

### ***National Historic Preservation Act/National Environmental Policy Act***

Under the Advisory Council's regulations a determination of either *adverse effect* or *no adverse effect* must be made for National Register eligible cultural resources. An *adverse effect* occurs whenever an impact alters, directly or indirectly, any characteristic of a cultural resource that qualify it for inclusion in the National Register, e.g., diminishing the integrity of the resource's location, design, setting, materials, workmanship, feeling, or association. Adverse effects also include reasonably foreseeable effects caused by the preferred alternative that would occur later in time, be farther removed in distance or be cumulative (36 CFR Part 800.5, *Assessment of Adverse Effects*).

The word adverse is used differently in federal and state terminology. The federal "adverse effect" defines a class of actions despite mitigation. CEQA guidance on the other hand, specifics that a project that adversely affects a historic resources has a significant effect on the environment. The proposed work would alter or remove a number of the historic features of the building. Character-defining features are identified in **Table 4.11-1**. Under the NHPA, implementation of this alternative would have an adverse effect on historic resources:

Once an adverse effect has been identified, the Section 106 process calls for the recommendation and implementation of mitigation strategies to lessen the adversity of the effect. Consultation with the State Historic Preservation Office (SHPO), and other involved agencies has been conducted by FEMA, which has lead to the drafting of a Memorandum of Agreement (MOA) among the involved parties. FEMA has applied the criteria of adverse effect and has required appropriate mitigation to avoid, reduce and minimize the adverse effect.

~~Consultation with SHPO will be conducted by FEMA. FEMA will apply the criteria of adverse effect and execute a Memorandum of Agreement stipulating the measures required to mitigate, avoid, reduce and minimize the adverse effect~~

Overall, the implementation of this alternative would alter character-defining feature(s) of the building but would not diminish the integrity or so impair the resource to the extent that its National Register eligibility is jeopardized. The exterior of the building would retain sufficient visual integrity to allow the resource to convey its original architectural design. The proposed exterior alterations would be limited to the removal of exterior fire escapes and the replacement of opaque glass on several of the upper floors. While these alterations materially effect the exterior of the building, its integrity would not appear be so diminished that the Hall of Justice would not be eligible for listing on the National Register of Historic Places. In addition, mitigation measures have been proposed to minimize adverse effects.

### **Alternative 3 – Adaptive Reuse of the Existing Building to Secretary of Interior Standards**

Implementation of this alternative would result in the adaptive reuse of the existing building to the Secretary of Interior Standards. All rehabilitation would occur per the Secretary of Interior Standards and no character defining features would be altered. Consequently, impacts under this alternative would be less than significant per CEQA guidance and result in no adverse effect per NEPA/NHPA guidance.

#### **4.11.3.4 MITIGATION MEASURES (ALTERNATIVE 2)**

The following mitigation measures are required for Alternative 2 (Proposed Alternative):

##### Treatment prior to Implementation of the Undertaking

HA-1 Prior to the start of construction the County will conduct a Level 2 Historic American Building Survey and Historic Architecture and Engineering Recordation (HABS/HAER) of the Hall of Justice building, and all spaces therein, in accordance with the Secretary of the Interior's Guidelines for Architectural and Engineering Documentation.

HA-2 The County will provide final archival HABS/HAER documentation to the Los Angeles Public Library, Central Branch.

HA-3 The County will, prior to the start of any construction and following the execution of the MOA, provide FEMA and SHPO with, and adhere to, a preservation plan that details, both photographically and in narrative form, the phasing, removal, protection, shoring, provenance, storage and reinstallation of all finishes, walls, doors, floors, ceilings and fixtures extant in the 1st and 2<sup>nd</sup> floor Lobby/Loggia, elevator cabs 1-7, the 8<sup>th</sup> floor library (Room 819), one 8<sup>th</sup> floor courtroom (Room 816) the two stairwells to be retained and refurbished, the jail cells and the light courts.

