

APPENDIX N
COMMENT LETTERS

DEPARTMENT OF TRANSPORTATION

DISTRICT 7 – Office of Regional Planning
100 S. MAIN STREET, MS 16
LOS ANGELES, CA 90012
PHONE (213) 897-9140
FAX (213) 897-1337
TTY 711
www.dot.ca.gov



Making Conservation
a California Way of Life.

August 17, 2020

Rachel Kwok
City of Santa Monica
1685 Main Street
Santa Monica, CA 90401

RE: Ocean Avenue Project – Draft
Environmental Impact Report
(DEIR)
SCH # 2018121060
GTS # 07-LA-2019-03259
Vic. LA-1/PM: 35.469

Dear Rachel Kwok:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the above-mentioned project's Draft Environmental Impact Report (DEIR). The proposed Project comprises 248,570 square feet (sf) of mixed-use development – including 120 hotel guestrooms, 100 residential units, restaurant and retail uses, and a Cultural Use Campus (e.g., museum, art gallery, etc.) – in the Downtown District of the City. Two City-designated Landmarks located at 1333 Ocean Avenue and 1337 Ocean Avenue would be relocated onsite and integrated into the proposed Cultural Use Campus. The proposed Project would include the development of five buildings ranging in height from 57 feet to 130 feet with a publicly-accessible rooftop observation deck atop the 130-foot-tall Hotel Building. The proposed Project would provide 40,920 sf of open space – including 22,407 sf at ground level (e.g., pedestrian-only paseos, pedestrian breezeway, and publicly-accessible courtyard) – along with widened sidewalks along 2nd Street and Santa Monica Boulevard.

CALTRANS-1

Under Senate Bill 743 (2013), CEQA review of transportation impacts of a proposed development are adapting to eliminate consideration of delay-and capacity-based metrics such as level of service (LOS) and are instead focusing analysis on another metric of impact, "Vehicle Miles Traveled (VMT)". Effective July 1st, 2020, Caltrans is replacing LOS with VMT when evaluating traffic impacts.

For any future project we encourage the Lead Agency to adopt or develop a verifiable performance-based Vehicle Miles Travelled (VMT) criteria as required by SB 743.

After reviewing the project's DEIR Caltrans has the following comments:

- Table 3.13-10 indicates that a potentially significant impact may occur to the state transportation/circulation system. As indicated in the DEIR, a TDM Plan and a CIMP will

CALTRANS-2

be completed, upon completion please send both documents and any other transportation plans to Caltrans for further review as our facilities may be impacted by this project.

CALTRANS-2
cont.

- Please consider scheduling the construction working hours during off peak hours to the maximum extent possible. This may minimize congestion and provide higher levels of safety to the pedestrians and vehicular traffic on the streets and freeway.
- In order to increase pedestrian safety, please consider the installation of RRFB (Rectangular Rapid Flashing Beacons) for the existing Santa Monica Blvd. (SR-2) pedestrian crossing on the corner of Santa Monica Blvd. (SR-2) and Ocean Ave.
- Please consider including a VMT analysis that looks at potential safety concerns to Caltrans facilities as part of the proposed Final EIR. (<https://dot.ca.gov/-/media/dot-media/programs/transportation-planning/documents/sb-743/2020-07-01-interim-ldigr-safety-guidance-a11y.pdf>)
- The DEIR indicates that significant earth moving activities may take place during construction. Please consider covering all vehicles hauling dirt and sediment as unplanned spills can potentially adversely impact the performance of the state highway system.

CALTRANS-3

CALTRANS-4

CALTRANS-5

CALTRANS-6

Further information included for your consideration:

Please consider integrating transportation and land use in a way that reduces VMT and Greenhouse Gas (GHG) emissions by facilitating the provision of more proximate goods and services to shorten trip lengths and achieve a high level of non-motorized travel and transit use.

CALTRANS-7

Caltrans seeks to promote safe, accessible multimodal transportation. Methods to reduce pedestrian and bicyclist exposure to vehicles improves safety by lessening the time that the user is in the likely path of a motor vehicle. Caltrans recommends the project consider the use of methods such as, but not limited to, the construction of physically separated facilities such as sidewalks, raised medians, refuge islands, and off-road paths and trails, or a reduction in crossing distances through roadway narrowing.

CALTRANS-8

Additionally, pedestrian and bicyclist warning signage, flashing beacons, crosswalks, signage and striping can be used to indicate to motorists that they should expect to see and yield to pedestrians and bicyclists. Visual indication from signage can be reinforced by road design features such as lane widths, landscaping, street furniture, and other design elements.

Also, storm water run-off is a sensitive issue for Los Angeles County. Please be mindful that projects should be designed to discharge clean run-off water. Discharge of storm water run-off is not permitted onto State Highway facilities without a storm water management plan.

CALTRANS-9

As a reminder, any transportation of heavy construction equipment and/or materials which requires use of oversized-transport vehicles on State highways will need a Caltrans transportation permit. We recommend large size truck trips be limited to off-peak commute periods

CALTRANS-10

Rachel Kwok
August 17, 2020
Page 3 of 3

If you have any questions regarding these comments, please contact project coordinator Reece Allen, at reece.allen@dot.ca.gov and refer to GTS# 07-LA-2019-03259.

Sincerely,

Frances Duong for

MIYA EDMONSON
IGR/CEQA Branch Chief
cc: Scott Morgan,, State Clearinghouse

CITY OF LOS ANGELES

CALIFORNIA

Seleta J. Reynolds
GENERAL MANAGER



ERIC GARCETTI
MAYOR

DEPARTMENT OF TRANSPORTATION

100 South Main Street, 10th Floor
Los Angeles, California 90012
(213) 972-8470
FAX (213) 972-8410

City of Santa Monica
Ocean Avenue Project

August 17, 2020

Rachel Kwok, Environmental Planner
City Planning Division
1685 Main Street, Room 212
Santa Monica, Ca 90401

Subject: **NOTICE OF COMPLETION/ AVAILABILITY OF A DRAFT ENVIRONMENTAL IMPACT REPORT
FOR THE OCEAN AVENUE PROJECT**

Dear Ms. Kwok,

The City of Los Angeles Department of Transportation (LADOT) appreciates the opportunity to review the Draft Environmental Impact Report (DEIR), dated Monday, May 18, 2020, for the proposed Ocean Avenue Project. Per the DEIR Project Description, the project would involve redevelopment of the site to include a hotel, residential apartments, cultural uses, a rooftop publicly- accessible observation deck, restaurant and retail uses, open space, and subterranean parking in the Downtown District of the City.

A thorough review of Section 3.13 of the document confirms that all forty (40) study intersections and potentially impacted intersections are within the City of Santa Monica. LADOT concurs with the study methodology and looks forward to coordinating in the future in order to better serve the Transit Priority Areas, the Expo Light Rail Corridor, and all other transit lines which utilize regionally significant corridors such as Santa Monica Boulevard and Lincoln Boulevard. Similarly, we look forward to any and all opportunities to coordinate on other important goals of your project such as vehicle trip reduction, congestion management and relief, pedestrian, bicycle, and transit connections and more.

If you have any questions, please contact me in the LADOT Office of Planning and Development Review for West Los Angeles and Coastal Zone at (213) 485-1062.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert Sanchez".

