelas in the central city, but at the same time repurposed at least 90% of construction materials to do so. It is creative, unique, and beautiful, and was far less expensive than new materials—a factor that the UNCED conferences have repeatedly cited as viable.

17-13

There are discrepancies between the scientific elements addressed, which has profound impact on how they may affect the environmental considerations. For instance, the main body of numbered sections refers to Co₂ and N₄o as greenhouse gases that must be evaluation and for which mitigation must be considered. But in the review document, CO and NO are the chemical elements noted, and these are quite different from the ones presented in the longer sections. N₂o is the greenhouse gas so that the wrong information appears in both sections of the EIR, while the other listings of chemicals are questionable as to their relevance or the proposed mitigation factors. It also raises a potentially dangerous issue that, if the EIR is approved, will the builders consider themselves as mitigating the lesser hazardous elements.

17-14

Questions:

E1. Which chemical elements are the EIR trying to address and which ones are they suggesting mitigation measures for?

17-15

E2. Why are other significant greenhouse gases not present in the considerations—such as methane, CH₄, which has 11 times the greenhouse gas potential as Co₂?

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E3. How can the various chemical components be presented for public scrutiny so that it is clear what the greenhouse gas issues and/or other hazardous gas issues are relevant to considerations for approval of the EIR?

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Another subtle issue has profound implications for Whittier as a community and the implementation of the EIR provisions. There are only two or three references in the more than 1,200 pages of documents about the residential area being managed by a Homeowner's Association. This could have profound impact on the accessibility to the public of the parks, green space, and trail within the residential area of this development. It may also limit the control the city has over various issues of quality control within the project limits, and may incentivize residents to create exclusive and restrictive practices regarding use of this property.

17-18

Questions:

F1. What provisions are in place to assure that the public will have access to the park, pocket parks, green area, and trail on a level commensurate with the hours and designations of the other parks of Whittier?

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F2. Since the HOA would hold these green areas and trail as private property, what would assure proper ongoing maintenance of them to the level of other public places?

F3. What would prevent the HOA from deciding to post signs that said "for residents only" or even deciding to put up guard gates and access restrictors so that they would essentially be a "gated community"?

Similarly there are no notations about how this HOA would be constructed or conceived, and whether it would include all residents (including apartment renters, seniors focused housing, and commercial business owners) and no data on how the city would relate to this entity.

17-20

Questions:

G1. Since there is a proposed gradual implementation of the project based on consumer need, who would launch the primary HOA and implement its by-laws, and how would newer residents be incorporated into these provisions?

G2. Will the home owners and the apartment owners all belong to the same HOA and what person would represent apartment owners (the residents or the owner of the apartments)?

- G3. There is a visual barrier and the trailway between the commercial area and the residential area. Would the business owners have any influence or ownership of the HOA purview?
- 1) How would the HOA relate and/or be accountable to Whittier citizens so that both have adequate representation in the utilization of the park, green area, and trail?
 - 2) Who would name the streets and parks for this area, and especially how can it be assured that these represent the history and profile of Whittier as a community? The present proposals for names, such as the area being the “Lincoln Project”, the designation of the “Freedom Trail”, “Independence Green”, etc. are so overworked and common that there are hundreds of similarly named places in the immediate area so that there would be no distinctiveness and certainly no special association with Whittier in these names.
 - 3) What level of consideration has been made (other than simplistic suggestions for plaques on some buildings) for using this opportunity to capture many of the historic personages and concepts of this historic community, including its Quaker roots, its many distinguished past and present residents, and unique community ambiance?

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Area #2—Specific Sections of the EIR Presentation by Section Numbers.

Executive Summary Questions:

- 1.2 Project Summary: Are the requirements of the Whittier Specific Plan, the Whittier Blvd; Specific Plan, and the proposed Lincoln Specific Plan the same in basic considerations and requirements? If there are any differences, which will take precedence and how will this be determined?
- 1.3 Goals and Objectives: In what way do the presented Goals and Objectives reflect input and consultation with Whittier community members and citizens? What were the underlying assumptions in determining these perspectives?
- 1.4 Environmental Issues/Mitigation Summary: There are so many specific aspects of the impacts and mitigation measures, what is the plan for ongoing monitoring of all of these mitigation measures? When and who would determine when there is lack of compliance and what enforcement will be implemented?
- 1.4 Environmental Issues/Mitigation Summary: Since many mitigations involve fees to be paid to the city as the avenue of mitigation, what is the process and implementation strategies for assuring that these get utilized to address and remediate these issues by the city?

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<p>1.4 Environmental Issues/Mitigation Summary: Since there are several cities and the County of Los Angeles implications for many of the issues and mitigations, what agreements and/or strategies have been implemented to assure that these are completed in a timely manner and in compliance with a Whittier City Council Lead agency EIR?</p>	<p>17-26</p>
<p>1.4 Environmental Issues/Mitigation Summary: Since there are several levels of delineation of historic resources (local landmarks, state historic resources, national register of historic places), are there multiple areas in which action must be taken either to mitigate or to be overridden by other factors?</p>	<p>17-27</p>
<p>1.4 Environmental Issues/Mitigation Summary: In terms of environmental impacts on the surrounding community, especially the citizens themselves, are there areas in which it will be expected that other members of the community will have to make accommodations in order for the overall targets of state and national standards to be met? As examples, will citizens have to reduce water usage even more than the basic percentage reduction considerations would require in order to achieve the overall community targets established? Would citizens be impacted by the fact that even more generation of waste, utilization of water resources, CO2 remediation, by having such a large addition of residents added to the computation of these community targets?</p>	<p>17-28</p>
<p>1.4 Environmental Issues/Mitigation Summary: There are eleven areas, many with subsections, of the hazardous materials mitigations, which leads to concerns about whether the appropriate emergency services are readily available to contend with any such concerns? Who and what are they? What assurances are there that Whittier citizens will not encounter any crises in this area?</p>	<p>17-29</p>
<p>1.4 Environmental Issues/Mitigation Summary: What are the current calculation regarding the overall tax benefit to the city from the development of both the commercial and the residential elements of the project beyond what would be required as expenditures in order to service the citizen needs of these new residents/businesses?</p>	<p>17-30</p>
<p>1.4 Environmental Issues/Mitigation Summary: Since the issues of noise (including the differences between project building and long term effects), visual ambiance, sufficiency of fire and police services, students and park and recreation areas or highly subjective, what strategies are being put in place for ongoing dialogue and remediation if and when such issues should raise citizen concerns?</p>	<p>17-31</p>
<p>1.4 Environmental Issues/Mitigation Summary: Since California is experiencing a significant drought at this time and exceptional measures are being implemented to conserve water, replace lawns, set usage limits, etc., what is the basis for concluding that no mitigation measures are necessary in this area?</p>	<p>17-32</p>

1.4 Environmental Issues/Mitigation Summary: Since it is noted that the traffic impact will be considerable, have any additional steps been taken to access the extension of public transportation?

17-33

1.4 Environmental Issues/Mitigation Summary: Since there are 21 Mitigation Measures listed as Significant and Unavoidable Impacts, how is it reasonable to assume that the combination of these issues will not create extensive difficulties for people traveling to work or other destinations? As a psychotherapist, I am well aware of the research on the increased road rage and other psychological factors attendant to increased frustrations with traffic and I am aware that Los Angeles area already holds the distinction of being one of the most traffic impacted and difficult cities in the U.S., what provisions are being made for potential human and emotional factors that could create both danger and conflict in this area?

17-34

1.5 Summary of Project Alternatives: Based on the more than 1,200 (exclusive of the traffic study) pages of issues and mitigations, what additional attention and detail can be provided for the viability of the Project Alternatives? The listing of five areas, each of which is only one paragraph in length seems inadequate in terms of considerations of the overall EIR.

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I hereby certify that I have read the full EIR documents, with the exception of the 900 page traffic section though I did read the summary, and that I have presented these questions for thoughtful consideration and for the wellbeing of the overall quality of Whittier.

17-36



RESPONSE TO COMMENT LETTER NO. 17

Judith Prather

December 1, 2014

- 17-1 The commenter provides a biography and introduction to the letter. The commenter does not raise new environmental information or directly challenge information provided in the Draft EIR, and no further response is necessary.
- 17-2 The commenter provides background regarding the review of the Draft EIR and introduction to the comments. The commenter does not raise new environmental information or directly challenge information provided in the Draft EIR, and no further response is necessary.
- 17-3 The commenter provides input related to the format and structure of the Draft EIR. The commenter does not raise new environmental information or directly challenge information provided in the Draft EIR, and no further response is necessary.
- 17-4 The Draft EIR was prepared in accordance with the CEQA Guidelines, and analyzed both project-level and cumulative impacts. Issue areas such as air quality, greenhouse gases, noise, traffic, and cultural resources were analyzed in detail in accordance with existing State and local requirements, utilizing the required and acceptable models and methodologies as prescribed under CEQA. The commenter does not raise specific new environmental information related to analysis within the Draft EIR, and no further response is necessary.
- 17-5 A detailed description of the regulatory framework and methodology utilized for the greenhouse gas analysis is provided in Section 5.6, *Greenhouse Gas Emissions*, of the Draft EIR. The analysis was conducted in accordance with State (e.g., California Air Resources Board) and regional (i.e., South Coast Air Quality Management District) requirements under CEQA. In addition, Section 5.6 of the Draft EIR analyzes the effect of energy efficiency measures as noted within Mitigation Measure GHG-1.
- 17-6 The commenter raises concerns associated with impact conclusions and credibility of the Draft EIR, and impact conclusions are clearly stated and defined throughout the EIR and Section 1.0, *Executive Summary*. As noted above, the Draft EIR was prepared in accordance with the CEQA Guidelines. The commenter does not raise specific new environmental information related to analysis within the Draft EIR, and no further response is necessary.
- 17-7 The Draft EIR was prepared independently by the City of Whittier, utilizing an environmental consultant under direct contract to the City. The Project Applicant provided several supporting technical documents utilized in the analysis; however, all information provided by the Project Applicant was extensively peer reviewed by City staff and/or the City's environmental consulting team to ensure accuracy and objectivity prior to incorporation into the EIR.
- 17-8 The commenter raises concerns tied to the City's Request for Proposals and relevant guidelines. The commenter does not raise new environmental information or directly challenge information provided in the Draft EIR, and no further response is necessary.



- 17-9 The commenter raises concerns tied to assumptions utilized within the Draft EIR. While no specific comment is provided, the methodology utilized for the analysis in the Draft EIR varies according to topical impact area, agency requirements, and demographic data, among others. The commenter does not raise specific new environmental information related to analysis within the Draft EIR, and no further response is necessary.
- 17-10 The commenter raises a question related to outreach activities performed by the Project Applicant to ascertain community needs and interests. The commenter does not raise new environmental information or directly challenge information provided in the Draft EIR, and no further response is necessary.
- 17-11 A detailed analysis of onsite historic structures and the potential for adaptive reuse is provided within Section 5.4, Cultural Resources, Section 7.0, Alternatives to the Proposed Action, and Appendix 11.17, Reuse Feasibility Study, of the Draft EIR.
- 17-12 The Draft EIR included correspondence with City of Whittier Parks, Recreation, and Community Services Department in order to determine potential environmental impacts related to recreational facilities. This correspondence is provided as part of Appendix 11.13, Public Services/Utility Correspondence, of the Draft EIR.
- 17-13 The commenter raises questions related to the repurposing of construction materials, and cites an example of such repurposing in Rio de Janeiro. The commenter does not raise new environmental information or directly challenge information provided in the Draft EIR, and no further response is necessary.
- 17-14 Section 5.6, Greenhouse Gas Emissions, of the Draft EIR references CO₂ throughout the impact section, and no references to CO are included. N₂O is also noted throughout the impact section. There are no references to N₄O within Section 5.6. There are no discrepancies between elements identified within Section 5.6 as noted within the comment.
- 17-15 Refer to Response 17-14. All criteria pollutants and greenhouse gases have been appropriately identified in accordance with State and regional agency requirements. The analysis within Draft EIR Section 5.6 and Section 5.2, Air Quality, clearly identifies which pollutants mitigation measures apply to.
- 17-16 CH₄ is identified as a greenhouse gas within Section 5.6, and Project-related emissions of CH₄ are identified in Table 5.6-1, Business as Usual Greenhouse Gas Emissions and Table 5.6-2, Mitigated Greenhouse Gas Emissions. CO₂ and N₂O are also included in the modeling in accordance with South Coast Air Quality Management District (SCAQMD) requirements.
- 17-17 Section 5.6 discloses Project-related impacts for greenhouse gases in accordance with the CEQA Guidelines. The commenter does not raise specific new environmental information related to analysis within the Draft EIR, and no further response is necessary.
- 17-18 This comment provides an introduction to additional comments related to the proposed Homeowner's Association (HOA), as noted in Responses 17-19 through 17-21, below.



- 17-19 As noted within Section 3.0, *Project Description*, of the Draft EIR, all recreational amenities associated with the Project would be available for public use with the exception of Ethos Plunge. Public accessibility to these facilities (aside from Ethos Plunge) would be assured by the City through the final design and plan approval process as well as required public use easements.
- 17-20 Refer to Response 17-19. The commenter does not raise new environmental information or directly challenge information provided in the Draft EIR, and no further response is necessary.
- 17-21 A detailed analysis of Project impacts to the Nelles facility has been provided in Section 5.4, *Cultural Resources*, of the Draft EIR. Mitigation Measure CUL-3 of the Draft EIR provides a detailed description of mitigation requirements for impacts related to historic resources. This mitigation measure includes a detailed program related to recordation, interpretation, commemoration, and rehabilitation of resources onsite.
- 17-22 A detailed analysis of land use/policy consistency of the proposed Project under the Whittier General Plan and Whittier Boulevard Specific Plan is provided within Section 5.9, *Land Use and Planning*, of the Draft EIR. Impacts in regards to consistency with these policy documents were determined to be less than significant.
- 17-23 The commenter raises a question related to community input in development of Project goals and objectives. The commenter does not raise new environmental information or directly challenge information provided in the Draft EIR, and no further response is necessary.
- 17-24 As part of the EIR, the City of Whittier will be required to implement a Mitigation Monitoring and Reporting Program. CEQA requires that when a public agency completes an environmental document which includes measures to mitigate or avoid significant environmental effects, the public agency must adopt a reporting or monitoring program. This requirement ensures that environmental impacts found to be significant will be mitigated. The reporting or monitoring program must be designed to ensure compliance during project implementation (Public Resources Code Section 21081.6). Thus, the City's Mitigation Monitoring and Reporting Program will ensure that all identified mitigation measures within the Draft EIR are implemented.
- 17-25 Numerous mitigation measures establish fees to be paid by the Project Applicant (e.g., in-lieu park fees, fair share fees towards transportation improvements). As noted in Response 17-24, all mitigation measures included in the Draft EIR will be enforced by the City through implementation of the Mitigation Monitoring and Reporting Program. The Mitigation Monitoring and Reporting Program will ensure that all fees are paid by the Project Applicant by the milestone identified in the measure.
- 17-26 Refer to Responses 17-24 and 17-25. In regards to Project-related traffic impacts within Pico Rivera, Santa Fe Springs, and the County of Los Angeles, the identified fair share contribution would be collected prior to issuance of the first building permit for the proposed Project, and thus in advance of imposition of the respective mitigation improvements, and held in a dedicated account for said improvements. The timing for implementation of the mitigation measures would be subject to an agreement with the cities of Pico Rivera and Santa Fe Springs, which would include but not be limited to, a traffic monitoring program used in conjunction with buildout of the Project. For mitigation measures in unincorporated Los Angeles County, the improvement concepts, timing for



mitigation, and fair share percentages would be provided to the County of Los Angeles Department of Public Works Traffic and Lighting Division for review and approval.