##### Exterior Treatment.

HA-4 The County will clean and restore building exterior in accordance with the Secretary of the Interior's Standards for Restoration and Guidelines for Restoring Historic Buildings.

HA-5 The County shall give first priority to stabilizing the architectural glazed terra cotta veneer from the office side of the exterior walls in lieu of anchoring through the architectural glazed terra

cotta veneer. If the County is unable to stabilize the architectural glazed terra cotta veneer from the office side of the exterior walls then the County will submit a proposed alternative stabilization method to FEMA and SHPO for review in accordance with stipulations III.B-E of the MOA. Refer to **Appendix A** of the Final EA/EIR for a copy of the MOA.

HA-6 The County will retain and rehabilitate all original historic windows in accordance with the Secretary of the Interior's Standards for Restoration and Guidelines for Restoring Historic Buildings.

HA-7 The County will remove all window-mounted air conditioning units.

**Interior Treatment.**

HA-8 The County will rehabilitate the 1<sup>st</sup> and 2<sup>nd</sup> floor grand lobby/loggia in accordance with the Secretary of the Interior's Standards for the Rehabilitation and Guidelines for Rehabilitating Historic Properties and

- Remove existing secondary infill in the 2<sup>nd</sup> floor lobby/loggia.
- Retain and refurbish elevator cabs 1-7.

HA-9 The County will rehabilitate the 8<sup>th</sup> floor library (Room 819) in accordance with Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Properties.

HA-10 The County will retain the historic features of the 8<sup>th</sup> floor courtroom 816 in accordance with Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Properties.

HA-11 The County will relocate a representative grouping of no fewer than two jail cells into the basement or ground floor of the Hall of Justice.

HA-12 The County will develop an interpretive program involving the relocated jail cells and allow periodic public access to the relocated jail cells.

HA-13 The County will retain and refurbish the 2 stairwells in accordance with Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Properties.

HA-14 The County will retain and refurbish the glazed tiles in the light courts in accordance with the Secretary of the Interior's Standards for Restoration and Guidelines for Restoring Historic Buildings.

~~HA-15~~ The County shall give first priority to raising the existing non-original dropped ceilings on floors 3 through 9 clear of window openings. If the County is unable to raise the existing non-original dropped ceilings on floors 3 through 9 clear of window, the County will submit a proposed alternative stabilization method to FEMA and SHPO for review in accordance with stipulations III.B-E of the MOA. Refer to **Appendix A** of the Final EA/EIR for a copy of the MOA.

~~HA-1~~ Rehabilitate the exterior of the building using the Secretary of the Interior's Standards and Guidelines for Rehabilitation.

~~HA-2~~ Identify historic elements to be re-used.

~~HA-3~~ Salvage and store a representative sample of historical elements of value that will not be incorporated into the renovated structure such as the stone wainscot, light fixtures, glazing, and hardware. Salvage and store a representative sample of hollow clay tile material used in partition walls.

~~HA-4~~ Develop an interpretive plan for the building that includes the use of historic photographs and artifacts, and that highlights the building within the context of the history of Los Angeles County, including the history of the Sheriff's Department.

~~HA-5~~ Photograph and document the building according to Historic American Buildings Survey (HABS) Level 2. Incorporate this documentation into the Historic Structures Report at completion of project (see HA-6 below).

~~HA-6~~ Complete a Historic Structures Report (HSR) for the building.

### **Adverse Impacts After Mitigation (Alternatives 2 and 3)**

Per CEQA guidance, impacts associated with Alternative 2 would be significant and unavoidable, and with Alternative 3 would be less than significant.

Per NEPA guidance, impacts associated with Alternative 2 would be reduced to a less than significant, and Alternative 3 would be less than significant. Any resultant reduction in impact due to mitigation is an estimate of the effectiveness of mitigation under NEPA only. It does not suggest that the level of effect as defined by Section 106 is similarly reduced. Although adverse effects under Section 106 may be mitigated, the effect remains adverse.