Robert Sanchez
Transportation Engineer

c: Council District 11

LADOT-1



**SANTA MONICA
CONSERVANCY**
Celebrating Our Architectural Heritage

P.O. BOX 653
SANTA MONICA, CA 90406
310-496-3146
www.smconservancy.org

August 17, 2020

Comments on Ocean Avenue project DEIR

The Santa Monica Conservancy has carefully reviewed the DEIR for the Ocean Avenue project, and overall we appreciate the thorough analysis and review of impacts to identified historic resources. The project is unique in preserving and rehabilitating two designated Santa Monica landmarks as a core component of a development plan that also involves construction of five new buildings designed by the Frank Gehry firm. The Cultural Campus with its two landmarks forms a historical focal point as a counterpart to the adjacent contemporary architecture.

SMC-1

The relocation of the landmarks involves two moves, and considerable complex work is necessary to protect and stabilize these resources not only during the two relocations but also during the construction period which follows. We agree that the repositioning of the landmarks in a new configuration is less than significant, as they will retain their general orientation to Ocean Avenue with similar setbacks, and the surrounding location on Ocean Avenue has changed so much over time that it lacks original integrity.

One area of concern is the potential vibration impacts to the relocated landmarks, which will be sitting on supporting caissons while excavation to a depth of 35-40 feet is undertaken around and under the landmarks for basement space and parking. However, the DEIR commits to a Preservation Protection Plan, and oversight by a qualified historic preservation professional as well as a structural engineer. Additionally, the DEIR allows for on-site monitoring and a commitment to halt work and address any potential damage to the landmarks that may occur during construction. This is an essential commitment that should carry over into the Development Agreement.

SMC-2

We are concerned about the expected construction vibrations on the adjacent Gussie Moran House, a designated landmark immediately adjacent to the site. This is a significant landmark that is also potentially fragile, due to its age (c. 1890) and construction type. While the DEIR states that these potentially adverse impacts lie outside the official scope of the DEIR because of separate ownership, we believe nevertheless that the Project Applicant should take some responsibility for monitoring these impacts, and should work with the property owner to reduce their potential to cause material harm.

The Final EIR should clearly affirm that it is the Landmarks Commission which has jurisdiction over the relocation, rehabilitation and adjacent new construction of the two landmarks through the Certificate of Appropriateness process. The entire Cultural Campus is within their purview, and they will be following the Secretary of the Interior's Standards for the Treatment of Historic Properties. We support the recommendation to restore the historic exteriors to their original design, particularly the facades, based upon historic photographs. However, it is important to adhere to Standards #9 and #10 in developing the interface between the new construction and the landmark buildings, with the addition of an enclosed courtyard entry space and four-story rear addition.

SMC-3

- □ 9) New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterized the property

- 10) New additions and adjacent or related new construction will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

SMC-3
cont.

While the designs presented in the DEIR are conceptual only, and may change in further design development, following the Standards will ensure that the rehabilitation of the landmarks preserves to the maximum extent possible their original architectural character and features.

The Final EIR needs to be explicit and clear that oversight over compliance with the SOIS resides with the Landmarks Commission. Where Appendix E p. 136 states

Compliance with the SOI Standards shall be monitored by the supervising historic preservation professional and the Landmarks Commission staff liaison.

This needs to be corrected and to refer to the Commission, not to staff.

SMC-4

Finally, we request that the Mitigation Measure 15 for the Interpretive Educational Program be modified by adding that this phase requires approval by the Landmarks Commission, with public input.

SMC-5

With our suggested modifications, we concur with the 15 recommended Mitigation Measures. We recommend that these Mitigation Measures be incorporated into the Development Agreement. And we look forward to seeing new life for two Santa Monica landmarks in the context of the Ocean Avenue project.

SMC-6

Sincerely,

Ruthann Lehrer
Santa Monica Conservancy

P: (626) 381-9248
F: (626) 389-5414
E: mitch@mitchtsailaw.com



155 South El Molino Avenue
Suite 104
Pasadena, California 91101

VIA U.S. MAIL & E-MAIL

August 17, 2020

City of Santa Monica
Planning and Community Development Department
1685 Main Street
Santa Monica, CA 90401
Attn: Rachel Kwok, Environmental Planner

Email Delivery To: Rachel.kwok@smgov.net

RE: Ocean Avenue Project Draft Environmental Impact Report (SCH No. 2018121060)

Dear Ms. Kwok,

On behalf of the Southwest Regional Council of Carpenters (“**Commenter**” or “**Carpenters**”), my Office is submitting these comments on the City of Santa Monica’s (“**City**” or “**Lead Agency**”) Draft Environmental Impact Report (“**DEIR**”) (SCH No. 2018121060) for the Ocean Avenue Project which involves the redevelopment of Project site to include a hotel, residential apartments, cultural uses, a rooftop publicly-accessible observation deck, restaurant and retail uses, open space, and subterranean parking in the Downtown District of the City (“**Project**”).

The Southwest Carpenters is a labor union representing 50,000 union carpenters in six states and has a strong interest in well ordered land use planning and addressing the environmental impacts of development projects.

Individual members of the Southwest Carpenters live, work and recreate in the City and surrounding communities and would be directly affected by the Project’s environmental impacts.

Commenters expressly reserves the right to supplement these comments at or prior to hearings on the Project, and at any later hearings and proceedings related to this Project. Cal. Gov. Code § 65009(b); Cal. Pub. Res. Code § 21177(a); *Bakersfield Citizens*

SWRCC-1

for Local Control v. Bakersfield (2004) 124 Cal. App. 4th 1184, 1199-1203; see *Galante Vineyards v. Monterey Water Dist.* (1997) 60 Cal. App. 4th 1109, 1121.

Commenters expressly reserves the right to supplement these comments at or prior to hearings on the Project, and at any later hearings and proceedings related to this Project. Cal. Gov. Code § 65009(b); Cal. Pub. Res. Code § 21177(a); *Bakersfield Citizens for Local Control v. Bakersfield* (2004) 124 Cal. App. 4th 1184, 1199-1203; see *Galante Vineyards v. Monterey Water Dist.* (1997) 60 Cal. App. 4th 1109, 1121.

Commenters incorporates by reference all comments raising issues regarding the EIR submitted prior to certification of the EIR for the Project. *Citizens for Clean Energy v City of Woodland* (2014) 225 Cal. App. 4th 173, 191 (finding that any party who has objected to the Project’s environmental documentation may assert any issue timely raised by other parties).

Moreover, Commenter requests that the Lead Agency provide notice for any and all notices referring or related to the Project issued under the California Environmental Quality Act (“**CEQA**”), Cal Public Resources Code (“**PRC**”) § 21000 *et seq.*, and the California Planning and Zoning Law (“**Planning and Zoning Law**”), Cal. Gov’t Code §§ 65000–65010. California Public Resources Code Sections 21092.2, and 21167(f) and Government Code Section 65092 require agencies to mail such notices to any person who has filed a written request for them with the clerk of the agency’s governing body.

The City should seriously consider proposing that the Applicant provide additional community benefits such as requiring local hire and paying prevailing wages to benefit the City. Moreover, it would be beneficial for the City to require the Applicant to hire workers: (1) who have graduated from a Joint Labor Management apprenticeship training program approved by the State of California, or have at least as many hours of on-the-job experience in the applicable craft which would be required to graduate from such a state approved apprenticeship training program and; (2) who are registered apprentices in an apprenticeship training program approved by the State of California.

In addition, the City should seriously consider proposing that the Applicant provide build the Project with standards exceeding the current 2019 California Green Building Code and 2020 County of Los Angeles Green Building Standards Code.

SWRCC-1
cont.