- 17-27 Section 5.4, *Cultural Resources*, of the Draft EIR identifies impacts to all historic resources associated with the Nelles facility. As noted above, Mitigation Measure CUL-3 includes an extensive range of requirements intended to minimize impacts to the identified historic resources to the maximum extent practicable. Mitigation Measure CUL-3 accounts for the varying levels of historical significance associated with each of the buildings onsite. The Draft EIR concludes that impacts to historic resources would be a significant and unavoidable impact.
- 17-28 The intent of CEQA and preparation of the Draft EIR is to disclose Project impacts on the environment and surrounding community. Impacts to the surrounding community are addressed in detail throughout the Draft EIR. Specific to water consumption, Section 5.13, *Utilities and Service Systems*, analyzes Project impacts related to water supply, and included the preparation of a *Water Supply Assessment* (approved by the City of Whittier City Council on July 29, 2014). Based on the analysis, it was determined that the City has sufficient water supplies for its service area for the next 20 years, based on its existing and projected water demands.
- 17-29 Project impacts related to emergency services (fire and police protection) are analyzed in Section 5.12, *Public Services and Recreation*, of the Draft EIR. The analysis included consultation with the Los Angeles County Fire Department and Whittier Police Department, and determined that significant impacts to emergency facilities and response would not occur. In addition, the potential for impacts related to existing hazardous materials on the Project site is analyzed in detail in Section 5.7, *Hazards and Hazardous Materials*. While hazardous materials are known to occur onsite, the Project Applicant has initiated an agreement with the Department of Toxic Substances Control (DTSC) under the California Land Reuse and Revitalization Act (CLRRA) that would require remediation of onsite hazardous materials to meet DTSC regulatory standards. Impacts in regards to emergency services and hazardous materials were determined to be less than significant in the Draft EIR.
- 17-30 The Project's contribution of tax revenue towards the City's General Fund is described within Section 5.10, *Fiscal Impacts*. The Project would be able to fully pay for all the services that are being provided on its behalf by the City, resulting in a beneficial (and less than significant) impact.
- 17-31 The commenter raises a question related to ongoing dialogue related to citizen concerns. The commenter does not raise new environmental information or directly challenge information provided in the Draft EIR, and no further response is necessary.
- 17-32 Refer to Response 17-28.
- 17-33 Section 5.14, *Transportation and Traffic*, of the Draft EIR provides an analysis of Project impacts on public transit facilities. Based on Los Angeles County Congestion Management Program (CMP) guidelines, the Project would not have significant impacts on transit facilities in the vicinity.

In addition, as described in Lincoln Specific Plan Section 3.1, Master Plan of Circulation, the Project would provide infrastructure and access for various modes of travel, including automobiles, transit, bicycles, and pedestrian. The proposed Master Plan of Circulation



considers the perimeter public streets (Whittier Boulevard and Sorensen Avenue), regional trails (the Whittier Greenway Trail), site access, internal streets, roundabouts, alleys/private drives, and non-vehicular circulation elements accommodating the pedestrian and bicycle. The Project is subject to compliance with WMC Chapter 18.67, which sets forth the requirements for new developments to implement applicable TDM and trip reduction measures, and provide facilities that encourage and accommodate the use of pedestrian and bicycle commuting (among other alternative modes). The reduction in vehicle trips achieved through the Project's proposed pedestrian/bicycle design features and compliance with WMC Chapter 18.67 can be expected to lessen the Project's vehicular traffic impacts, which would be in furtherance of protecting the environment and health for the City's residents.

In addition, the *Whittier Bicycle Transportation Plan*, adopted in February 26, 2013, involves comprehensive goals and objectives for the City's bikeway system, particularly warranting special focus on the Whittier Greenway Trail on enhancing existing and potential connections to the abandoned rail line as well as its impact to the overall network. It provides the opportunity to consider changes in adjacent land uses within close proximity to the Whittier Greenway Trail to improve local business and advocate mixed use developments with lower parking requirements. The Project would include the construction of the proposed Freedom Trail, a Class I multi-purpose path that navigates through the community connecting parks, land uses, and the adjacent hospital. According to the *Bicycle Transportation Plan*, bicyclists and pedestrians are most likely to use Class I routes as the paths are designed as routes separate from vehicular traffic.

- 17-34 The commenter notes that the Draft EIR lists numerous significant and unavoidable impacts related to the proposed Project. Impacts related to traffic congestion have been analyzed in detail within Section 5.14, *Transportation and Traffic* of the Draft EIR. As noted in Section 5.14, if the City approves the proposed Project, the City would be required to cite their findings in accordance with CEQA Guidelines § 15091 and prepare a Statement of Overriding Considerations in accordance with CEQA Guidelines § 15093.
- 17-35 The commenter's statement refers to Section 1.0, *Executive Summary*, of the Draft EIR, where only a brief summary of the alternatives analysis is provided. Each alternative is described in far greater detail in Section 7.0, *Alternatives to the Proposed Action*.
- 17-36 This comment provides a conclusion to the comment letter. The commenter does not raise new environmental information or directly challenge information provided in the Draft EIR, and no further response is necessary.

December 1, 2014

Dear Mr. McNamara,

Here is a list of my concerns regarding the Nelles property:

1. Trees on the property haven't been watered for 10 years, yet they look very healthy. The jacarandas and wisteria bloom every year. These healthy, mature trees are proposed to be eliminated and replaced with drought-resistant trees. We need a volunteer arborist that is not affiliated with Brookfield or Whittier City Council to make a fair evaluation of the trees and shrubbery. **18-1**
2. The historic buildings should be repurposed and left on the Nelles property. There should be historical information displayed throughout the property similar to Heritage Park in Santa Fe Springs. **18-2**
3. The proposed community pool will not be for public use. There should be a wading pools for young children of the general public and a sprinkler/splash park for water exploration and play. This should be for all kids to play in and it should be free. **18-3**
4. In order to have a community friendly and sustainable project, the area must include a community garden. People can rent a plot in order to pay for fences and water. **18-4**
5. Whittier can also benefit from having an area designated as a nature center. It can be modeled after the nature center in El Dorado Park, Long Beach. It would have educational value as well as provide a refuge for migratory birds. Areas for migratory birds are rapidly diminishing due to the ongoing California drought. **18-5**
6. How much asbestos will be removed from the property? How? **18-6**
7. Approximately 190 students will be going to Whittier High School from the Nelles area. Will Whittier Blvd. and Philadelphia Ave. be negatively affected as students walk to school during rush hour? **18-7**
8. The elementary and middle school students will be attending school in the Los Nietos School District. Will this result in overcrowding in classrooms? Will new classrooms be opened and new teachers be hired? Will they be bussed to school? It seems like many people will ask for interdistrict permits so that their children will be able to attend nearby Sorensen School in the Whittier City School District. There aren't adequate sidewalks on Sorensen Ave. to accomodate a daily parade of children. People won't want students walking on their grass everyday. Will crossing guards be provided on the heavily trafficked street? Many times people race down Sorensen Ave. Since Sorensen Ave. is in the unincorporated area who would address this problem? **18-8**

- | | |
|---|---------------------|
| <p>9. Traffic all the way down to the 605 Freeway will be permanently impacted. It is already heavy when people are going to work in the morning. Most of the intersections that will be affected are in the unincorporated area of Whittier. How is this problem going to be mitigated? Unincorporated L.A. County residents immediately adjacent to the property, while not in the City of Whittier, will be severely impacted.</p> | <p>18-9</p> |
| <p>10. A new market is proposed for the Nelles property. This will take away business from the nearby markets, Ralph's and Stater Bros. Currently, The Marketplace has quite a few empty storefronts. I hope the new businesses at Nelles won't suffer the same fate.</p> | <p>18-10</p> |
| <p>11. Is a future transit hub being considered for the Sorensen/Whitter Blvd. intersection? If so, when and where? How will this affect the mobile park next to Stater Bros.? They already have problems with exiting the park because of traffic.</p> | <p>18-11</p> |
| <p>12. At least 240 high-density, three-story apartments are proposed for the southwest corner. Where will they park? Will privacy walls be provided to adjacent properties and across the street so privacy for the nearby community won't be compromised? I was told to talk to Don Knabe regarding this because Sorensen is in unincorporated Whittier. Whittier City Council is quite hopeful regarding the tax revenues it will receive. How will the most negatively affected community members of the Sorensen area benefit from the Nelles deveolpment?</p> | <p>18-12</p> |
| <p>13. The inhabitants of Sorensen Ave. will be impacted permanently by more cars, noise, automobile emissions, and foot traffic. We are in the unincorporated area of Whittier. Will those closest to the project be provided with privacy walls or sound walls of any kind? Will we be permitted to have taller walls than is legally permitted? Will there be speed bumps?</p> | <p>18-13</p> |
| <p>14. I was told at the meeting that I shouldn't worry because the property on the Nelles side will have a six-foot fence. How will that prevent the traffic noise from the very busy street from bouncing into my property? How will a six-foot fence on the Nelles side give us privacy when 240 three-story, high-density apartments are right across the street?</p> | <p>18-14</p> |
| <p>15. It only makes sense to provide for a place for SENIOR HOUSING. People who have lived in Whittier their entire lives are needing to leave due to unaffordable housing for seniors. Whittier has always been a more than a regular city. We have a unique and unifying history. Our senior citizens are a vital part of our community and we owe it them and to ourselves to do right by them. We have the opportunity to create an atmosphere where seniors can thrive.</p> | <p>18-15</p> |
| <p>16. During construction there will be great disruption of traffic flow on Sorensen Ave. The nearby community will be subjected to loud noise and large amounts of particulate matter in our air. At one of the meetings it was stated that the process would take seven years. That is a lot of chaos for one community to endure, even if it is unincorporated.</p> | <p>18-16</p> |
| <p>17. There are rabbits, birds, squirrels, etc. living on the Nelles property. As the land is razed</p> | <p>18-17</p> |

(by which I mean flattened) many animals will be decimated. Some may seek refuge in our yards, including snakes, mice, gophers, etc.

18-17

18. How and when will people with easement property be compensated?

18-18

19. Magnolia Ave. is already a very crowded and narrow street. A new dwelling structure will be built on the corner of Magnolia and Hadley. How will that street be able to accommodate the traffic of this complex and the added Nelles traffic? Also, a left turn arrow should be installed in order to turn from Hadley onto Whittier Blvd. Presently, very few cars can make that turn during one green light. With the increase in traffic it will be even harder and less safe. There are great visibility limitations due to the incline of the street.

18-19

20. Whittier has no bookstore. Yes to a bookstore. No to a big box store.

18-20

21. Place a large sign on the corner of Whittier Blvd. and Sorensen Ave. to announce date, time and location of public meetings regarding the Nelles property.

18-21

Thank you,

Josie Rosen, M.S.



RESPONSE TO COMMENT LETTER NO. 18

Josie Rosen

December 1, 2014

- 18-1 As noted within Section 5.1, *Aesthetics*, of the Draft EIR, the *Tree Evaluation* noted approximately 460 trees on the Project site. All of the trees on-site are stressed from being abandoned and unirrigated for the last 10 years since the closure of the youth correctional facility in 2004. Many of these trees have cracks, breaks, and tear-outs due to lack of care during and after the youth facility operations. As such, many of the trees on the Project site exhibit poor structural stability. There are other trees on the Project site that are in relatively good condition, including many of the cypress, deodars, eucalyptus, jacarandas, pines, and palm trees.

The commenter requests that a volunteer arborist make a fair evaluation of the trees and shrubbery on the project site, rather than eliminate and replace them all. As noted on Draft EIR page 5.1-30, Mitigation Measure AES-2 would require the Project Applicant to submit a Tree Removal Plan to the City of Whittier Community Development Department prior to commencement of demolition, earthwork, and/or grading activities. The Tree Removal Plan would be subject to City review and approval. At the time of City review, the City would determine what trees shall be retained and replaced based on Project characteristics and the condition of the existing onsite trees.

- 18-2 The commenter requests that all historic buildings be repurposed and retained on the Project site. Please refer to Topical Responses A and B. In addition, Mitigation Measure CUL-3 of the Draft EIR includes a detailed program for recordation, interpretation, commemoration, and rehabilitation of resources onsite.

- 18-3 This comment is a suggestion for the proposed pool on the Project site, and does not address the adequacy of the environmental analysis in the Draft EIR. No further response is necessary.

- 18-4 This comment requests that a community garden be located on the proposed Project site, and does not address the adequacy of the environmental analysis in the Draft EIR. No further response is necessary.

- 18-5 This comment requests that a nature center located on the proposed project site, and does not address the adequacy of the environmental analysis in the Draft EIR. No further response is necessary.

- 18-6 As noted on Draft EIR page 5.7-16, if asbestos containing materials (ACMs) are determined to be present on the Project site, a state-licensed abatement contractor shall make the notifications required under SCAQMD Rule 1403 and perform any required abatement of asbestos before commencement of any demolition activities (Mitigation Measure HAZ-3). It is unknown at this time the specific amount of asbestos located on the Project site. However, compliance with Mitigation Measure HAZ-3 would result in a less than significant impact.

- 18-7 As noted by the commenter, Whittier High School students may reside on the Project site upon development of the Project site. The Project does not include alterations or modifications that would increase risks to users of sidewalks or crosswalks along Whittier Boulevard or Sorensen Avenue. The Project does, however, include implementation of a six-foot sidewalk along the south side of Sorensen Avenue, which



would improve pedestrian circulation and safety in the vicinity of the Project site. In addition, the Project would not affect or remove any existing crosswalks in the Project vicinity, and the Project is not expected to result in impacts related to student safety.

- 18-8 As discussed on Draft EIR page 5.12-11, although the development of residential units on the Project site would generate an increase in the Los Nietos School District (LNSD), LNSD has confirmed that current facilities are equipped to handle an increase in enrollment growth. Further, LNSD is exploring additional funding opportunities to continue facility improvements including funding to purchase additional portable classrooms if necessary. In addition, as noted on Draft EIR page 5.12-12, developer impact fees would be imposed on future applicants for development within the Project site. Thus, compliance with the established regulatory framework, which requires payment of developer impact fees, would offset the cost of providing service for any additional students generated by the Project (including cross guards, if necessary). The impacts on school services would be fully mitigated through existing State regulations and would be less than significant. Also refer to Response 18-7.
- 18-9 As discussed in Draft EIR Section 5.14, *Transportation and Traffic*, the Project would be required to provide a fair share contribution towards intersection improvements within the City of Whittier, neighboring cities, unincorporated Los Angeles County, and California Department of Transportation (Caltrans) facilities to minimize traffic impacts. However, as noted in Draft EIR Section 5.14, impacts to intersection facilities in the Project vicinity would remain significant and unavoidable, even after mitigation. The City of Whittier would be required to adopt a Statement of Overriding Considerations as part of the approval for the Project.
- 18-10 The specific end users associated with the proposed commercial portion of the Project have not been confirmed at this time. Refer to Section 5.9, *Land Use and Planning*, of the Draft EIR for a discussion of the potential for urban decay impacts, which were determined to be less than significant.
- 18-11 Comment noted. A transit hub at the intersection of Sorensen Avenue and Whittier Boulevard is not included for the proposed Project, however an existing transit stop is located in the vicinity. This comment does not address the adequacy of the environmental analysis in the Draft EIR. No further response is necessary.
- 18-12 The commenter provides a question with regards to the vehicle parking location(s) for residential uses in the southwest corner of the Project site. It should be noted that the land uses shown in Exhibit 3-5, *Planning Areas*, of the Draft EIR, are highly conceptual and do not reflect a construction-level site plan. All parking associated with the proposed multi-family residential uses would be provided onsite, at ratios established by the Specific Plan and verified by the City as part of final plan review.

As noted on Draft EIR page 5.1-25, community walls on the perimeter of the Project site would typically include a 5- to 10-foot wall over an 8- to 9-foot retaining wall, resulting in a maximum combined wall height of approximately 18 feet. These walls would provide visual buffers to the project site for adjoining residents to the north, south, and west. The commenter raises questions regarding the benefits of the Project for local residents. Draft EIR Section 5.10, *Fiscal Impacts*, discusses the fiscal and employment benefits for the proposed Project.



- 18-13 As noted in Draft EIR Section 5.11, *Noise*, traffic noise along Sorensen Avenue would not exceed City's noise standards for residential uses under the Existing With Project and Future With Project scenarios. Therefore, no soundwalls for residents along Sorensen Avenue would be necessary. In addition, as noted above perimeter walls around the Project site would be a maximum of 18 feet, and would provide a privacy buffer between the surrounding residential uses and the Project site.
- 18-14 Refer to Response 18-12 and 18-13.
- 18-15 The commenter suggests that the Project include senior housing. This comment is a suggestion and does not address the adequacy of the environmental analysis in the Draft EIR. No further response is necessary.
- 18-16 As noted on Draft EIR page 3-21, Phase I construction activities (which include Planning Areas 1 and 7 fronting Sorensen Avenue) would conceptually be completed April 2015 and 2020 (five years). With regards to construction noise, the Project would be required to comply with Mitigation Measure N-1, which requires the Project Applicant to prepare a construction noise management plan that identifies measures to be taken to minimize construction noise on surrounding sensitive receptors (e.g., residential uses, church, and hospital), and conduct construction activities within the City's allowable hours (between 7:00 AM and 8:00 PM, Monday through Saturday). Compliance with Mitigation Measure N-1 would result in a less than significant impact.

With regard to temporary air quality impacts during construction, short-term construction air quality impacts would be significant and unavoidable for nitrous oxide (NO_x) emissions, and less than significant for all other criteria pollutants (see Draft EIR page 5.2-17). Implementation of Mitigation Measures AQ-1 through AQ-3 would reduce air quality impacts to the furthest extent possible, however impacts for short-term NO_x emission would remain significant and unavoidable.

As discussed on Draft EIR page 5.7-24, the Project would be required to prepare a Traffic Management Plan (TMP) to address temporary traffic impacts during construction, and notify the Los Angeles County Fire Department (LACFD) and Whittier Police of construction activities that could impede movement along surrounding roadways (Mitigation Measures HAZ-7, and HAZ-8, respectively). Compliance with Mitigation Measures HAZ-7 and HAZ-8 would result in less than significant construction traffic impacts.

- 18-17 As noted in Draft EIR Section 5.3, *Biological Resources*, the Project would result in less than significant impacts to sensitive biological resources. While it is not anticipated that a substantial number of common animals at the Project site would take refuge at nearby residences due to construction activities, any such occurrence would be reviewed by the City of Whittier and/or Greater Los Angeles County Vector Control District. Impacts related to biological resources were determined to be less than significant within the Draft EIR.
- 18-18 This comment relates to easement compensation and does not address the adequacy of the environmental analysis in the Draft EIR. No further response is necessary.
- 18-19 As discussed in Section 5.14, the study intersection located at Whittier Boulevard and Hadley Street would operate at acceptable Level of Service (LOS) C under all Project scenarios. Thus, Project impacts at this intersection would be less than significant.



- 18-20 This comment states that Whittier needs a bookstore, and does not address the adequacy of the environmental analysis in the Draft EIR. No further response is necessary.
- 18-21 The commenter requests that a sign for upcoming public meetings regarding the Project be located on the corner of Whittier Boulevard and Sorensen Avenue. It is noted that all noticing for the Project has been (and will continue to be) completed in accordance with CEQA and the City's municipal code requirements. This comment does not address the adequacy of the environmental analysis in the Draft EIR. No further response is necessary.

We are always grateful when national entities recognize the economic opportunities of locating in Whittier. We say THANK YOU Brookfield for investing in Whittier via the Nelles's sale during a downturn in real estate that intimidated others.

Below are our interests in responding to the EIR. While we are not experts in development or city planning, we are all vested in Whittier and involved with the issues of economic vitality, housing and our aging population.

The Whittier Blvd. Specific Plan developed in 2005 and updated in 2011 is the most recent city planning document relevant to this project. It calls for a concentration of retail space along Whittier Blvd. and a "Workplace District" in the area of Nelles for the purpose of creating an environment conducive to job development. Brookfield has requested the city change this developmental objective to residential/commercial.

The proposed Workplace District is immediately adjacent to PIH, which is one of the 25 TOP hospitals in the state of California, and one of Whittier's largest employers in one of the fastest segments of our economy. PIH would not have been built except for the community vision to see & meet the need of a growing community. It was not a source of direct sales or property tax revenue for the city, there was no profit motivation, yet it is a significant source of economic well-being in the city.

19-1

Whittier needs to capitalize on opportunities that attract resources into the city. There is no bigger attraction than PIH. To ignore this asset in the development of Nelles is simply the result of a short term market driven perspective without the complement of long term community planning. The citizens of the community are the ones with the incentive to require a broader view of the development because they are the ones who live with outcome. Developers leave, city planners retire, the citizens remain with their housing, relational and economic ties to the community. The Nelles location immediately adjoining PIH facilities presents the unique opportunity of converting one the largest parcels of PUBLIC land to private use in recent history. It is the single largest multi-use development in Whittier since The Lusk Company's development of the Whittwood housing/shopping/school/library area.

We need to supplement our city's planning process beyond "current market demand" for development of the property in order to create a product that complements the community not just adjoins it. We have no ability to replace this opportunity for long term community planning if we exclude it from this development.

- What consideration has been made of PIH as a market force on the development of Nelles?
- What are the ancillary economic development opportunities that we should expect around as large a medical facility as PIH?
- What do we lose in economic opportunities when we surrender the Workplace district?

19-2

19-3

19-4

City Planning & Legacy- We are business owners who derive our livelihood from Whittier; we understand operating a business for highest & best economic return. We also know it is the unique obligation of local government to weigh economic development against the highest & best opportunity for the community. The 1987 Whittier Earthquake gave opportunity for highest & best use to change single family neighborhoods by building multi-unit housing. The 30 year legacy of that market driven decision is several single family neighborhoods overpowered with

19-5

buildings that violate the privacy, scale, parking and density of what were conforming single family neighborhoods. Home values adjoining the multi-residential development are driven DOWN by 'highest & best use' not being the highest best opportunity for maintaining the consistency of the neighborhood that had been present.

Our historic residential district is the BEST example of a local market product that CANNOT be factored into or delivered by traditional developers. The best historic neighborhoods have continued to thrive and increase in value by market demand alone in spite of having lesser public services than newer east side neighborhoods.

The Nelles development seems to have conflicting housing demand studies related to senior living and continuing care. The developer and the city have opposing assumptions on market area, market demand and existing senior housing inventory. Community focus meetings significantly favored provision of a 'new market' product for senior housing adjacent to PIH with the availability of a walkable community that would allow a viable integrated option for an aging population.

19-5

Market rate developers justify their product mix based on highest return on their investment. They are not looking for community opportunities to create something new, it's just not what they do. Brookfield cannot be expected to present more than honest main stream housing because that is what they do. Nelles is large enough to be more than a market rate housing/shopping project. It is large enough to incorporate the senior living needs of the community.

- What is the analysis/reconciliation of the conflicting senior housing studies between Brookfield & City of Whittier?
- What 'Work District' and housing elements are missing in Whittier that have a pattern of development around other major hospitals where land has been available?
- What city planning priorities exist for contemporary senior housing throughout the country, that could be relevant here?

19-6

19-7

19-8

Thank you to all involved in the hard work of leading our city in this important project. We look forward to continuing the process with you.

On behalf of the Senior Housing Coalition,

Ron Ridout ~ Bob Haendiges ~ Jim Emery ~ Melanie Bickley

19-9

W. Allan Nakken ~Ronald and Karolina Dutchen~Virginia Quirk~Hector and Michelle Alvarado~Jennifer Brown~Cindy Bosshard~Amy Emery~Wesley Kruse



RESPONSE TO COMMENT LETTER NO. 19

Senior Housing Coalition

December 1, 2014

- 19-1 The commenter provides introductory comments and information regarding the adjoining Presbyterian Intercommunity Hospital (PIH). The commenter states that the City needs to take advantage of the Project site and create a complimentary development to the PIH. This comment is considered a suggestion and does not relate to the environmental analysis in the Draft EIR. No further response is necessary.
- 19-2 Impacts on and related to PIH were considered within the Draft EIR, as required under CEQA. The Project Applicant has developed the Lincoln Specific Plan in response to anticipated market demand for commercial and retail facilities. This comment does address the adequacy of the environmental analysis in the Draft EIR. No further response is necessary.
- 19-3 Refer to Response 19-2. This comment does address the adequacy of the environmental analysis in the Draft EIR. No further response is necessary.
- 19-4 This comment states that economic impacts would occur when the Workplace District is surrendered. This comment does address the adequacy of the environmental analysis in the Draft EIR. No further response is necessary.
- 19-5 The commenter provides a brief history of the 1987 Whittier Earthquake and its impact on the local housing market, and exemplifies the historic residential district as a successful case study in the City. The commenter believes that the Project site should include senior housing adjacent to the PIH to fulfill the senior needs of the community. This comment is an opinion regarding the proposed Project and does not address the adequacy of the environmental analysis in the Draft EIR. No further response is necessary.
- 19-6 The commenter makes note of "conflicting senior housing studies between Brookfield & City of Whittier." Although the City previously commissioned a market demand study for senior housing that was unrelated to the Lincoln Specific Plan EIR, there has been no formal technical document prepared by the Project Applicant (Brookfield) that addresses this issue. As such, there are no conflicting senior housing studies applicable to the Project. The Project Applicant is currently considering an age-targeted component as part of the residential development associated with the Specific Plan. This comment does address the adequacy of the environmental analysis in the Draft EIR. No further response is necessary.
- 19-7 Refer to Response 19-2. This comment does address the adequacy of the environmental analysis in the Draft EIR. No further response is necessary.
- 19-8 This comment relates to city planning priorities for senior housing in other areas of the country. This comment does address the adequacy of the environmental analysis in the Draft EIR. No further response is necessary.
- 19-9 This is a closing statement to the comment letter, and does address the adequacy of the environmental analysis in the Draft EIR. No further response is necessary.

-----Original Message-----

From: cmcnamara@cityofwhittier.org [mailto:cmcnamara@cityofwhittier.org]

Sent: Tuesday, December 09, 2014 1:40 PM

To: Ashimine, Alan; yms@jones-mayer.com; margit.allen@kimley-horn.com; jadams@cityofwhittier.org

Subject: FW: Whittier Project Letter 2.rtf

Did we include this one?

Conal McNamara, AICP
Director of Community Development
City of Whittier
cmcnamara@cityofwhittier.org
(562) 567-9320

-----Original Message-----

From: Linda Skale [mailto:lindaskale@yahoo.com]

Sent: Thursday, December 04, 2014 9:46 AM

To: Conal McNamara

Cc: Roberta Fels

Subject: Re: Whittier Project Letter 2.rtf

Sent from my iPhone

> On Dec 2, 2014, at 8:06 PM, Linda Skale <lindaskale@yahoo.com> wrote:

>

> To Whom it may concern

>

> I am one of the owners at the property located at 12090 E Whittier Blvd Whittier Ca

>

> We have raised several objections to our address being included as part of the Brookfield project next door and included in the environmental impact study at Fred C Nellis

>

> I want to make sure my address is removed from the project. We have unsuccessfully attempted to speak with Brookfield . We are not part of the project.