SWRCC-2

SWRCC-3

I. **THE PROJECT WOULD BE APPROVED IN VIOLATION OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT**

A. Background Concerning the California Environmental Quality Act

CEQA has two basic purposes. First, CEQA is designed to inform decision makers and the public about the potential, significant environmental effects of a project. 14 California Code of Regulations (“**CCR**” or “**CEQA Guidelines**”) § 15002(a)(1). “Its purpose is to inform the public and its responsible officials of the environmental consequences of their decisions *before* they are made. Thus, the EIR ‘protects not only the environment but also informed self-government.’ [Citation.]” *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal. 3d 553, 564. The EIR has been described as “an environmental ‘alarm bell’ whose purpose it is to alert the public and its responsible officials to environmental changes before they have reached ecological points of no return.” *Berkeley Keep Jets Over the Bay v. Bd. of Port Comm’rs.* (2001) 91 Cal. App. 4th 1344, 1354 (“*Berkeley Jets*”); *County of Inyo v. Yorty* (1973) 32 Cal.App.3d 795, 810.

SWRCC-4

Second, CEQA directs public agencies to avoid or reduce environmental damage when possible by requiring alternatives or mitigation measures. CEQA Guidelines § 15002(a)(2) and (3). *See also, Berkeley Jets*, 91 Cal. App. 4th 1344, 1354; *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553; *Laurel Heights Improvement Ass’n v. Regents of the University of California* (1988) 47 Cal.3d 376, 400. The EIR serves to provide public agencies and the public in general with information about the effect that a proposed project is likely to have on the environment and to “identify ways that environmental damage can be avoided or significantly reduced.” CEQA Guidelines § 15002(a)(2). If the project has a significant effect on the environment, the agency may approve the project only upon finding that it has “eliminated or substantially lessened all significant effects on the environment where feasible” and that any unavoidable significant effects on the environment are “acceptable due to overriding concerns” specified in CEQA section 21081. CEQA Guidelines § 15092(b)(2)(A–B).

SWRCC-5

While the courts review an EIR using an “abuse of discretion” standard, “the reviewing court is not to ‘uncritically rely on every study or analysis presented by a project proponent in support of its position.’ A ‘clearly inadequate or unsupported study is entitled to no judicial deference.’” *Berkeley Jets*, 91 Cal.App.4th 1344, 1355 (emphasis added) (quoting *Laurel Heights*, 47 Cal.3d at 391, 409 fn. 12). Drawing this line and determining whether the EIR complies with CEQA’s information disclosure

SWRCC-6

requirements presents a question of law subject to independent review by the courts. (*Sierra Club v. Cnty. of Fresno* (2018) 6 Cal. 5th 502, 515; *Madera Oversight Coalition, Inc. v. County of Madera* (2011) 199 Cal.App.4th 48, 102, 131.) As the court stated in *Berkeley Jets*, 91 Cal. App. 4th at 1355:

A prejudicial abuse of discretion occurs “if the failure to include relevant information precludes informed decision-making and informed public participation, thereby thwarting the statutory goals of the EIR process.

The preparation and circulation of an EIR is more than a set of technical hurdles for agencies and developers to overcome. The EIR’s function is to ensure that government officials who decide to build or approve a project do so with a full understanding of the environmental consequences and, equally important, that the public is assured those consequences have been considered. For the EIR to serve these goals it must present information so that the foreseeable impacts of pursuing the project can be understood and weighed, and the public must be given an adequate opportunity to comment on that presentation before the decision to go forward is made. *Communities for a Better Environment v. Richmond* (2010) 184 Cal. App. 4th 70, 80 (quoting *Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova* (2007) 40 Cal.4th 412, 449–450).

B. The DEIR Fails to Adequately Analyze, Disclose and Unlawfully Defers Mitigation of the Project’s Significant Hazards Impacts

The DEIR’s conclusions about the hazardous conditions at the Project site is at complete odds with the Phase I ESA’s conclusions. The DEIR admits that the “Phase I ESA concluded that there is a moderate to high likelihood that the 52-year operation of the historical dry cleaning facility resulted in a hazardous condition at the Project site as a result of the potential use of hazardous solvents commonly associated with historic dry cleaning facilities. (DEIR, p. 3.3-9.) However, the DEIR ignores the conclusion and states, without substantial evidence, that such hazardous conditions are not likely to impact the Project site. (*Id.*)

There are no sampling or scientific evidence to support the DEIR’s dismissal of the Phase I ESA’s conclusions of “moderate to high likelihood” of a hazardous condition at the Project site. (DEIR, p. 3.3-9.) Rather, the DEIR offers conjectural statements about how contaminations might have traveled to avoid having to further investigate it.

SWRCC-6
cont.

SWRCC-7

SWRCC-8

The DEIR also defers conducting a Phase I ESA that covers the entirety of the Project site. DCP MM HAZ-2a:b requires Phase I ESA to be performed for developments in the Downtown area that has not been subject to a Phase I ESA or successful remediation efforts in the past. (DEIR, p. ES-25.) This mitigation measure is problematic in several ways. First, it defers the Phase I ESA to be performed after approval. Moreover, the mitigation measure is vague and not specifically tailored to fit the Project – it broadly states that any development in the Downtown area are required to conduct Phase I ESA. However, since the Project is located in the Downtown area, the mitigation measure should definitively state that a Phase I ESA covering the entire Project site is required. In fact, the DEIR acknowledges that a Phase I ESA was performed in 2019 but did not include the entirety of the Project site. (DEIR, pp. 3.3-8~9.)

SWRCC-9

The people most impacted by the highly likely presence of chemical solvents in the Project site’s soil and groundwater are construction workers and even future residents. Health risks associated with exposure to dry cleaning solvents are well documented.¹ Thus, the DEIR’s failure to adequately analyze and mitigate hazards impacts will have grave consequences and expose many workers and residents to significant health risks.

SWRCC-10

As a result, the DEIR’s hazards impacts analysis violates CEQA by failing to adequately analyze and disclose the Project’s hazards impacts and improperly defers mitigation.

SWRCC-11

C. The DEIR Fails to Adequately Analyze and Mitigate the Significant Impacts to Historical Resources.

The Project site contains historical landmarks, located at 1333 and 1337 Ocean Avenue and 101 Santa Monica Boulevard. (DEIR, p. 3.4-36, 40.) However, the DEIR provides that the historical landmark structures at 1333 and 1337 Ocean Avenue would be relocated not just once but twice. (DEIR, p. 2-57.) They would first be moved to temporary locations on the 101 Santa Monica Boulevard property then would be moved to permanent foundations back on the Project site. (*Id.*) Moreover, the landmarks on 1333 and 1337 Ocean Avenue would swap parcel locations upon relocation to better facilitate their integration into the Cultural Use Campus.

SWRCC-12

Due to this relocation, the City-designated Landmarks would be subject to alteration of the resource or its immediate surroundings and could all result in a “substantial

¹ <https://www.cdc.gov/niosh/docs/hazardcontrol/hc17.html>

adverse change in the significance” of the historic resource. (DEIR, 3.4-36.) The DEIR further admits that the relocation of these historical landmarks could also damage important character-defining features, which in turn could materially alter the physical characteristics of the resource that conveys its historical significance. (DEIR, 3.4-36.)

However, the DEIR fails to analyze how the proposed relocations of historical landmarks are consistent with the Secretary of the Interior’s Standards for the Treatment of Historic Properties (“The Standards”). While the DEIR repeatedly states that the Project will comply with The Standards, it fails to analyze whether the proposed relocation complies with the ten standards for rehabilitation of historical resources. The DEIR’s Historic Resources Technical Report, while listing the ten standards, does not analyze how the Project conforms to said standards. (DEIR, Appendix E, Historic Resources Technical Report, pp. 68-69.)

SWRCC-12
cont.

Most significantly, The Standards Numbers 1 and 2 require that the proposed new use will only require “minimal change to its distinctive materials, features, spaces, and spatial relationships” (Standard No. 1) and that “[t]he historic character of a property will be retained and preserved” (Standard No. 2). The twice-relocation and alteration of spatial relationships by swapping the location of 1333 and 1337 Ocean Avenue would not comply with these Standards at all.

Moreover, CEQA Guidelines section 15064.5(b)(2) states that a project will have a significant impact on historic resources if it would demolish, destroy, relocate, or alter a historical resource or its setting that its historical significance or integrity as a historic resources will be materially impaired. (DEIR, Appendix E, Historic Resources Technical Report, p. 70.) However, the DEIR curiously concluded that the Project will not have significant impacts to historical resources as a result of the relocations. (DEIR, p. ES-14.) Moreover, the DEIR fails to analyze alternatives that explore not relocating the historical landmarks on the Project site or other ways to mitigate significant impacts to the historical landmarks instead of the relocation.

SWRCC-13

Finally, the Applicant’s historical survey upended numerous prior historical designations of 101 Santa Monica Blvd without substantial evidence. As amply acknowledged by the DEIR, 101 Santa Monica Blvd has been designated as a historic resource on several prior occasions:

SWRCC-14

The 1983 survey identified 101 Santa Monica Boulevard as potentially eligible for individual local designation and assigned a corresponding National Register Status Code of 5 (National Register Status Codes were

amended in 2003 to the California Historical Resource Status Codes). It was also identified as a contributor to a potential locally eligible historic district, the Central Business District, and was assigned a National Register Status Code of 5D. Between 1995 and 1998, the property was re-assessed for potential historical significance and its status as a contributor to the Central Business District was reconfirmed. As part of the reconnaissance level 2010 Santa Monica HRI Update the property was once again identified and evaluated as a contributor to the potential CBD historic district.

(DEIR, p. 3.4-13.) But after acknowledging the historical significance and multiple-historical designations of 101 Santa Monica Blvd, Applicant's own historical consultant concluded that "it does not appear to qualify as an historical resource under CEQA." This conclusion is especially convenient to fit the Applicant's plans to remove the 101 Santa Monica Blvd structure in its entirety. However, the DEIR fails to support its decision to un-designate 101 Santa Monica Blvd from its prior historical designations with substantial evidence. As a result, the DEIR violates CEQA.

In conclusion, the DEIR fails to adequately analyze and mitigate the Project's impacts to historical resources.

D. The DEIR Improperly Defers Formulation of Mitigation Measures to Mitigate the Project's Significant Construction Impacts

CEQA prohibits impermissible deferral of mitigation which occurs when an EIR calls for mitigation measures to be created based on future studies or describes mitigation measures in general terms but the agency fails to commit itself to specific performance standards. (*California Clean Energy Comm. v. City of Woodland* (2014) 225 Cal.App.4th 173, 195 [agency could not rely on future report on urban decay with no standards for determining whether mitigation required]; *Cleveland Nat'l Forest Found. v. San Diego Ass'n of Gov'ts* (2017) 17 Cal.App.5th 413, 442 [generalized air quality measures failed to set performance standards].)

The EIR impermissibly defers several of its mitigation measures. First, MM CE ("Construction Effects")-1 defers the preparation of a Construction Impact Mitigation Plan (CIMP) until after project approval without committing to specific performance standards. MM CE-1 utilizes ambiguous terms and phrases like "prevent *substantial* truck traffic through residential neighborhoods" "ensure safety" "prevent traffic impacts on the surrounding street network" and "minimize parking impacts." (DEIR, pp. ES-

SWRCC-14
cont.

SWRCC-15

11-12.) These are the precise “loose or open-ended performance criteria” rejected by the courts. (*Rialto Citizens for Responsible Growth v. City of Rialto* (2012) 208 Cal.App.4th 899, 945.)

SWRCC-15
cont.

E. CEQA Requires Revision and Recirculation of an Environmental Impact Report When Substantial Changes or New Information Comes to Light

Section 21092.1 of the California Public Resources Code requires that “[w]hen significant new information is added to an environmental impact report after notice has been given pursuant to Section 21092 ... but prior to certification, the public agency shall give notice again pursuant to Section 21092, and consult again pursuant to Sections 21104 and 21153 before certifying the environmental impact report” in order to give the public a chance to review and comment upon the information. CEQA Guidelines § 15088.5.

Significant new information includes “changes in the project or environmental setting as well as additional data or other information” that “deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative).” CEQA Guidelines § 15088.5(a). Examples of significant new information requiring recirculation include “new significant environmental impacts from the project or from a new mitigation measure,” “substantial increase in the severity of an environmental impact,” “feasible project alternative or mitigation measure considerably different from others previously analyzed” as well as when “the draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.” *Id.*

SWRCC-16

An agency has an obligation to recirculate an environmental impact report for public notice and comment due to “significant new information” regardless of whether the agency opts to include it in a project’s environmental impact report. *Cadiz Land Co. v. Rail Cycle* (2000) 83 Cal.App.4th 74, 95 [finding that in light of a new expert report disclosing potentially significant impacts to groundwater supply “the EIR should have been revised and recirculated for purposes of informing the public and governmental agencies of the volume of groundwater at risk and to allow the public and governmental agencies to respond to such information.”]. If significant new information was brought to the attention of an agency prior to certification, an agency is required to revise and recirculate that information as part of the environmental impact report.

Commenters request that the City make necessary revisions to the DEIR and recirculate it for public comment.

SWRCC-16
cont.

F. Due to the COVID-19 Crisis, the City Must Adopt a Mandatory Finding of Significance that the Project May Cause a Substantial Adverse Effect on Human Beings and Mitigate COVID-19 Impacts

CEQA requires that an agency make a finding of significance when a Project may cause a significant adverse effect on human beings. PRC § 21083(b)(3); CEQA Guidelines § 15065(a)(4).

Public health risks related to construction work requires a mandatory finding of significance under CEQA. Construction work has been defined as a Lower to High-risk activity for COVID-19 spread by the Occupational Safety and Health Administration. Recently, several construction sites have been identified as sources of community spread of COVID-19.²

SWRCC recommends that the Lead Agency adopt additional CEQA mitigation measures to mitigate public health risks from the Project's construction activities. SWRCC requests that the Lead Agency require safe on-site construction work practices as well as training and certification for any construction workers on the Project Site.

SWRCC-17

In particular, based upon SWRCC's experience with safe construction site work practices, SWRCC recommends that the Lead Agency require that while construction activities are being conducted at the Project Site:

Construction Site Design:

- The Project Site will be limited to two controlled entry points.
- Entry points will have temperature screening technicians taking temperature readings when the entry point is open.
- The Temperature Screening Site Plan shows details regarding access to the Project Site and Project Site logistics for conducting temperature screening.

² Santa Clara County Public Health (June 12, 2020) COVID-19 CASES AT CONSTRUCTION SITES HIGHLIGHT NEED FOR CONTINUED VIGILANCE IN SECTORS THAT HAVE REOPENED, available at <https://www.sccgov.org/sites/covid19/Pages/press-release-06-12-2020-cases-at-construction-sites.aspx>.