>

> Please remove my property address and advise.

>

> Thank you

>

> Linda Skale

> lindaskale@me.com

> 909 908 2353

>

>

>

> <Whittier Project Letter 2.rtf>

>

>

>

>

> Sent from my iPhone

20-1



RESPONSE TO COMMENT LETTER NO. 20

Linda Skale

December 2, 2014

- 20-1 The commenter states that they are the owner of the property located at 12090 East Whittier Boulevard. As the property is a part of the Project site, the commenter objects to the proposed development. The commenter does not raise new environmental information or directly challenge information provided in the Draft EIR, and no further response is necessary.



COUNTY SANITATION DISTRICTS
OF LOS ANGELES COUNTY

1955 Workman Mill Road, Whittier, CA 90601-1400
Mailing Address: P.O. Box 4998, Whittier, CA 90607-4998
Telephone: (562) 699-7411, FAX: (562) 699-5422
www.lacsd.org

GRACE ROBINSON HYDE
Chief Engineer and General Manager

December 8, 2014

Ref File No.: 3119490

Mr. Conal McNamara, AICP
Director of Community Development
City of Whittier
13230 Penn Street, 2nd Floor
Whittier, CA 90602-1772

RECEIVED
DEC 09 2014
Community Development

Dear Mr. McNamara:

Lincoln Specific Plan (Nelles)
Tentative Tract Map No. 72953

The County Sanitation Districts of Los Angeles County (Districts) received a Draft Environmental Impact Report for the subject project on October 17, 2014. The proposed development is located within the jurisdictional boundaries of District No. 18. We offer the following comments:

21-1

1. The Districts issued correspondence dated July 23, 2014 (copy enclosed) clarifying the wastewater generated by the proposed project will be treated at Los Coyotes Water Reclamation Plant (WRP). The Los Coyotes WRP, located at 16515 Piuma Avenue in the city of Cerritos, provides primary, secondary and tertiary treatment for 37.5 million gallons of wastewater per day and currently processes an average flow of 22.1 million gallons per day (mgd).

21-2

2. **EXHIBIT 5.13-5, Proposed Wastewater Collection System** identifies three local sewer line connections, located in Bexley Drive, Townley Drive, and Barnum Drive, which are not maintained by the Districts. The following is a list of the corresponding Districts' trunk sewers:

21-3

Name	Location	Size (dia.)*	Design Capacity (mgd)	Peak Flow (mgd)	Last Measured
Bexley Drive Connection: Sorensen Avenue Trunk Sewer	In Sorensen Avenue at Bexley Drive	10"	1.8	1.0	2013
Townley Drive Connection: South Plant Outfall Trunk Sewer	In Rose Hedge Drive south of Wexford Avenue	18"	4.4	2.9	2013
Barnum Drive Connection: Broadway Trunk Sewer	In Washington Boulevard west of Westman Avenue	15"	1.5	0.8	2013

*diameter in inches

3. All other information concerning Districts' facilities and sewerage service contained in the document is current.

21-4

If you have any questions, please contact the undersigned at (562) 908-4288, extension 2717.

Very truly yours,

Grace Robinson Hyde



Adriana Raza
Customer Service Specialist
Facilities Planning Department

AR:ar

Enclosures

cc: M. Tremblay
J. Ganz



COUNTY SANITATION DISTRICTS OF LOS ANGELES COUNTY

1955 Workman Mill Road, Whittier, CA 90601-1400
Mailing Address: P.O. Box 4998, Whittier, CA 90607-4998
Telephone: (562) 699-7411, FAX: (562) 699-5422
www.lacsd.org

GRACE ROBINSON HYDE
Chief Engineer and General Manager

July 23, 2014

Ref File No.: 3012187

Mr. Jeffery S. Adams
Planning Services Manager
City of Whittier
13230 Penn Street
Whittier, CA 90602-1772

Dear Mr. Adams:

Lincoln Specific Plan (Nelles)
Tentative Tract Map No. 72953

The County Sanitation Districts of Los Angeles County (Districts) received the letter and plans for the subject project forwarded by your office on June 19, 2014. The proposed development is located within the jurisdictional boundaries of District No. 18. We offer the following comments:

1. Previous comments submitted by the Districts in correspondence dated February 26, 2014 (copy enclosed), to your agency, still apply to the subject project with the following updated information and revision.
2. Based on the plans forwarded by your office, the wastewater flow originating from the proposed project will discharge to a local sewer line, which is not maintained by the Districts, for conveyance to the Districts' South Plant Outfall Trunk Sewer, located in Rose Hedge Drive just south of Wexford Avenue. This 18-inch diameter trunk sewer has a design capacity of 4.4 million gallons per day (mgd) and conveyed a peak flow of 2.9 mgd when last measured in 2013.
3. Item 3 of the enclosed copy inaccurately states "the wastewater generated by the proposed project will be treated at the Long Beach Water Reclamation Plant". The wastewater generated by the proposed project will be treated at the Los Coyotes Water Reclamation Plant located in the City of Cerritos, which has a design capacity of 37.5 mgd and currently processes an average flow of 21.2 mgd.

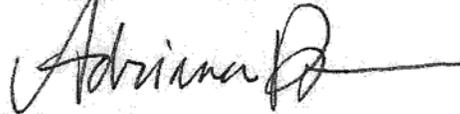
21-5

4. All other information concerning Districts' facilities and sewerage service contained in the document is current.

If you have any questions, please contact the undersigned at (562) 908-4288, extension 2717.

Very truly yours,

Grace Robinson Hyde

A handwritten signature in black ink, appearing to read "Adriana Raza", with a long horizontal flourish extending to the right.

Adriana Raza
Customer Service Specialist
Facilities Planning Department

AR:ar

Enclosure

cc: M. Tremblay
J. Ganz

21-5



COUNTY SANITATION DISTRICTS OF LOS ANGELES COUNTY

1955 Workman Mill Road, Whittier, CA 90601-1400
Mailing Address: P.O. Box 4998, Whittier, CA 90607-4998
Telephone: (562) 699-7411, FAX: (562) 699-5422
www.lacsd.org

GRACE ROBINSON HYDE
Chief Engineer and General Manager

February 26, 2014

Ref File No.: 2858264

Mr. Aldo E. Schindler
Director of Community Development
City of Whittier
13230 Penn Street, 2nd Floor
Whittier, CA 90602-1772

Dear Mr. Schindler:

The Lincoln Specific Plan

The County Sanitation Districts of Los Angeles County (Districts) received a Notice of Preparation of a Draft Environmental Impact Report for the subject project on January 24, 2014. The proposed development is located within the jurisdictional boundaries of District No. 18. We offer the following comments regarding sewerage service:

1. Availability of sewer capacity depends upon project size and timing of connection to the sewerage system. Because there are other proposed developments in the area, the availability of trunk sewer capacity should be verified as the project advances. Please submit a copy of the project's build-out schedule to the undersigned to ensure the project is considered when planning future sewerage system relief and replacement projects.
2. The wastewater flow originating from the proposed project will discharge to a local sewer line, which is not maintained by the Districts, for conveyance to the Districts' South Plant Outfall Trunk Sewer, located in Washington Boulevard at Rivera Road. This 21-inch diameter trunk sewer has a design capacity of 3.6 million gallons per day (mgd) and conveyed a peak flow of 2.4 mgd when last measured in 2013.
3. The wastewater generated by the proposed project will be treated at the Long Beach Water Reclamation Plant, which has a design capacity of 25 mgd and currently processes an average flow of 17.5 mgd.
4. The expected average wastewater flow from the project site is 262,714 gallons per day. For a copy of the Districts' average wastewater generation factors, go to www.lacsd.org, Wastewater & Sewer Systems, Will Serve Program, and click on the Table 1, Loadings for Each Class of Land Use link.
5. The Districts are empowered by the California Health and Safety Code to charge a fee for the privilege of connecting (directly or indirectly) to the Districts' Sewerage System for increasing the strength or quantity of wastewater attributable to a particular parcel or operation already

21-6

connected. This connection fee is a capital facilities fee that is imposed in an amount sufficient to construct an incremental expansion of the Sewerage System to accommodate the proposed project. Payment of a connection fee will be required before a permit to connect to the sewer is issued. For a copy of the Connection Fee Information Sheet, go to www.lacsd.org, Wastewater & Sewer Systems, Will Serve Program, and click on the appropriate link. For more specific information regarding the connection fee application procedure and fees, please contact the Connection Fee Counter at extension 2727.

6. In order for the Districts to conform to the requirements of the Federal Clean Air Act (CAA), the design capacities of the Districts' wastewater treatment facilities are based on the regional growth forecast adopted by the Southern California Association of Governments (SCAG). Specific policies included in the development of the SCAG regional growth forecast are incorporated into clean air plans, which are prepared by the South Coast and Antelope Valley Air Quality Management Districts in order to improve air quality in the South Coast and Mojave Desert Air Basins as mandated by the CCA. All expansions of Districts' facilities must be sized and service phased in a manner that will be consistent with the SCAG regional growth forecast for the counties of Los Angeles, Orange, San Bernardino, Riverside, Ventura, and Imperial. The available capacity of the Districts' treatment facilities will, therefore, be limited to levels associated with the approved growth identified by SCAG. As such, this letter does not constitute a guarantee of wastewater service, but is to advise you that the Districts intend to provide this service up to the levels that are legally permitted and to inform you of the currently existing capacity and any proposed expansion of the Districts' facilities.

21-6

If you have any questions, please contact the undersigned at (562) 908-4288, extension 2717.

Very truly yours,

Grace Robinson Hyde



Adriana Raza
Customer Service Specialist
Facilities Planning Department

AR:ar

cc: M. Tremblay
J. Ganz



RESPONSE TO COMMENT LETTER NO. 21

Adriana Raza, Customer Service Specialist
County Sanitation Districts of Los Angeles County
December 8, 2014

- 21-1 The commenter provides introductory comments noting the County Sanitation Districts of Los Angeles County (Districts) receipt of the Draft EIR and location of the Project site within the jurisdictional boundaries of District No. 18. No further response is necessary.
- 21-2 The Draft EIR notes that wastewater from the Project site is treated by the District's Long Beach Water Reclamation Plant (LBWRP). This was based upon correspondence from the Districts received as part of the Notice of Preparation (NOP) for the Project, dated February 26, 2014. This was subsequently clarified by the Districts as part of correspondence related to the Tentative Tract Map review. As such, page 5.13-9 of the Draft EIR has been revised as follows:

Wastewater Treatment. Wastewater originating from the Project site is treated by the LACSD's Los Coyotes Water Reclamation Plan (LCWRP), located at 16515 Piuma Avenue in the City of Cerritos ~~Long Beach Water Reclamation Plant (LBWRP), located at 7400 E. Willow Street.~~ The facility provides primary, secondary and tertiary treatment for a design capacity of 37.5 ~~25~~ mgd and currently processes an average flow of 22.1 ~~17.5~~ mgd of wastewater.

- 21-3 Page 5.13-28 of the Draft EIR has been revised as follows, to specify City versus Districts wastewater collection facilities:

Currently, the onsite wastewater collection system is proposed to convey wastewater off-site at three points of connection as shown in Exhibit 5.13-5, Proposed Wastewater Collection System: 1) the existing local 8-inch sewer in Bexley Drive, which is a ~~connects to a 10-inch~~ LACSD facility in Sorensen Avenue; 2) the existing local 8-inch sewer in Townley Drive, which connects to an 18-inch ~~is also an~~ LACSD facility in Rose Hedge Drive; and 3) the existing 8-inch sewer in Barnum Drive, which is a City facility that ultimately discharges to an ~~15-inch~~ LACSD facility in Washington Boulevard. The sizing and alignment of all proposed sewers would be verified during the design phase of the Project to ensure adequate wastewater conveyance as part of the City's and LACSD's standard plan review process.

- 21-4 This comment notes that all other information related to the Districts' facilities in the document is current. It does not raise new environmental information or directly challenge information provided in the Draft EIR. No further response is necessary.
- 21-5 This comment consists of correspondence from the Districts to the City of Whittier related to the Districts review of the Project's Tentative Tract Map. As noted in Response 21-2, the Draft EIR has been revised to note that the Project would be served by the LCWRP in Cerritos. The remainder of this letter does not raise new environmental information or directly challenge information provided in the Draft EIR, and no further response is necessary.



- 21-6 This comment consists of the Districts' NOP comment letter for the proposed Project. Information in this letter was addressed within the Draft EIR, and the comment letter was included within Appendix 11.2, *NOP Comment Letters* of the Draft EIR. The letter does not raise new environmental information or directly challenge information provided in the Draft EIR, and no further response is necessary.



LOS ANGELES
CONSERVANCY

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Los Angeles, CA 90014

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laconservancy.org

Submitted electronically

December 1, 2014

Aldo E. Schindler, Director of Community Development
City of Whittier
13230 Penn Street, 2nd Floor
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

22-1



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.

22-1

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

22-2

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.

22-2

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.

22-3

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

22-4

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.

22-4

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.

22-5

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

22-5

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.

22-6

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.

22-7

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

22-8

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.

22-8

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.

22-9

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.

22-10

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.

22-11

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.

22-12

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

22-13



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

22-13

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.

22-14

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





RESPONSE TO COMMENT LETTER NO. 22

Adrian Scott Fine, Director of Advocacy
Los Angeles Conservancy
December 1, 2014

- 22-1 This comment provides an introduction to the letter, and summarizes numerous points related to the Draft EIR that are expanded upon later in the letter (i.e., the potential for adaptive reuse of additional historic structures, and the range of alternatives analyzed within the Draft EIR). The commenter is directed to Responses 22-2 through 22-14, below.
- 22-2 The commenter raises concerns regarding a preservation alternative that retains the historic eligibility of the Project site. The commenter provides an example of a project (Laurel Hill) that addressed both financial feasibility and historic preservation. While the commenter's reference to the Laurel Hill project is noted, there are numerous factors that can provide a differentiation between two seemingly similar projects, including (but not limited to): a) requirements for site grading, cut, and fill; b) densities for residential and/or commercial development; c) the cost of public services for the project provided by the local agency as compared to tax revenue; d) the goals and objectives of the project; e) the condition and structural stability of onsite buildings; and f) costs to rehabilitate, relocate, and/or renovate buildings to code. While the Laurel Hill project and Lincoln Specific Plan may be similar in site acreage and the range of uses proposed, there are many other site-specific factors that preclude a direct comparison between the two. Refer to Topical Response B for information related to the infeasibility of adaptively reusing beyond what is proposed and/or required of the Project.
- 22-3 The commenter states that the Draft EIR is inadequate in considering preservation alternatives. Refer to Topical Response A pertaining to the range of alternatives considered in the Draft EIR, and Topical Response B in regards to the adaptive reuse of onsite buildings.