- A 48-hour advance notice will be provided to all trades prior to the first day of temperature screening.
- The perimeter fence directly adjacent to the entry points will be clearly marked indicating the appropriate 6-foot social distancing position for when you approach the screening area. Please reference the Apex temperature screening site map for additional details.
- There will be clear signage posted at the project site directing you through temperature screening.
- Provide hand washing stations throughout the construction site.

Testing Procedures:

- The temperature screening being used are non-contact devices.
- Temperature readings will not be recorded.
- Personnel will be screened upon entering the testing center and should only take 1-2 seconds per individual.
- Hard hats, head coverings, sweat, dirt, sunscreen or any other cosmetics must be removed on the forehead before temperature screening.
- Anyone who refuses to submit to a temperature screening or does not answer the health screening questions will be refused access to the Project Site.
- Screening will be performed at both entrances from 5:30 am to 7:30 am.; main gate [ZONE 1] and personnel gate [ZONE 2]
- After 7:30 am only the main gate entrance [ZONE 1] will continue to be used for temperature testing for anybody gaining entry to the project site such as returning personnel, deliveries, and visitors.

SWRCC-17
cont.

- If the digital thermometer displays a temperature reading above 100.0 degrees Fahrenheit, a second reading will be taken to verify an accurate reading.
- If the second reading confirms an elevated temperature, DHS will instruct the individual that he/she will not be allowed to enter the Project Site. DHS will also instruct the individual to promptly notify his/her supervisor and his/her human resources (HR) representative and provide them with a copy of Annex A.

Planning

- Require the development of an Infectious Disease Preparedness and Response Plan that will include basic infection prevention measures (requiring the use of personal protection equipment), policies and procedures for prompt identification and isolation of sick individuals, social distancing (prohibiting gatherings of no more than 10 people including all-hands meetings and all-hands lunches) communication and training and workplace controls that meet standards that may be promulgated by the Center for Disease Control, Occupational Safety and Health Administration, Cal/OSHA, California Department of Public Health or applicable local public health agencies.³

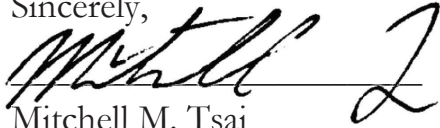
The United Brotherhood of Carpenters and Carpenters International Training Fund has developed COVID-19 Training and Certification to ensure that Carpenter union members and apprentices conduct safe work practices. The Agency should require that all construction workers undergo COVID-19 Training and Certification before being allowed to conduct construction activities at the Project Site.

II. CONCLUSION

³ See also The Center for Construction Research and Training, North America's Building Trades Unions (April 27 2020) NABTU and CPWR COVID-19 Standards for U.S. Construction Sites, *available at* https://www.cpwr.com/sites/default/files/NABTU_CPWR_Standards_COVID-19.pdf; Los Angeles County Department of Public Works (2020) Guidelines for Construction Sites During COVID-19 Pandemic, *available at* https://dpw.lacounty.gov/building-and-safety/docs/pw_guidelines-construction-sites.pdf.

Commenters request that the City revise and recirculate the Project's environmental impact report to address the aforementioned concerns. If the City has any questions or concerns, feel free to contact my Office. SWRCC-18

Sincerely,

A handwritten signature in black ink, appearing to read "Mitchell M. Tsai", written over a horizontal line.

Mitchell M. Tsai

Attorneys for Southwest Regional Council of Carpenters



T 510.836.4200
F 510.836.4205

1939 Harrison Street, Ste. 150
Oakland, CA 94612

www.lozeaudrury.com
rebecca@lozeaudrury.com

Via Email

August 17, 2020

Rachel Kwok, Environmental Planner
Planning & Community Development
City of Santa Monica
1685 Main Street, Room 212
Santa Monica, CA 90401
rachel.kwok@smgov.net

David Martin, Director
Planning & Community Development
City of Santa Monica
1685 Main Street, Room 212
Santa Monica, CA 90401
david.martin@smgov.net

Denise Anderson-Warren, City Clerk
Records & Election Services (City Clerk)
Dept.
City of Santa Monica
1685 Main Street, Room 102
Santa Monica, CA 90407
clerk@smgov.net

Re: Comment on Draft Environmental Impact Report, Ocean Avenue Project

Dear Ms. Kwok, Mr. Martin, and Ms. Anderson-Warren:

I am writing on behalf of the Supporters Alliance For Environmental Responsibility (“SAFER”) regarding the Draft Environmental Impact Report (“DEIR”) prepared for the project known as Ocean Avenue Project, including all actions related or referring to the proposed redevelopment of the project site with five new buildings, providing a 120 guestroom hotel, 100 residential units, 36,110 square feet of restaurant space, 35,500 square feet of Cultural Use Campus, and three levels of subterranean located at 101-129 Santa Monica Boulevard; 1327, 1333, and 1337 Ocean Avenue in the City of Santa Monica (“Project”).

SAFER-1

According to the DEIR, the City believes that the Project is exempt from CEQA review pursuant to 15 Cal. Code Regs. § 15182(b), but the City nevertheless chose to prepare an EIR. After reviewing the Project and the DEIR, we conclude that: 1) the Project is not exempt from CEQA because one of the events in 14 C.C.R. § 15162 has occurred, and therefore City was required to prepare an EIR, and 2) the DEIR fails as an informational document and fails to adequately analyze and mitigate the Project’s environmental impacts. SAFER request that the Planning & Community Development Department address these

SAFER-2

August 17, 2020

Comment on Draft Environmental Impact Report, Ocean Avenue Project

Page 2 of 2

shortcomings in a revised draft environmental impact report (“RDEIR”) and recirculate the RDEIR prior to considering approvals for the Project.

SAFER-2
Cont.

We reserve the right to supplement these comments during review of the Final EIR for the Project and at public hearings concerning the Project. *Galante Vineyards v. Monterey Peninsula Water Management Dist.*, 60 Cal. App. 4th 1109, 1121 (1997).

SAFER-3

Sincerely,



Rebecca Davis

SAFER-2

From: [giorgio righi riva](#)
To: [Rachel Kwok](#)
Subject: Ghery Santa Monica
Date: Sunday, August 16, 2020 3:57:53 AM

EXTERNAL

Dear Rachel.

Let me say some comments about Los Angeles , slow slow procedure about building approval.

I think is not good for the city, for the economy, for tourists....

Los Angeles shoul be and shoul have the ambition to became a new international global city, a rich cultural mecca for architecture, design arts, fashion, food....

Bu there is a big problems a lot of beautifull new projects are on hold , sleeping years fo waiting burocracy procedure for approval....

The rest of the world go fast the global cityes change every day...with exceptional projects....