In addition, the CEQA Guidelines Section 15126.6 describes the requirements for the analysis of the No Project Alternative. The CEQA Guidelines require the analysis of an alternate development proposal under the No Project Alternative if "disapproval of the project under consideration would result in predictable actions by others." In the case of the proposed Project site, the Nelles facility has remained vacant and in its existing state since its closure in 2004. There are no known, predictable alternate development proposals for the Nelles facility, and any other assumption for the site under the No Project Alternative would be speculative.

- 22-4 A detailed description of the infeasibility of the adaptive reuse of additional buildings is provided in Topical Responses A, B, and I. The commenter is also directed to the EPS Addendum, provided as Appendix A of the Final EIR.
- 22-5 Refer to Topical Responses A and B.
- 22-6 Refer to Topical Response A for a discussion of the range of alternatives described in the Draft EIR, and Topical Response B regarding additional adaptive reuse.

In response to comment related to Project profitability, the EPS Addendum includes a supplemental analysis that provides "scenario-by-scenario" information as to the cumulative impacts of individual buildings that may be combined as part of the



- preservation program. According to the EPS Addendum, the risk to return ratio pertaining to entitlement, financing, development, and market would be a 20 percent return on costs for the developer would decide whether or not to proceed with the Project. The Project, with retention of the Administration Building and Superintendent's Residence and demolition of the other six subject structures, approaches this feasibility target at an estimated 19.1 percent return. The retention of the Chapel and Assistant Superintendent's Residence, as required by the City in the Draft EIR, lowers the overall Project returns to between 15 and 16 percent. The retention of any additional building is estimated to lower Project returns still further such that a typical developer would determine the Project is economically infeasible and decide not to proceed with the Project.
- 22-7 The commenter raises concerns of inconsistency in the total number of historical resources in the Draft EIR and the Historical Resources Report, produced by GPA Consulting. As noted in Section 5.4, Cultural Resources, of the Draft EIR, there are a total of ten historical resources on the Project site. Implementation of the proposed Project would include the adaptive reuse of the former Superintendent's Residence and Administration Building onsite, two of the ten historical resources on the Project site. Therefore, Project development would result in a potentially significant impact to historical resources on the remaining eight historical resources as outlined in Table 5.4-2. In Section 7.0, Alternatives to the Proposed Project, of the Draft EIR, the proposed alternatives except for the No Project Alternative assumes retention and rehabilitation of the former Superintendent's Residence and Administration Building onsite and as such, refers to the impacts on the remaining eight historical resources onsite.
- 22-8 Refer to Topical Response H pertaining to the grading considerations associated with the Project.
- 22-9 The commenter provides a description of their alternate proposal for the Project site as suggested by the Whittier Conservancy. Refer to Topical Response B for a discussion regarding the infeasibility of the Whittier Conservancy's alternative development plans for the Nelles site.
- 22-10 The commenter raises concerns of Project impacts regarding historical resources. Project impacts on identified historic resources at the Nelles facility are analyzed in detail in accordance with CEQA within Section 5.4 of the Draft EIR. Despite a requirement for Mitigation Measure CUL-3, which would require adaptive reuse of the Chapels Building and Assistant Superintendent's Residence, recordation of affected resources, documentation, photography/media, an interpretive program, and commemorative signage (among other requirements), impacts to historical resources were determined to be significant and unavoidable.
- 22-11 The commenter suggests that design standards and a qualified preservation consultant shall be considered to address construction guidelines and integration of new features (buildings, roads, landscaping, signage, and utilities) for the Project site. Specific Plan Section 5.0, *Design Guidelines*, includes design guidelines intended to provide the overall design integrity envisioned for the Project's residential and nonresidential uses. These guidelines address the design elements and expressions necessary to achieve quality environments within the Specific Plan area. They provide guidance to establish the envisioned character through site planning and architecture and landscape design.
- 22-12 Refer to Response 9-18.



- 22-13 This comment provides a conclusion to the comment letter. The commenter is directed to Topical Responses A and B.
- 22-14 The commenter provides an overview of the Los Angeles Conservancy's organization, in addition to contact information for the author. This comment does not raise new environmental information or directly challenge information provided in the Draft EIR. No further response is necessary.



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3.0 Errata



3.0 ERRATA

Changes to the Draft Environmental Impact Report (Draft EIR) are noted below. A double-underline indicates additions to the text; strikeout indicates deletions to the text. Changes have been analyzed and responded to in Section 2.0, Responses to Comments, of the Final EIR. The changes to the Draft EIR do not affect the overall conclusions of the environmental document. Changes are listed by page and, where appropriate, by paragraph.

SECTION 5.12, PUBLIC SERVICES AND RECREATION

Page 5.12-1, 5th paragraph

- Fire Station No. 28. The fire station is located at 7733 Greenleaf Avenue, approximately 0.66 miles from the Project site. The fire station is the Battalion Headquarters for the area and second to respond to the Project site. The station is equipped with one 3-person engine company (one fire captain, one fire fighter specialist, and one fire fighter/Paramedic), a 2-Person paramedic squad (two fire fighter paramedics) and a 4-Person quint (one fire captain, one fire fighter specialist, and two fire fighters).

SECTION 5.13, UTILITIES AND SERVICE SYSTEMS

Page 5.13-5 through 5.13-6

Page 5.13-5 and 5.13-6 were errantly omitted from hard copies of the Draft EIR during the reprographics process. These pages are included at the end of this section as Attachment A, Page 5.13-5 and 5.13-6 of the Draft EIR. It should be noted that each hard copy of the Draft EIR also included a compact disc with the entire Draft EIR in electronic format, including pages 5.13-5 and 5.13-6. Section 5.13, Utilities and Service Systems of the Draft EIR was also available in its entirety on the City's website.

Page 5.13-9, 1st paragraph

Wastewater Treatment. Wastewater originating from the Project site is treated by the LACSD's Los Coyotes Water Reclamation Plan (LCWRP), located at 16515 Piuma Avenue in the City of Cerritos ~~Long Beach Water Reclamation Plant (LBWRP), located at 7400 E. Willow Street~~. The facility provides primary, secondary and tertiary treatment for a design capacity of 37.5 ~~25~~ mgd and currently processes an average flow of 22.1 ~~47.5~~ mgd of wastewater.

Page 5.13-28, 2nd paragraph

Currently, the onsite wastewater collection system is proposed to convey wastewater off-site at three points of connection as shown in Exhibit 5.13-5, Proposed Wastewater Collection System: 1) the existing local 8-inch sewer in Bexley Drive, which ~~is an~~ connects to a 10-inch LACSD facility in Sorensen Avenue; 2) the existing local 8-inch sewer in Townley Drive, which connects to an 18-inch ~~is also an~~ LACSD facility in Rose Hedge Drive; and 3) the existing 8-inch sewer in Barnum Drive, which is a City facility that ultimately discharges to an ~~45-inch~~ LACSD facility in Washington Boulevard. The sizing and alignment of all proposed sewers would be verified during the design phase of the Project to ensure adequate wastewater conveyance as part of the City's and LACSD's standard plan review process.



APPENDIX 11.6, CULTURAL RESOURCES REPORTS

Lincoln Specific Plan Historical Resource Report

The Errata Memorandum prepared by GPA Consulting notes a recurring typo listed in Table 1 and Tables 5 through 12 in the *Lincoln Specific Plan Historical Resource Report* prepared by GPA Consulting, October 2014. The same typo appears in Table C1 of Appendix C. The tables include the code 3CL; which is a typo. The correct code is 3CS, which means the resource appears eligible for California Register as an individual property through survey evaluation. The code 3CL should be replaced with 3CS throughout the report. Further, the Errata Memorandum is also attached to the end of this section as Attachment B, *Historical Resource Report Errata Memorandum*.

APPENDIX 11.10, URBAN DECAY STUDY

Appendix A (Retail Demand Analysis – Whittier Retail Trade Area), Table A-2

Table A-2
Per Capita Average Household Income Projections
Whittier Retail Trade Area
In constant dollars

APPENDIX 11.16, TRAFFIC IMPACT ANALYSIS

During the Draft EIR public review period, a minor error in the *Lincoln Specific Plan Traffic Impact Analysis* (RBF Consulting, October 2014) was noted. This error related to the trip generation rates utilized for one of the proposed Project land uses. Specifically, the trip generation rates for the Medical/Dental Office land use were incorrect as shown in Table 7 (page 16) of the Traffic Impact Analysis (TIA). Additionally, the pass-by trip reduction percentages for the Fast-Food Restaurant with Drive-Through land use as shown in Table 9 (page 18) of the TIA were noted to be incorrect. Correction of these two trip generation rates results in a revised total number of trips forecast to be generated by the proposed Project with a net difference of 28 more daily vehicle trips, including 140 less a.m. peak hour trips and 15 more p.m. peak hour trips, as compared to the proposed Project trip generation shown in Table 10 (page 19) of the TIA.

Based on the nominal increase in the number of daily and p.m. peak hour trips forecast to be generated by the proposed Project, corrections to the above noted trip generation calculations (Tables 7, 9 and 10 of the TIA) will have a nominal effect on the findings of the TIA. Furthermore, a sensitivity analysis of the p.m. peak hour intersection operations was performed to confirm that such corrections would result in no additional significant traffic impacts beyond those identified in the TIA attached to the Draft EIR for the proposed Project. As such, these changes are incorporated by reference throughout the TIA and Draft EIR. Since the City has confirmed that no changes would occur in relation to the significance conclusions for traffic impacts within the Draft EIR, recirculation of the Draft EIR is not required.

ERRATA - ATTACHMENT A
Pages 5.13-5 and 5.13-6 of the Draft EIR



the 464 Zone. All other pressure zones operated by the WUA are supplied directly from this zone either by pumping to higher zones or pressure-regulating to lower zones. The Project site is within the 464 Zone as shown in Exhibit 5.13-2, Existing Whittier Utility Authority Domestic Water System.

The Project site is within the service area of the 464 Pressure Zone. The 464 Zone is served by the PP2, which boosts the groundwater supply to storage tanks and end users within the 464 Zone. Storage for the zone is provided by Greenleaf No. 2 and 7A Reservoirs, and the Ocean View Reservoir. An existing 14-inch diameter water pipeline is located in Whittier Boulevard to the east of the site. A 12-inch diameter pipeline at the south end of the Project site loops from Washington Boulevard, Crowndale Avenue, and Barnum Drive, and through easements, connecting to an 8-inch diameter pipeline in the Whittier Boulevard frontage street. An existing 4-inch meter served the former youth correctional facility from the 12-inch pipeline. A 3/4-inch meter serves the auto recycling business (Future Expansion Area) from the 8-inch pipeline adjacent to Whittier Boulevard. Exhibit 5.13-3, Existing and Proposed Domestic Water Pipelines, illustrates the existing pipelines serving the Project site.

WASTEWATER

Wastewater Generation

The Project site contains 52 institutional buildings, which were formerly a part of a youth correctional facility. Since its closure in 2004, the facility has remained vacant. Currently, the facility is used for filming activities. An auto recycling business totaling 6,105 square feet is also located on the Project site. As minimal activities occur on the Project site, the current wastewater generation is considered negligible.

Wastewater Facilities

COUNTY SANITATION DISTRICTS OF LOS ANGELES COUNTY

The Sanitation Districts of Los Angeles County (LACSD) operate ten water reclamation plants (WRPs) and one ocean discharge facility, which treat approximately 510 million gallons per day (mgd), 165 mgd of which are available for reuse. The capacities at these facilities range from 0.2 mgd (La Cañada WRP) to 400 mgd (Joint Water Pollution Control Plant); the San Jose Creek WRP is the largest of the water reclamation plants with a capacity of 100 mgd.⁷ The Project site is located within the jurisdictional boundaries of District No. 18.⁸

Sewer System. Wastewater flow originating from the Project site discharges to a local (City) sewer, before it is conveyed to the Districts' South Plant Outfall Trunk Sewer, located in Washington Boulevard, at Rivera Road. This 21-inch diameter trunk sewer has a design capacity of 3.6 mgd and conveyed a peak flow of 2.4 mgd, when last measured in 2013.⁹

⁷ Sanitation Districts of Los Angeles County, Wastewater Facilities, <http://www.lacsd.org/wastewater/wwfacilities/default.asp>, Accessed May 12, 2014.

⁸ Written Correspondence: Raza, Adriana, Customer Service Specialist, County Sanitation Districts of Los Angeles County, February 26, 2014.

⁹ Ibid.



Source: RBF Consulting, Lincoln Specific Plan Water Supply Assessment, July 21, 2014.

NOT TO SCALE



Whittier Narrows Operable Unit and City Well Supply System

10/14 • JN 135060

LINCOLN SPECIFIC PLAN
ENVIRONMENTAL IMPACT REPORT

Exhibit 5.13-1

ERRATA - ATTACHMENT B

Historical Resource Report Errata Memorandum



Errata Memorandum

Date: October 30, 2014

Project: Lincoln Specific Plan Historical Resource Report

For: Alan Ashimine

From: Laura O'Neill

Subject: Errata – California Historical Resource Status Code Typo

Mr. Ashimine,

Please note that there is a recurring typo in the California Historical Resource Status Codes listed in Table 1 and Tables 5 through 12 in the historical resources technical study. The same typo appears in Table C1 of Appendix C. The tables include the code 3CL; however, this code does not exist. It is a typo. The correct code is 3CS, which means the resource appears eligible for California Register as an individual property through survey evaluation. Any mention of 3CL should be interpreted as 3CS. The following table lists the codes for all historical resources correctly and should be referenced when reviewing the historical section of the EIR and the technical report:

Correct Status Codes				
Count	Map #	Name	Year Built	Status Codes
1	N/A	Fred C. Nelles Youth Correctional Facility	Various	1CL; 2S2; 5S3
2	1	Superintendent's Residence	1920	1CL; 2S2; 5S3
3	2	Auditorium	1923	1CL; 3S; 3CS; 5S3
4	3	Assistant Superintendent's Residence	1926	1CL
5	4	Administration Building	1929	1CL; 2S2; 5S3
6	5	Old Infirmary	1929	1CL; 3S; 3CS; 5S3
7	7	Athletic Track and Field	c. 1930	1CL
8	8	Maintenance Garage	1931	1CL
9	9	Chapels Building	1933	1CL; 3S; 3CS; 5S3
10	10	Gymnasium	1934	1CL; 3S; 3CS; 5S3

Apologies for the error.