Santa Monica by Gehry is one of the most important projects for the Los Angeles new renaissance and raising to compete with global cityes.

this is a beautifull city, but should be a lot better!!!

approve fast this Gehry marvel.

kind regards

Giorgio Righi Riva

GR-1

HARDING LARMORE KUTCHER & KOZAL, LLP
ATTORNEYS AT LAW

WRITER'S DIRECT DIAL

(310) 656-4311

1250 SIXTH STREET, SUITE 200

SANTA MONICA, CALIFORNIA 90401-1602

TELEPHONE (310) 393-1007

FACSIMILE (310) 392-3537

WRITER'S E-MAIL ADDRESS

plarmore@hlkklaw.com

August 17, 2020

VIA E-MAIL

Rachel Kwok, Environmental Planner
Planning and Community Development Department
1685 Main Street, Room 212
Santa Monica, CA 90401

Re: Ocean Avenue Hotel Project DEIR (May 2020)
SCH # 2018121060
Our File No. 20650.001

Dear Ms. Kwok:

This letter is submitted on behalf of our client, Ocean Avenue Partners, LLC ("Applicant" or "OAP"). Our client is the project applicant for the proposed mixed-use hotel/residential/retail/cultural use project ("Project") located across five assessor parcels (APNs 4291-014-016, -017, -018, -024, and -025) generally bounded by Ocean Avenue to the west, Santa Monica Boulevard to the south, 2nd Street to the east, and existing commercial development to the north ("Project Site"). This letter and the enclosed exhibits together constitute the Applicant's comments concerning the Draft Environmental Impact Report ("DEIR") for the Ocean Avenue Hotel Project.

APP-1

The OAP DEIR is very thorough and clearly meets and exceeds the legal requirements for EIRs (see State CEQA Guidelines § 15151), as established by CEQA (Pub. Res. Code §§ 21000-21178) and the State CEQA Guidelines (Cal. Code Regs. tit. 14, ch. 3, §§ 15000-15387) and related caselaw. The DEIR addresses each of the proposed Project's potential environmental impacts and includes extensive mitigation measures to reduce those impacts to less than significant levels wherever feasible. (Pub. Res. Code § 21002.) The DEIR also analyzes a reasonable range of alternatives to the Project per the requirements of State CEQA Guidelines § 15126.6, and provides City decision-makers and the general public with all the information and analysis needed to make an informed judgment about the Applicant's proposal. (See State CEQA Guidelines § 15121.)

The DEIR demonstrates that the Project would provide numerous environmental and community benefits, while causing very few potentially significant and unavoidable environmental impacts. The DEIR takes a conservative approach to identifying

APP-2

Rachel Kwok, Environmental Planner
August 17, 2020
Page 2

significant and unavoidable impacts, but in reality most of the impacts identified are either potentially mitigable or temporary. As summarized below, the compelling benefits that the proposed Project would provide include:

- Needed new market rate and affordable housing
- An iconic design by a world-renowned architect
- Extensive publicly-accessible open space including a public rooftop observation deck
- A cultural use campus that includes adaptive reuse, preservation, and rehabilitation of two City-designated landmark buildings
- A new hotel (with a labor union neutrality agreement in place) and other visitor-serving uses
- New employment opportunities
- Substantial economic and fiscal benefits

The DEIR evaluates the Project with respect to 15 issue areas and finds potentially significant and unavoidable impacts in just 5 of these areas (cultural resources, neighborhood effects, construction effects, construction vibration, and transportation). Moreover, the potentially significant and unavoidable impacts in these 5 areas all relate to two unique impacts. First, the impact to cultural resources, construction effects, and construction vibration all relate to the same temporary construction vibration impact that can be mitigated to a level of insignificance if the owner of an adjacent property allows the Applicant to implement the mitigation without any cost to that property owner. Because it is not certain that the owner will give permission to implement the mitigation, the DEIR correctly concludes that the impact may be significant and unavoidable. Second, the potentially-significant neighborhood-effects impact is the same impact as the potentially-significant transportation impact, which as discussed in more detail below is generally derived from extremely conservative assumptions regarding trip generation, combined with the City's highly sensitive thresholds of significance. Indeed, our independent traffic consultant concluded that the same impacts would arise at 5 of the 6 impacted intersections if only one new incremental project trip were added.

The DEIR includes mitigation measures to address all of the Project's other potential environmental impacts, reducing such impacts to less than significant levels.

APP-2
Cont.

APP-3

Rachel Kwok, Environmental Planner
August 17, 2020
Page 3

Additionally, the DEIR evaluates a reasonable range of project alternatives (State CEQA Guidelines § 15126.6). See discussion below.

APP-4

I.

RELATIONSHIP BETWEEN THE PROJECT AND THE DCP'S EIR

As documented by the DEIR, the Project is consistent with the DCP, General Plan, and Zoning Ordinance and meets all of the criteria to qualify for an exemption from CEQA review pursuant to CEQA Guidelines Section 15182 (*Projects Pursuant to a Specific Plan*); nonetheless, the City has elected to prepare the DEIR to promote fully informed decision-making despite that preparation of this exhaustive documentation was not compelled by CEQA. (DEIR at pp. 1-4 to 1-5.) As documented in the Project's DEIR, the project represents only a fraction (1.1%) of the new hotel rooms studied in the DCP EIR and 4.3% of the new multifamily housing units projected by and assumed for study in the DCP EIR. (DEIR p. 3.10-48.)

Additionally, the Project is a mixed-use development in a Transit Priority Area, and consistent with the DCP and general use designation, density, building intensity, and policies of the Southern California Association of Government's (SCAG's) adopted 2016-2040 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS). Therefore, the Project is eligible for streamlined CEQA review under several provisions of CEQA that generally would not require preparation of a full EIR, and instead would typically qualify for various statutory or categorical CEQA exemptions, as set forth in the list of CEQA streamlining and exemption classifications applicable to housing and affordable housing promulgated by the California Office of Planning and Research (Available at:

https://opr.ca.gov/docs/20190208-TechAdvisory-Review_of_Housing_Exemptions.pdf).

Nonetheless, we recognize and appreciate that the DEIR provides much more comprehensive information and analysis even though not required by CEQA.

APP-5

II.

BENEFITS OF PROJECT

The Project will provide substantial benefits, including environmental benefits, which far outweigh the few adverse impacts conservatively identified in the DEIR. Many of these benefits are called out in the DEIR and/or are cited as important in the LUCE and DCP. The Project's benefits include:

Rachel Kwok, Environmental Planner
August 17, 2020
Page 4

Housing

- Significant New Market-Rate and Affordable Housing Near Transit. LUCE Policy LU3.2 calls for “additional housing opportunities on the transit rich commercial boulevards.” (DEIR at p. 3.13-29.) LUCE Policy LU4.3 encourages “mixed-use development close to transit to provide housing opportunities for the community, support local businesses, and reduce reliance on automobiles.” (LUCE at p. 2.1-13.) DCP Goal LU4 envisions a Downtown with “an attractive residential neighborhood with a range of housing opportunities, that emphasizes on affordable...housing” and the DCP identifies affordable housing as one of three preferred community benefits for the Project. (DCP at p. 32; DCP at p. 30; DEIR at p. 2-15.) Moreover, the Southern California Association of Governments has tentatively allocated a need for almost 9,000 more units of housing to the City of Santa Monica for the upcoming Housing Element cycle. The Project provides 100 new apartments, including both market-rate and deed-restricted affordable units, located near transit,¹ implementing key City policies and goals.
- Diverse Mix of Residential Units. Consistent with LUCE Policy D7.7 to “[e]ncourage residential units with a diversity of types, forms, [and] sizes, the Project will increase the diversity and mix of housing options in the City’s Downtown by providing a variety of bedroom sizes from studios to three-bedroom units. (LUCE at p. 2.6-13; DEIR Table 2-3 at p. 2-20 and at p. 2-24.) The Project will provide approximately 10 three-bedroom units, 23 two-bedroom units, 55 one-bedroom units and 12 studios. (DEIR at p. 2-20.)
- Range of Affordability Levels. As explained in the DCP, a key priority for community benefits discussions in new development is the provision of “a range of housing options at varying affordability levels to accommodate the city’s diverse residents and workforce.” (DCP at p. 27.) It is anticipated that the Project’s Development Agreement will require a range of affordability levels for the deed-restricted affordable housing units -- from Extremely Low

APP-6

¹ The Project’s new residential units will be constructed within approximately 0.5 miles of the Expo LT Downtown Santa Monica Station and in the vicinity of several transit routes, including the Santa Monica Big Blue Bus service routes 1, 2, 3, 5, 7, 8, 9, 18, Rapid 7 and Rapid 10 and the Metro Local 33, 534, 704, 720 and 733. (DEIR at p. 2-13.) Additionally, the Project’s new residential units will be in close proximity to numerous retail, service and entertainment uses.