Thank you,

Laura O'Neill, Senior Architectural Historian



4.0 Mitigation Monitoring and Reporting Program



4.0 MITIGATION MONITORING AND REPORTING PROGRAM

The California Environmental Quality Act (CEQA) requires that when a public agency completes an environmental document which includes measures to mitigate or avoid significant environmental effects, the public agency must adopt a reporting or monitoring program. This requirement ensures that environmental impacts found to be significant will be mitigated. The reporting or monitoring program must be designed to ensure compliance during project implementation (Public Resources Code Section 21081.6).

In compliance with Public Resources Code Section 21081.6, Table 1, *Mitigation Monitoring and Reporting Checklist*, has been prepared for the Lincoln Specific Plan (the Project). This Mitigation Monitoring and Reporting Checklist is intended to provide verification that all applicable mitigation measures relative to significant environmental impacts are monitored and reported. Monitoring will include: 1) verification that each mitigation measure has been implemented; 2) recordation of the actions taken to implement each mitigation; and 3) retention of records in the project file.

This Mitigation Monitoring and Reporting Program delineates responsibilities for monitoring the Project, but also allows the City flexibility and discretion in determining how best to monitor implementation. Monitoring procedures will vary according to the type of mitigation measure. Adequate monitoring consists of demonstrating that monitoring procedures took place and that mitigation measures were implemented. This includes the review of all monitoring reports, enforcement actions, and document disposition, unless otherwise noted in the Mitigation Monitoring and Reporting Checklist (Table 1). If an adopted mitigation measure is not being properly implemented, the designated monitoring personnel shall require corrective actions to ensure adequate implementation.

Reporting consists of establishing a record that a mitigation measure is being implemented, and generally involves the following steps:

- The City distributes reporting forms to the appropriate entities for verification of compliance.
- Departments/agencies with reporting responsibilities will review the EIR, which provides general background information on the reasons for including specified mitigation measures.
- Problems or exceptions to compliance will be addressed to the City as appropriate.
- Periodic meetings may be held during project implementation to report on compliance of mitigation measures.
- Responsible parties provide the City with verification that monitoring has been conducted and ensure, as applicable, that mitigation measures have been implemented. Monitoring compliance may be documented through existing review and approval programs such as field inspection reports and plan review.
- The City prepares a reporting form periodically during the construction phase and an annual report summarizing all project mitigation monitoring efforts.
- Appropriate mitigation measures will be included in construction documents and/or conditions of permits/approvals.



Minor changes to the Mitigation Monitoring and Reporting Program, if required, would be made in accordance with CEQA and would be permitted after further review and approval by the City. No change will be permitted unless the Mitigation Monitoring and Reporting Program continues to satisfy the requirements of Public Resources Code Section 21081.6.



Table 1
MITIGATION MONITORING AND REPORTING CHECKLIST

Mitigation Number	Mitigation Measure	Implementation Responsibility	Implementation Timing	Monitoring Responsibility	Monitoring Timing	VERIFICATION OF COMPLIANCE		
						Initials	Date	Remarks
AESTHETICS								
AES-1	Prior to the issuance of a Demolition or Grading Permit, the Project Applicant shall submit a Construction Management Plan for review and approval by the City of Whittier City Engineer. The Construction Management Plan shall, at a minimum, indicate the equipment and vehicle staging areas, stockpiling of materials, fencing (i.e., temporary security/screening fencing with opaque material), nighttime lighting (if proposed), and construction haul route(s). Staging areas shall be screened from view from residential properties as feasible. Construction worker parking may be located off-site with prior approval by the City; however on-street parking of construction worker vehicles on residential streets shall be prohibited. Vehicles shall be kept clean and free of mud and dust before leaving the Project site. Surrounding streets shall be swept as necessary such that they are maintained free of dirt and debris.	Applicant/Contractor	Prior to the issuance of a Demolition or Grading Permit; During Construction	City of Whittier City Engineer	Prior to Issuance of a Demolition or Grading Permit; During Construction			
AES-2	All trees to be removed from the Project site shall be replaced at a 2:1 ratio with a minimum 24-inch box container size. The minimum brown trunk height for any palm trees shall be 12 feet. The Applicant shall submit a Tree Removal Plan to the City of Whittier Community Development Department prior to commencement of demolition, earthwork, and/or grading activities. The Tree Removal Plan shall display the location of trees to be removed, and the locations of new trees to be planted on the Project site.	Applicant/Contractor	Prior to Commencement of Demolition, Earthwork, and/or Grading Activities; During Construction	City of Whittier Community Development Department	Prior to Commencement of Demolition, Earthwork, and/or Grading Activities; During Construction			
AES-3	All construction-related lighting shall include shielding in order to direct lighting down and away	Applicant/Contractor	Concurrent With Grading Permit	City of Whittier Community	Concurrent with Grading Permit			



Mitigation Number	Mitigation Measure	Implementation Responsibility	Implementation Timing	Monitoring Responsibility	Monitoring Timing	VERIFICATION OF COMPLIANCE		
						Initials	Date	Remarks
	from adjacent residential uses and consist of the minimal wattage necessary to provide safety at the construction site. A construction safety lighting plan shall be submitted to the City of Whittier for review concurrent with the Grading Permit application.		Application	Development Department/City Building Official	Application; During Construction			
AIR QUALITY								
AQ-1	<p>Before issuance of a Grading Permit, the City Engineer and Chief Building Official shall confirm that the Grading Plan, Building Plans, and specifications stipulate that, in compliance with SCAQMD Rule 403, excessive fugitive dust emissions shall be controlled by regular watering or other dust prevention measures, as specified in the SCAQMD's Rules and Regulations. In addition, SCAQMD Rule 402 requires implementation of dust suppression techniques to prevent fugitive dust from creating a nuisance off-site. Implementation of the following measures would reduce short-term fugitive dust impacts on nearby sensitive receptors:</p> <ul style="list-style-type: none"> • All active portions of the construction site shall be watered twice daily during daily construction activities, on as needed during wet weather, and when dust is observed migrating from the Project site to prevent excessive amounts of dust. • Pave or apply water every three times daily during daily construction activities or apply non-toxic soil stabilizers on all unpaved access roads, parking areas, and staging areas, during dry weather. More frequent watering shall occur if dust is observed migrating from the site during site disturbance. 	Applicant/Contractor	Prior to Issuance of any Grading Permit	City of Whittier City Engineer/ Chief Building Official	Prior to Issuance of Grading Permit; During Construction			



Mitigation Number	Mitigation Measure	Implementation Responsibility	Implementation Timing	Monitoring Responsibility	Monitoring Timing	VERIFICATION OF COMPLIANCE		
						Initials	Date	Remarks
	<ul style="list-style-type: none"> • During dry weather, any on-site stockpiles of debris, dirt, or other dusty material with five percent or greater silt content shall be enclosed, covered, watered twice daily, or non-toxic soil binders shall be applied. • All grading and excavation operations shall be suspended when wind speeds exceed 25 miles per hour. • Disturbed areas shall be replaced with ground cover or paved immediately after construction is completed in the affected area. • Track-out devices such as gravel bed track-out aprons (3 inches deep, 25 feet long, 12 feet wide per lane and edged by rock berm or row of stakes) shall be installed to reduce mud/dirt trackout from unpaved truck exit routes. Alternatively a wheel washer shall be used at truck exit routes. • On-site vehicle speed shall be limited to 15 miles per hour. • All material transported off-site shall be either sufficiently watered or securely covered to prevent excessive amounts of dust before departing the job site. • Reroute construction trucks away from congested streets or sensitive receptor areas. • Trucks associated with soil-hauling activities shall avoid residential streets 							



Mitigation Number	Mitigation Measure	Implementation Responsibility	Implementation Timing	Monitoring Responsibility	Monitoring Timing	VERIFICATION OF COMPLIANCE		
						Initials	Date	Remarks
	and utilize City-designated truck routes to the extent feasible.							
AQ-2	During construction, all trucks that are to haul excavated or graded material on-site shall comply with State Vehicle Code Section 23114 (Spilling Loads on Highways), with special attention to Sections 23114(b)(F), (e)(4) as amended, regarding the prevention of such material spilling onto public streets and roads. Before the issuance of Grading Permits, the Project Applicant shall demonstrate to the City Engineer how operations subject to that specification during hauling activities shall comply with the provisions set forth in Sections 23114(b)(F), (e)(4).	Applicant/Contractor	Prior to Issuance of a Grading Permit; During Construction	City of Whittier City Engineer	Prior to Issuance of a Grading Permit; During Construction			
AQ-3	<p>Before issuance of each Grading Permit, the construction contractor shall provide evidence to the City Engineer that the following measures would be implemented during construction:</p> <ul style="list-style-type: none"> • Provide temporary traffic controls such as a flag person, during all phases of construction to maintain smooth traffic flow. • Provide dedicated turn lanes for movement of construction trucks and equipment on- and off-site. • Improve traffic flow by signal synchronization, and ensure that all vehicles and equipment will be properly tuned and maintained according to manufacturers' specifications. • Require the use of electricity from power poles rather than temporary diesel or gasoline powered generators, as feasible. 	Applicant/Contractor	Prior to Issuance of a Grading Permit; During Construction	City of Whittier City Engineer	Prior to Issuance of a Grading Permit; During Construction			



Mitigation Number	Mitigation Measure	Implementation Responsibility	Implementation Timing	Monitoring Responsibility	Monitoring Timing	VERIFICATION OF COMPLIANCE		
						Initials	Date	Remarks
	<ul style="list-style-type: none"> • Require the use of 2010 and newer diesel haul trucks (e.g., material delivery trucks and soil import/export) and if the lead agency determines that 2010 model year or newer diesel trucks cannot be obtained the lead agency shall use trucks that meet EPA 2007 model year NO_x emissions requirements. • During Project construction, all internal combustion engines/construction, equipment operating on the project site shall meet EPA-Certified Tier 3 emissions standards, or higher according to the following: <ul style="list-style-type: none"> - Project start, to December 31, 2014: All off-road diesel-powered construction equipment greater than 50 horsepower shall meet Tier 3 off-road emissions standards. In addition, all construction equipment shall be outfitted with BACT devices certified by CARB. Any emissions control device used by the contractor shall achieve emissions reductions that are no less than what could be achieved by a Level 3 diesel emissions control strategy for a similarly sized engine as defined by CARB regulations. - Post-January 1, 2015: All off-road diesel-powered construction equipment greater than 50 horsepower shall meet the Tier 4 emission standards, where 							



Mitigation Number	Mitigation Measure	Implementation Responsibility	Implementation Timing	Monitoring Responsibility	Monitoring Timing	VERIFICATION OF COMPLIANCE		
						Initials	Date	Remarks
	<p>available. In addition, all construction equipment shall be outfitted with BACT devices certified by CARB. Any emissions control device used by the contractor shall achieve emissions reductions that are no less than what could be achieved by a Level 3 diesel emissions control strategy for a similarly sized engine as defined by CARB regulations.</p> <ul style="list-style-type: none"> - A copy of each unit's certified tier specification, BACT documentation, and CARB or SCAQMD operating permit shall be provided at the time of mobilization of each applicable unit of equipment. 							
AO-4	<p>Prior to approval of final plans for onsite commercial development, the City Engineer and Chief Building Official shall confirm that proposed commercial facilities fall within the assumptions (e.g., commercial building location, proximity to residential uses, truck access points and internal circulation, loading dock locations) provided within the Health Risk Assessment prepared for the proposed Project (prepared by Urban Crossroads, dated September 30, 2014). If substantial changes are proposed, the City shall require the Project Applicant to prepare a supplement or addendum to the Health Risk Assessment to ensure that health risks to surrounding sensitive receptors are minimized.</p>	Applicant	Prior to Approval of Final Plans for Onsite Commercial Development	City of Whittier City Engineer/ Community Development Department	Prior to Approval of Final Plans for Onsite Commercial Development			
BIOLOGICAL RESOURCES								
BIO-1	<p>Vegetation removal and structure demolition shall be conducted outside of the nesting bird season, which can begin as early as December for barn owls and extend to August 31 for most</p>	Applicant/Contractor	Prior to Initiation of Construction; During Construction	City of Whittier Community Development Department;	Prior to Initiation of Construction; During Construction			



Mitigation Number	Mitigation Measure	Implementation Responsibility	Implementation Timing	Monitoring Responsibility	Monitoring Timing	VERIFICATION OF COMPLIANCE		
						Initials	Date	Remarks
	<p>passerines. If this is not possible, then a qualified biologist shall conduct nesting bird surveys within three days of vegetation removal and structure demolition during the nesting season. The biologist conducting the clearance survey shall document a negative survey with a brief letter report indicating that no impacts to active bird nests would occur.</p> <p>If an active avian nest is discovered during the nesting bird survey, construction activities shall stay outside of a 300-foot buffer around the active nest. For raptor species, this buffer shall be expanded to 500 feet. A biological monitor shall be present to delineate the boundaries of the buffer area and to monitor the active nest in order to ensure that nesting behavior is not adversely affected by construction activities. Once the young have fledged, normal construction activities shall be allowed to occur.</p>			Project Biologist				
CULTURAL RESOURCES								
CUL-1	<p>An archaeological monitor shall be present to observe grading operations in the top seven feet in depth from the current ground surface. The monitor shall work under the direct supervision of a qualified archaeologist (Secretary of Interior Professional Qualification Standards - M.A. or M.S. in anthropology, or related discipline with an emphasis in archaeology and demonstrated experience and competence in archaeological research, fieldwork, reporting, and curation).</p> <ul style="list-style-type: none"> • The qualified archaeologist shall be onsite at the pre-construction meeting to discuss monitoring protocols. • The archaeological monitor shall be present full-time during excavation within the top approximately seven feet 	Qualified Archaeologist; Applicant/ Contractor	During Grading Operations in the Top Seven Feet in Depth From Current Ground Surface	City of Whittier Community Development Department/City Inspectors	During Construction			



Mitigation Number	Mitigation Measure	Implementation Responsibility	Implementation Timing	Monitoring Responsibility	Monitoring Timing	VERIFICATION OF COMPLIANCE		
						Initials	Date	Remarks
	<p>from the current surface. If, after excavation begins, the qualified archaeologist determines that the sediments are not likely to produce historical archaeological resources, monitoring efforts shall be reduced.</p> <ul style="list-style-type: none"> • The monitor shall be empowered to temporarily halt or redirect grading efforts if archaeological resources are discovered. • In the event of an archaeological discovery, the monitor shall flag the area and notify the construction crew immediately. No further disturbance in the flagged area shall occur until the qualified archaeologist has cleared the area. • In consultation with the qualified archaeologist, the monitor shall quickly assess the nature and significance of the find. If the discovery is not significant, it shall be quickly mapped, documented, removed and the area cleared. • If the discovery is significant, the qualified archaeologist shall notify the City of Whittier Community Development Director and Project Applicant immediately. • In consultation with the City of Whittier Community Development Director and Project Applicant, the qualified archaeologist shall develop a plan of mitigation which will likely include 							



Mitigation Number	Mitigation Measure	Implementation Responsibility	Implementation Timing	Monitoring Responsibility	Monitoring Timing	VERIFICATION OF COMPLIANCE		
						Initials	Date	Remarks
	salvage excavation, laboratory analysis and processing, research, curation of the find in a local museum or repository, and preparation of a report summarizing the find.							
CUL-2	<p>A paleontological monitor shall be present to observe grading operations below seven feet in depth from the current surface. The monitor shall work under the direct supervision of a qualified paleontologist (B.S. or B.A. in geology, or related discipline with an emphasis in paleontology and demonstrated experience and competence in paleontological research, fieldwork, reporting, and curation).</p> <ul style="list-style-type: none"> • The qualified paleontologist shall be onsite at the pre-construction meeting to discuss monitoring protocols. • Paleontological monitoring shall start at half-time. If after two weeks of monitoring no paleontological resources are discovered, monitoring shall be reduced to spot-checking on a weekly basis. If significant paleontological resources are identified, then monitoring shall be increased to full-time when working in Pleistocene-aged sediments, as determined by the paleontologist or project geologist. • The monitor shall be empowered to temporarily halt or redirect grading efforts if paleontological resources are discovered. • In the event of a paleontological discovery, the monitor shall flag the area and notify the construction crew 	Qualified Paleontologist; Applicant/ Contractor	During Grading Operations Below Seven Feet in Depth From Current Ground Surface	City of Whittier Community Development Department/City Inspectors	During Construction			



Mitigation Number	Mitigation Measure	Implementation Responsibility	Implementation Timing	Monitoring Responsibility	Monitoring Timing	VERIFICATION OF COMPLIANCE		
						Initials	Date	Remarks
	<p>immediately. No further disturbance in the flagged area shall occur until the qualified paleontologist has cleared the area.</p> <ul style="list-style-type: none"> In consultation with the qualified paleontologist, the monitor shall quickly assess the nature and significance of the find. If the specimen is not significant it shall be quickly removed and the area cleared. If the discovery is significant, the qualified paleontologist shall notify the City of Whittier Community Development Director and Project Applicant immediately. In consultation with the City of Whittier Community Development Director and the Project Applicant, the qualified paleontologist shall develop a plan of mitigation which will likely include salvage excavation and removal of the find, removal of sediment from around the specimen (in the laboratory), research to identify and categorize the find, curation of the find in a local qualified repository, and preparation of a report summarizing the find. 							
CUL-3	Due to the length of text associated with Mitigation Measure CUL-3, refer to Draft EIR Section 5.4.4, Impacts and Mitigation Measures on Historical Resources.	Applicant	Prior to Demolition Activities	City of Whittier Community Development Department	Prior to Demolition Activities			
GEOLOGY AND SOILS								
GEO-1	Prior to Grading or Building Permit issuance, the Grading and Building Plans shall demonstrate compliance with the recommendations that pertain to seismic ground shaking set forth in the <i>Geology, Soils, and Seismicity Report Lincoln</i>	Applicant/Contractor	Prior to Issuance of a Grading or Building Permit	City of Whittier City Engineer/ City Building Official	Prior to Grading Issuance of Building Permit			



Mitigation Number	Mitigation Measure	Implementation Responsibility	Implementation Timing	Monitoring Responsibility	Monitoring Timing	VERIFICATION OF COMPLIANCE		
						Initials	Date	Remarks
	<i>Specific Plan</i> (D. Scott Magorien C.E.G., February 28, 2014) and <i>Preliminary Geotechnical Evaluation Report Proposed Development, Fred C. Nelles Site</i> (LGC Geotechnical, Inc., April 26, 2013). These recommendations pertain to site earthwork recommendations, preliminary foundation design parameters, soil bearing and lateral resistance, lateral earth pressures for retaining walls, non-structural concrete flatwork, preliminary pavement design, geotechnical observation and testing. The geotechnical reports are included in <u>Appendix 11.7, <i>Geology and Soils Reports</i></u> of this EIR and are incorporated by reference into this mitigation measure.							
GEO-2	Prior to Grading or Building Permit issuance, a 40-scale Geotechnical Review Report shall be prepared for the Grading Plan that addresses both the long-term surficial and gross stability of the slopes, and makes grading recommendations to provide an adequate factor of safety against both sloughing or caving of excavations and slope instability. Recommendations are expected to pertain to site earthwork recommendations (including fill material, fill placement and compaction, trench and retaining wall backfill and compaction, and soil shrinkage), slab underlayment guidelines, and preliminary pavement design. The geotechnical reports are included in <u>Appendix 11.7, <i>Geology and Soils Reports</i></u> , of this EIR and are incorporated by reference into this mitigation measure.	Applicant/Contractor	Prior to Issuance of a Grading or Building Permit	City of Whittier City Engineer/ City Building Official	Prior to Issuance of a Grading or Building Permit			
GEO-3	Upon completion of rough grading, lot-specific Soils Investigations shall be conducted to evaluate the nature and extent of the onsite soil types. Additionally, a corrosion specialist shall develop a Corrosion Mitigation Plan that, at a minimum, requires that buried metal piping be protected with suitable coatings, wrapping, or seals. The geotechnical reports are included in	Applicant/Contractor	Upon Completion of Rough Grading	City of Whittier City Engineer/ City Building Official	Upon Completion of Rough Grading			



Mitigation Number	Mitigation Measure	Implementation Responsibility	Implementation Timing	Monitoring Responsibility	Monitoring Timing	VERIFICATION OF COMPLIANCE		
						Initials	Date	Remarks
	Appendix 11.7, <i>Geology and Soils Reports</i> , of this EIR and are incorporated by reference into this mitigation measure.							
GREENHOUSE GAS EMISSIONS								
GHG-1	<p>The Project shall include, but not be limited to, the following improvements, which shall be incorporated into the Project plans or planning/bid documents to ensure consistency with adopted statewide plans and programs. The Project Applicant shall demonstrate compliance with this measure, before issuance of Building or Certificate of Occupancy, as noted below.</p> <p><i>Transportation</i></p> <ul style="list-style-type: none"> • Provide pedestrian connections to the off-site circulation network (Building Permit). • Implement a trip reduction program, for which all employees shall be eligible to participate (Certificate of Occupancy). This measure is not applicable to residential uses. • Provide a ride sharing program, for which all employees shall be eligible to participate (Certificate of Occupancy). This measure is not applicable to residential uses. <p><i>Energy Efficiency</i></p> <ul style="list-style-type: none"> • Design buildings to be energy efficient, 15 percent above Title 24 requirements (Building permit). 	Applicant	Prior to Issuance of Building Permit or Certificate of Occupancy	City of Whittier City Engineer/City Building Official/ Community Development Department	Prior to Issuance of Building Permit or Certificate of Occupancy			



Mitigation Number	Mitigation Measure	Implementation Responsibility	Implementation Timing	Monitoring Responsibility	Monitoring Timing	VERIFICATION OF COMPLIANCE		
						Initials	Date	Remarks
	<ul style="list-style-type: none"> Install high efficiency lighting, and energy efficient heating and cooling systems (Building permit). Reduce unnecessary outdoor lighting (Building permit). <p><i>Water Conservation and Efficiency</i></p> <ul style="list-style-type: none"> Compliance with WMC Chapter 13.42, <i>Water Conservation in Landscaping</i> (Building Permit). Compliance with WMC Chapter 13.43, <i>Water Efficient Landscaping</i> (Building Permit). Install water-efficient fixtures (e.g., low-flow faucets, toilets, showers) (Building Permit). <p><i>Solid Waste</i></p> <ul style="list-style-type: none"> Reuse and recycle construction and demolition waste (including, but not limited to, soil, vegetation, concrete, lumber, metal, and cardboard) (Building Permit). Provide interior and exterior storage areas for recyclables and adequate recycling containers located in public areas (Certificate of Occupancy). 							
HAZARDS AND HAZARDOUS MATERIALS								
HAZ-1	The Project Applicant shall complete the following remedial activities, for the review and approval by DTSC:	Applicant/Qualified Environmental Professional	Prior to Demolition or Grading	California Department of Toxic Substances Control	Prior to Demolition or Grading; During Construction			



Mitigation Number	Mitigation Measure	Implementation Responsibility	Implementation Timing	Monitoring Responsibility	Monitoring Timing	VERIFICATION OF COMPLIANCE		
						Initials	Date	Remarks
	<ul style="list-style-type: none"> • <u>Enter into DTSC California Land Reuse and Revitalization Act (CLRR) Program.</u> DTSC shall provide regulatory oversight of this Project through the state's CLRR program. The anticipated components of the program will include the following: <ul style="list-style-type: none"> - <u>Supplemental Site Investigation Follow-up.</u> Pursuant to the requirements set forth in the CLRR Agreement, a scope of work shall be prepared to further delineate the soil impacts identified in the Supplemental Site Investigation that exceeded screening thresholds (as defined below): arsenic-impacted soil in the former agricultural area exceeding the upper bound background range for Southern California soil; lead-impacted soil in the UST area; and lead/OCP-impacted soil around the periphery of all buildings. The Supplemental Site Investigation follow-up scope of work shall be reviewed and approved by DTSC prior to implementation. - <u>Remedial Action Workplan (termed a "Response Plan" under CLRR).</u> The findings of the Supplemental Site Investigation and Supplemental Site Investigation follow-up soil delineation shall be used to prepare a remedial Response Plan. The Response Plan shall include a detailed engineering 							



Mitigation Number	Mitigation Measure	Implementation Responsibility	Implementation Timing	Monitoring Responsibility	Monitoring Timing	VERIFICATION OF COMPLIANCE		
						Initials	Date	Remarks
	<p>plan for conducting the proposed removal/response action and shall include a discussion of the basis for selecting the proposed removal/response action. The content of the Response Plan shall be subject to public participation and comment prior to DTSC's approval. The Response Plan will be approved by DTSC prior to the commencement of demolition or grading activities.</p> <ul style="list-style-type: none"> • <u>Response Plan Implementation.</u> The approved Response Plan shall be implemented under the oversight of DTSC. Soil containing lead, arsenic and OCPs above cleanup goals for residential or commercial land uses, as applicable based on the anticipated land use for that portion of the Project, shall be addressed during the response actions. Risk-based concentrations (RBCs) for future residential site occupants, future commercial site occupants, and construction workers shall be used as cleanup goals unless otherwise directed by DTSC. Confirmation sampling will be conducted during the response actions to verify that soil concentrations do not exceed the cleanup goals established in the Response Plan for the selected residential or commercial land use. • <u>Prepare a Completion Report.</u> The results of the Response Plan implementation shall be summarized in a Completion Report that shall be 							



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	<p>submitted to DTSC. The Project applicant shall obtain DTSC's certification of the successful completion of the Response Plan.</p> <ul style="list-style-type: none"> • <u>Prepare Soil Management and Contingency Plan.</u> Prior to demolition or grading, a Soil Management and Contingency Plan (SMCP) shall be prepared by a qualified environmental professional and approved by DTSC that sets forth protocols for responding to soil impacted by hazardous substances that may be encountered during demolition and grading activities. The approved SMCP shall be provided to the contractors responsible for demolition, grading and environmental oversight for the redevelopment. 							
HAZ-2	<p>Prior to demolition, the Project Applicant shall retain a consultant who holds the appropriate certifications from the California Division of Occupational Safety and Health (Cal/OSHA) required to survey building materials for the potential presence of lead-based paint (LBP). Any LBP in poor condition (peeling, flaking) shall be abated, including removal or stabilization by a state-licensed abatement contractor prior to demolition. If paint is separated from building materials (chemically or physically) during demolition or renovation of the structures, the paint waste shall be evaluated independently from the building material by a qualified Environmental Professional to determine appropriate disposal procedures. For any existing building proposed for adaptive reuse, abatement shall be completed prior to the City of Whittier's issuance of a Building Permit for the affected structure. LBP removal and disposal shall be performed in accordance</p>	Applicant/Qualified Environmental Professional	Prior to Demolition	City of Whittier City Engineer/City Building Official	Prior to Demolition			



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	with California Code of Regulation Title 8 Section 1532.1, which specifies a permissible exposure limit of 50 micrograms per cubic meter, exposure monitoring and respiratory protection, and mandates good worker practices by workers exposed to lead. Contractors performing LBP removal shall provide evidence of abatement activities to the City Engineer.							
HAZ-3	Before issuance of a Demolition Permit (or Building Permit for any building to be retained on-site), an asbestos survey shall be conducted by an Asbestos Hazard Emergency Response Act (AHERA) and the Division of Occupational Safety and Health (Cal/OSHA) certified inspector to determine the presence or absence of asbestos containing-materials (ACMs) and asbestos-containing construction materials (ACCMs). If ACMs or ACCMs are identified, abatement of asbestos shall be completed before any activities that would disturb ACMs/ACCMs or create an airborne asbestos hazard. For any existing building and associated underground utility components proposed for adaptive reuse, abatement shall be completed prior to the City of Whittier's issuance of a Building Permit for the affected structure. Asbestos removal shall be performed by a State certified asbestos abatement contractor in accordance with the South Coast Air Quality Management District (SCAQMD) Rule 1403.	Applicant/Certified Inspector	Prior to Issuance of a Demolition Permit (or Building Permit for any building to be retained on-site)	City of Whittier City Engineer/City Building Official	Prior to Issuance of a Demolition Permit (or Building Permit for any building to be retained on-site)			
HAZ-4	Before issuance of a Demolition or Grading Permit at the M & S Auto Salvage property (Future Expansion Area of the Specific Plan), a Phase I ESA shall be conducted to determine the potential for hazardous materials on-site. If the Phase I ESA identifies recognized environmental conditions requiring further investigation, a Phase II ESA shall be subsequently conducted for the M & S Auto Salvage property. The Phase II ESA	Applicant	Prior to Issuance of a Demolition or Grading Permit at the M & S Auto Salvage property	City of Whittier City Engineer/City Building Official	Prior to Issuance of a Demolition or Grading Permit at the M & S Auto Salvage property			