Rachel Kwok, Environmental Planner
August 17, 2020
Page 5

30% Income Households to Moderate Income Households -- consistent with the range in Zoning Ordinance Section 9.10.070(C)(1)(a)(iii).

- Replacement Housing for Existing Residents. The Project includes the onsite replacement of the existing 19 residential units located on the Project Site. Prior to commencement of construction, existing tenants will be offered temporary/interim housing, relocation assistance, and the opportunity to move back in to one of the replacement units with no increase in the rent (other than standard general adjustments) for the temporary/interim housing nor the replacement unit.

APP-6
Cont.

Historic Preservation

The LUCE identifies historic preservation as a priority community benefit (one of only five such benefits); additionally, historic preservation is expressly identified in the DCP as a preferred community benefit for the Project. (LUCE at p. 3.2-3; DCP at p. 30; DEIR at p. 2-15.) Here, “[t]he proposed Project has been designed to respect the historic character and qualities of the Landmark buildings.” (DEIR at p. 3.4-39.)

As to protection of historic resources, State CEQA Guidelines Section 15064.5(b)(3) provides:

Generally, a project that follows the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings or the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings (1995), Weeks and Grimmer, shall be considered as mitigated to a level of less than a significant impact on the historical resource.
(Emphasis added.)

APP-7

There are two historic resources on the Project Site: the Queen Anne-style Victorian building located at 1333 Ocean Avenue and the Spanish Colonial Revival style building located at 1337 Ocean Avenue. (DEIR at p. 3.1-11.) In evaluating the relocation and rehabilitation of those two landmarks, the DEIR confirms:

All work would be performed in accordance with *The Secretary of the Interior's Standards for the Treatment of Historic Properties* and the [State Historical Building Code].
(DEIR at p. 3.4-36.)

Rachel Kwok, Environmental Planner
August 17, 2020
Page 6

And the DEIR further confirms:

The proposed Project would retain the integrity of general location context, setting, design, materials, workmanship, feeling, and association of the onsite City-designated Landmarks essential to their historical significance. (*Id.* at p. 3.4-34.)

Therefore, the DEIR correctly concludes:

With implementation of mitigation measures identified in the Historic Resources Technical Report – Ocean Avenue Project (2020), the proposed Project would not result in a substantial adverse change in the significance of a historical resource, and impacts would be *less than significant with mitigation*. (*Id.*)

Furthermore, the DEIR confirms the project's beneficial restoration of various character-defining features of the two City Landmarks. As to the Queen Anne Landmark:

The proposed rehabilitation of the Queen Anne Landmark would preserve, repair (as necessary), and restore important exterior character-defining features as well as remove incompatible, non-character-defining elements and additions . . . The original tower, which has been shortened and modified over the years, and its original widow walk would be restored to its full height and would be clad in wood siding as it was historically. The now enclosed front porch with its column capitals on the first floor adjacent the front door would also be restored and opened. The integral porch on the second floor of the front elevation, which has also been altered, would be restored to its full length, extending it in front of the window to the north. The front gable ornamentation previously removed would also be restored in-kind. In addition, the brick chimney would be accurately restored above the roof plane only (to the extent possible by code) and the roof would be recovered with new flame-retardant wood shingle roofing material as originally sheathed. (*Id.* at p. 3.4-37.)

APP-7
(Cont.)

Rachel Kwok, Environmental Planner
August 17, 2020
Page 7

The south (side) elevation has been substantially modified over the years through the modification and addition of second floor dormers, non-original porch supports and curved brick stairs, and other features and materials. Currently, the building has three gable dormers at the second floor; however, upon review of historical photographs the building only had one dormer along this elevation (similar to the north roof plane). The one original gable, roughly centered on this elevation, would be restored as part of the proposed Project. In addition, non-original features and materials would be removed and this elevation restored based upon photographic and physical evidence. (*Id.* at p. 3.4-38.)

As to the Spanish Colonial Revival Landmark:

The front (west, primary) façade would be restored based on physical evidence and historical documentation. The front main entrance originally featured a cast stone Churrigueresque inspired decorative surround with flanking spiral engaged columns, which was removed years ago. Under the proposed rehabilitation work this ornate entrance element would be reconstructed and restored on the building's facade based on historical photographs and physical evidence. The decorative sconces that were once over each of the main front window openings at ground-level would also be reconstructed based on the protocols of the SOI Standards. Those Spanish Colonial Revival design features that were once on the building's front façade, including any door and window features and stylistic decorative elements as well as the original upper level decks with open railings and cast stone balusters would also be reconstructed. The goal for the rehabilitation work proposed for the west front elevation would be to architecturally restore its front façade from its period of significance (1926). (DEIR, App. E at p. 96.)

Furthermore, the DEIR confirms that the two Landmarks will be retrofit to address public safety, disabled access and building longevity:

APP-7
(Cont.)

Rachel Kwok, Environmental Planner
August 17, 2020
Page 8

Rehabilitation of these buildings [at 1333 and 1337 Ocean Avenue] would include seismic and structural retrofitting, handicap accessibility improvements where feasible, fire-life safety improvements, and upgrade to MEP equipment. (*Id.* at p. 2-33.)

To reinforce the DEIR, attached as Exhibit “A” is a Conformance Recommendations memorandum prepared by Robert Chattel and Olivia White, who both meet the Secretary of the Interior’s Professional Qualifications Standards in Architectural History. This memorandum provides background information on the subject property, provides an overview of concept level design specifically focusing on the Landmark Buildings, and makes recommendations for future design development to achieve a project in conformance with the *Secretary of the Interior’s Standards for the Treatment of Historic Properties*.

Additionally, the DEIR confirms that both Landmarks will be given prominence on the Project’s new Cultural Use Campus:

The new buildings would be clearly new and differentiated, yet the Landmark buildings would remain the dominant visual elements of the site and overall streetscape. (*Id.* at p. 3.4-39.)

The rehabilitated City-designated Landmarks would . . . be repurposed for prominent new functions (e.g., gallery, retail, ticketing, bag check, etc.) and integrated into the Cultural Use Campus. (*Id.* at p. 2-33.)

The City-designated Landmarks at 1333 and 1337 Ocean Avenue would be relocated onsite without compromising direct visual and pedestrian access from Ocean Avenue and would be repurposed for prominent new functions as integral parts of the Cultural Use Campus. (*Id.* at pp. 2-38 to -39.)

The physical separation between the new improvements and historic buildings on the Project site is generously provided through the use of open pedestrian-only paseos and breezeways as well as concerted building placement on the Project site. (*Id.* at p. 3.4-39.)

Appropriately, the two historic buildings will continue to convey the history of early residential development on Ocean Avenue:

APP-7
(Cont.)