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	shall identify recommendation for remedial activities, if necessary. If recommended, remedial activities shall occur prior to site disturbance activities, as applicable.							
HAZ-5	Before issuance of a Demolition or Grading Permit, a qualified environmental professional shall conduct aerially deposited lead (ADL) soil sampling on-site in the vicinity of Whittier Boulevard. If ADL levels are above allowable thresholds for the ultimate use (80 mg/kg for residential land use or 320 mg/kg for commercial land use), as determined by the environmental professional, the soils shall be remediated, as necessary. These activities shall be conducted in compliance with the California Department of Transportation (Caltrans) Standard Special Provision 14-11.03, which provides regulations for the safe remediation and disposal of ADL-affected soils.	Applicant/Qualified Environmental Professional	Prior to Issuance of a Demolition or Grading Permit	City of Whittier City Engineer/City Building Official	Prior to Issuance of a Demolition or Grading Permit			
HAZ-6	An environmental professional shall be retained by the Project applicant to provide oversight during demolition and site development activities. Prior to commencement of site development activities, the environmental oversight consultant shall confer with the general contractor and earthwork contractor for the Project regarding the requirements of the SMCP. If unknown wastes or suspect materials are discovered by site development contractors during demolition, earthwork or other activities that are believed to involve hazardous waste or materials, the contractor making the discovery shall comply with the following: <ul style="list-style-type: none"> Immediately cease work in the vicinity of the suspected contaminant, and remove workers and the public from the area; 	Applicant/Qualified Environmental Professional	Prior to Commencement of Site Development; During Demolition and Site Development Activities	City of Whittier City Engineer/City Building Official	During Demolition and Site Development Activities			



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	<ul style="list-style-type: none"> Notify the environmental oversight consultant; Comply with the procedures in the SMCP; Notify the appropriate regulatory authorities, as required, including the City Engineer of the City of Whittier, DTSC, or LACFD Hazardous Waste/Materials Coordinator; and Secure the area as directed by the environmental oversight consultant or any applicable government authority. 							
HAZ-7	Prior to commencement of any off-site roadway construction activities, the Project Applicant shall prepare a Traffic Management Plan (TMP) to address temporary traffic impacts. At a minimum, the TMP shall include plans clearly denoting any proposed lane closures, proposed vehicle/bicyclist/pedestrian rerouting plans, and a traffic signage plan to ensure adequate circulation during the short-term construction process. The TMP shall be subject to review and approval by the City of Whittier City Engineer.	Applicant	Prior to Commencement of Any Off-Site Roadway Construction Activities	City of Whittier City Engineer	Prior to Commencement of Any Off-Site Roadway Construction Activities; During Construction			
HAZ-8	At least three business days before any off-site roadway improvements, the construction contractor shall notify the LACFD and Whittier Police Department of construction activities that could impede movement (such as lane closures) along roadways, to allow for uninterrupted emergency access.	Applicant/Contractor	At Least Three Business Days Before Any Off-Site Roadway Improvements	City of Whittier City Engineer	At Least Three Business Days Before Any Off-Site Roadway Improvements; During Roadway Construction			
NOISE								
N-1	Before Grading Permit issuance, the Project Applicant shall prepare a construction noise management plan that identifies measures to be taken to minimize construction noise on surrounding sensitive receptors (e.g., residential	Applicant/Contractor	Prior to Issuance of a Grading Permit	City of Whittier City Engineer/Community Development Department	Prior to Issuance of a Grading Permit; During Construction			



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	<p>uses, church, and hospital) and includes specific noise management measures to be included into project plans and specifications subject to review and approval by the City. The Project Applicant shall demonstrate, to the satisfaction of the City Engineer that the Project complies with the following:</p> <ul style="list-style-type: none"> • All construction equipment shall be equipped with mufflers and sound control devices (e.g., intake silencers and noise shrouds) no less effective than those provided on the original equipment and no equipment shall have an un-muffled exhaust. • The City shall require that the contractor maintain and tune-up all construction equipment to minimize noise emissions. • Stationary equipment shall be placed so as to maintain the greatest possible distance to the sensitive receptors. • All cement crushing activities onsite and associated noise generating equipment to reuse existing pavement shall be performed such that emitted noise is directed the greatest possible distance away from the sensitive receptors. • All equipment servicing shall be performed so as to maintain the greatest possible distance to the sensitive receptors. • Impact tools (e.g., jack hammers, pavement breakers, and rock drills) used for project construction shall be 							



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	<p>hydraulically or electronically powered wherever possible to avoid noise associated with compressed air exhaust from pneumatically powered tools. However, where use of pneumatic tools is unavoidable, an exhaust muffler shall be used; this muffler can lower noise levels from the exhaust by up to about 10 dBA. External jackets on the tools themselves shall be used where feasible, and this could achieve a reduction of 5 dBA. Quieter procedures shall be used, such as drills rather than impact equipment, whenever feasible.</p> <ul style="list-style-type: none"> • A qualified "Noise Disturbance Coordinator" will be retained amongst the construction crew who shall be responsible for responding to any local complaints about construction noise. When a complaint is received, the Disturbance Coordinator shall notify the City within 24 hours of the complaint and determine the cause of the noise complaint (e.g., starting too early, malfunctioning muffler, etc.) and shall implement reasonable measures to resolve the complaint, as deemed acceptable by the City of Whittier Community Development Department. • Construction activities shall not take place outside of the allowable hours specified by the WMC Section 15.04.045 (7:00 AM and 8:00 PM, Monday through Saturday). 							
N-2	Prior to issuance of building permits, a noise assessment shall be prepared for the commercial uses that would have nighttime deliveries, or	Applicant	Prior to Issuance of Building Permits for Commercial Uses	City of Whittier City Engineer/City Building Official/	Prior to Issuance of Building Permits for Commercial Uses			



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	deliveries by diesel trucks with a gross vehicle weight rating greater than 14,000 pounds (Classes 4 through 8). The noise assessment shall ensure that commercial property loading docks are shielded from existing and proposed residences so that the City's noise limits identified in the General Plan Noise Element are not exceeded. The noise assessment shall identify any noise control measures (e.g., barriers, shielding, etc.) necessary to comply with the City's Noise Regulations. Individual future commercial users shall implement all noise control measures identified in the assessment.		with Nighttime Deliveries	Community Development Department	with Nighttime Deliveries			
UTILITIES AND SERVICE SYSTEMS								
USS-1	Prior to building permit issuance, the two proposed connection points shall be sized for full service within the Specific Plan. In addition, the onsite water system shall be sized as a looped 12-inch diameter system, which will be able to convey the maximum day demand plus the required fire flow.	Applicant	Prior to Issuance of Building Permit	City of Whittier City Engineer	Prior to Issuance of Building Permit			
TRANSPORTATION AND TRAFFIC								
TRA-1	Intersection 1 – Rosemead Boulevard/Beverly Boulevard (Pico Rivera) – Before issuance of the first building permit for the Project, the Project Applicant shall make a proportionate fair share contribution to implement the following: a. Add one additional northbound through lane.	Applicant	Prior to Issuance of the First Building Permit	City of Whittier City Engineer	Prior to Issuance of the First Building Permit			
TRA-2	Intersection 8 – Norwalk Boulevard/Beverly Boulevard (Whittier) – Before issuance of the first building permit for the Project, the Project Applicant shall make a proportionate fair share contribution to implement the following: a. Add one additional northbound left-turn lane.	Applicant	Prior to Issuance of the First Building Permit	City of Whittier City Engineer	Prior to Issuance of the First Building Permit			



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TRA-3	<p>Intersection 39 – Pioneer Boulevard/Washington Boulevard (Los Angeles County) – Before issuance of the first building permit for the Project, the Project Applicant shall make a proportionate fair share contribution to implement the following:</p> <p>a. Restripe existing southbound shared through/right-turn lane to a dedicated right-turn lane with right-turn overlap signal phasing.</p>	Applicant	Prior to Issuance of the First Building Permit	City of Whittier City Engineer	Prior to Issuance of the First Building Permit			
TRA-4	<p>Intersection 41 – Norwalk Boulevard/Washington Boulevard (Los Angeles County / Santa Fe Springs) – Before issuance of the first building permit for the Project, the Project Applicant shall make a proportionate fair share contribution to implement the following:</p> <p>a. Add one additional westbound through lane.</p>	Applicant	Prior to Issuance of the First Building Permit	City of Whittier City Engineer	Prior to Issuance of the First Building Permit			
TRA-5	<p>Intersection 42 – Broadway/Washington Boulevard (Los Angeles County / Santa Fe Springs) – Before issuance of the first building permit for the Project, the Project Applicant shall make a proportionate fair share contribution to implement the following:</p> <p>a. Restripe the northbound approach to Add one shared through/left-turn lane and one shared through/right-turn lane; and</p> <p>b. Add one dedicated southbound right-turn lane.</p>	Applicant	Prior to Issuance of the First Building Permit	City of Whittier City Engineer	Prior to Issuance of the First Building Permit			
TRA-6	<p>Intersection 43 – Sorensen Avenue/Washington Boulevard (Los Angeles County / Santa Fe Springs) – Before issuance of the first building permit for the Project, the Project Applicant shall make a proportionate share contribution to implement the following:</p>	Applicant	Prior to Issuance of the First Building Permit	City of Whittier City Engineer	Prior to Issuance of the First Building Permit			



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	a. Add one additional westbound through lane (modify receiving lanes as necessary).							
TRA-7	Intersection 22 – Whittier Boulevard (SR-72)/Penn Street (Caltrans) – Before issuance of the first building permit for the Project, the Project Applicant shall make a proportionate fair share contribution to implement the following: a. Install a traffic signal.	Applicant	Prior to Issuance of the First Building Permit	City of Whittier City Engineer	Prior to Issuance of the First Building Permit			
TRA-8	Intersection 25 – Pickering-Santa Fe Springs Road/Whittier Boulevard (SR-72) (Caltrans) – Before issuance of the first building permit for the Project, the Project Applicant shall make a proportionate fair share contribution to implement the following: a. Add one additional westbound through lane along Whittier Boulevard (SR-72).	Applicant	Prior to Issuance of the First Building Permit	City of Whittier City Engineer	Prior to Issuance of the First Building Permit			
TRA-9	Intersection 4 – San Gabriel River Parkway/Beverly Boulevard (Pico Rivera) – Before issuance of the first building permit for the Project, the Project Applicant shall make a proportionate fair share contribution to implement the following: a. Restripe northbound left-turn lane to a shared through/left-turn lane.	Applicant	Prior to Issuance of the First Building Permit	City of Whittier City Engineer	Prior to Issuance of the First Building Permit			
TRA-10	Intersection 37 – Passons Boulevard/Washington Boulevard (Pico Rivera) – Before issuance of the first building permit for the Project, the Project Applicant shall make a proportionate fair share contribution to implement the following: a. Restripe southbound approach to consist of one left-turn lane, one shared through/left-turn lane, and one shared through/right-turn lane;	Applicant	Prior to Issuance of the First Building Permit	City of Whittier City Engineer	Prior to Issuance of the First Building Permit			



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	b. Restripe northbound right-turn lane to a shared through/right-turn lane (modify receiving lanes as necessary); and c. Provide north-south split signal phasing.							
TRA-11	Intersection 55 – Santa Fe Springs/Lambert Road (Whittier) – Before issuance of the first building permit for the Project, the Project Applicant shall make a proportionate fair share contribution to implement the following: a. Restripe northbound dedicated right-turn lane to a shared through/right-turn lane (modify receiving lanes as necessary).	Applicant	Prior to Issuance of the First Building Permit	City of Whittier City Engineer	Prior to Issuance of the First Building Permit			
TRA-12	Intersection 16 – Norwalk Boulevard/Whittier Boulevard (SR-72) (Caltrans) – Before issuance of the first building permit for the Project, the Project Applicant shall make a proportionate fair share contribution to implement the following: a. Provide north-south protected/permitted signal phasing; b. Add one eastbound dedicated right-turn lane; and c. Add one westbound dedicated right-turn lane.	Applicant	Prior to Issuance of the First Building Permit	City of Whittier City Engineer	Prior to Issuance of the First Building Permit			
TRA-13	Intersection 34 – Colima Road/Whittier Boulevard (SR-72) (Caltrans) – Before issuance of the first building permit for the Project, the Project Applicant shall make a proportionate fair share contribution to implement the following: a. Add one additional northbound left-turn lane.	Applicant	Prior to Issuance of the First Building Permit	City of Whittier City Engineer	Prior to Issuance of the First Building Permit			
TRA-14	Intersection 16 - Norwalk Boulevard/Whittier Boulevard (SR-72) (Caltrans) – Before issuance	Applicant	Prior to Issuance of the First Building	City of Whittier City Engineer	Prior to Issuance of the First Building			



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	of the first building permit for the Project, the Project Applicant shall make a proportionate fair share contribution to implement the following: a. Add one eastbound dedicated right-turn lane.		Permit		Permit			
TRA-15	Intersection 16 – Norwalk Boulevard/Whittier Boulevard (SR-72) (Caltrans) – Before issuance of the first building permit for the Project, the Project Applicant shall make a proportionate fair share contribution to implement the following: a. Add one dedicated westbound right-turn lane.	Applicant	Prior to Issuance of the First Building Permit	City of Whittier City Engineer	Prior to Issuance of the First Building Permit			
TRA-16	Intersection 27 – Painter Avenue/Whittier Boulevard (SR-72) (Caltrans) – Before issuance of the first building permit for the Project, the Project Applicant shall make a proportionate fair share contribution to implement the following: a. Add one additional eastbound through lane (modify receiving lanes as necessary).	Applicant	Prior to Issuance of the First Building Permit	City of Whittier City Engineer	Prior to Issuance of the First Building Permit			