Rachel Kwok, Environmental Planner
August 17, 2020
Page 9

Historically, the buildings have long fronted Ocean Avenue facing Palisades Park, and the slight shift in locations would not substantially alter the historic setting or context of the buildings because they would continue to convey the same general history and streetscape of residential development along Ocean Avenue. (*Id.* at p. 3.4-36.)

With the conceptual design and placement of the new construction, the overall historic character and integrity of the historic buildings are retained and protected. (*Id.* at p. 3.4-39.)

The Project will take historic buildings that are currently in private use and will make them accessible to the general public for the appreciation and enjoyment of visitors to the Cultural Use Campus once they are repurposed. To augment such access, the Project will provide interpretive educational guidance as to the history of the Landmark buildings and their historic context:

INTERPRETIVE EDUCATIONAL PROGRAM

To assist the public in understanding the historical, cultural, and architectural significance of both the Queen Anne style Landmark building and the Spanish Colonial Revival style Landmark structure commemorative interpretive signage, displays, and/or plaques shall be created and incorporated into the Project site, particular as part of the Cultural Use Campus. The displays, signage, plaques and exhibits created for the site may incorporate salvaged “period appropriate” items from the historic buildings and any historical information, photographs, postcards, plans and illustrations, maps and brochures, etc. of the buildings, Ocean Avenue, the downtown commercial area in a creative medium accessible or visible to the public. The interpretative exhibit elements should include visual and narrative information specific to the early residential development of Ocean Avenue, the early economic commercial development of the downtown area, the architectural history and design of both the Queen Anne style and the Spanish Colonial Revival idiom as applied to the relevant property types under review, and the history of the Town of Santa Monica Tract and its relationship to the two historic Landmark buildings. The robust historical narrative should also highlight the reasons

APP-7
(Cont.)

APP-8

Rachel Kwok, Environmental Planner
August 17, 2020
Page 10

why (and when) the two historic buildings were designated City Landmarks by the Landmarks Commission and what other Landmark properties are nearby the Project site (i.e. Gussie Moran House, Palisades Park, Hotel Shangri-La, Georgian Hotel, etc.). The historic interpretive program (exhibits) shall be located within the publically accessible interior spaces of the two historic landmarks in addition to the interior and exterior areas of the new Cultural Use Campus. This creative/educational component shall be developed with the assistance of a qualified architectural historian or historic preservation professional with at least five (5) years of relevant experience who satisfies the applicable Secretary of the Interior's Professional Qualifications Standards pursuant to 36 CFR 61. (DEIR, App. E at p. 140.)

APP-8
(Cont.)

In summary, the Project's preservation benefits will be substantial.

Cultural Institution

The DCP identifies a cultural institution as a preferred community benefit for the Project. (DCP at p. 30; DEIR at p. 2-15.) Further, LUCE policies identify cultural uses as a priority, seeking to "[s]upport and enhance cultural development within and around mixed-use activity centers" and, "[e]ncourage land uses that provide accessibility for residents of all ages to arts and cultural programming in...new developments." (LUCE Policy CE5.4 at p. 3.5-11; LUCE Policy CE4.2 at p. 3.5-10.)

The proposed Cultural Use Campus will include a new cultural use building, two relocated and adaptively reused City-designated Landmarks, and a publicly-accessible courtyard that would open onto Ocean Avenue. (DEIR at pp. 2-19 and -32.) The new cultural use building will feature, "cultural uses such as art galleries, museum exhibits, or conservatories." (*Id.* at p. 2-32.) "The rehabilitated City-designated Landmarks would be repurposed for prominent new functions (e.g., gallery, retail, ticketing, bag check, etc.) and integrated into the Cultural Use Campus." (*Id.* at p. 2-33.) In addition, a rooftop courtyard "would be available to guests for special cultural events such as Founders' dinners, artist talks, or opening events." (*Id.* at p. 2-32.)

APP-9

In total, the Cultural Uses Campus will include up to 35,500 square feet of cultural uses with an additional 18,400 square feet of below-grade floor area. (*Id.* at p. 2-32.)

Rachel Kwok, Environmental Planner
August 17, 2020
Page 11

Publicly Accessible Open Space

The Project will provide substantial ground level open space, the vast majority of which will be publicly-accessible, allowing for pedestrians connections through the Project Site. (DEIR at pp. 2-22 and -33.) The Project will also provide a “[p]ublicly-accessible rooftop observation deck to provide panoramic views of Santa Monica and the Pacific Ocean.” (*Id.* at p. 2-51.)

The Project includes a ground floor publicly-accessible courtyard fronting the Cultural Use Campus, a north-south oriented pedestrian paseo (“Santa Monica Boulevard Paseo”), and an east-west oriented pedestrian paseo (“Ocean Avenue Paseo”). (*Id.* at pp. 2-22 and -52.) “The connection of the Ocean Avenue Paseo and the Santa Monica Boulevard Paseo would create an ‘L’-shaped plaza to provide pedestrian access to and through the Project site”. (*Id.* at p. 2-34.) The Project also includes a pedestrian breezeway between the Corner Building and Second Street Building that will connect pedestrians from Santa Monica Boulevard to the Ocean Avenue Paseo. (*Id.* at p. 2-34.)

These paseos and the breezeway will be fully activated by the proposed restaurant, retail, and cultural uses in the Project. (*Id.* at p. 2-33.) “These spaces would provide public amenities, such as seating, shading, landscaping, and street furniture.” (*Id.* at p. 2-52.) Ornamental landscaping will “invite pedestrian orientation and circulation” and multiple “[s]hady seating or rest spots throughout the ground-level open space would create a welcoming, comfortable experience for all users.” (*Id.* at p. 2-33.) “The public paseos and public courtyard associated with the proposed Project – in combination with ground floor cultural, retail, and restaurant uses – would activate the streets and support pedestrian activity.” (*Id.* at p. 3.7-40.) As also explained in the DEIR, “[f]uture and existing Downtown residents, visitors, and employees would be able to walk/bike, rather than drive, to the proposed Cultural Use Campus, restaurants, and retail stores.” (*Id.* at p. 3.7-40.)

Sustainability

- **LEED**. The Project will further the LUCE's sustainability goal of increasing the number of buildings constructed to LEED standards by obtaining a minimum of LEED-certification V4 Platinum designation for all new buildings. (LUCE p. 3.1-12.)
- **Sustainable Mix of Land Uses**. The DEIR correctly emphasizes that “[t]he diverse mix of uses associated with the proposed Project (i.e., hotel, residential, retail, restaurant, cultural institutions) located in a transit-rich environment would help promote a reduction in VMT and GHG emissions”

APP-10

APP-11

Rachel Kwok, Environmental Planner
August 17, 2020
Page 12

and, as such, compose a sustainable mix complementing the Downtown. (DEIR at p. 3.7-40.) The Project synergistically supplies "a mix of compatible uses which would activate the pedestrian paseos and courtyard provided by the proposed Project, to encourage walking within the Project site and to other commercial areas within the Downtown, such as the Third Street Promenade." (*Id.* at p. 3.7-47.)

- Water Neutrality. The Project will offset any net new water demand associated with the Project through onsite water efficiencies, offsite retrofitting of fixtures, and/or payment of in lieu fees to retrofit fixtures in the City to attain water neutrality pursuant to the City's Water Neutrality Ordinance. (DEIR at p. 3.7-46.)
- EV Charging Stations. The Project will install multiple EV charging stations (DEIR at p. 2-52) and it is anticipated that the Development Agreement will further require additional EV ready spaces and raceway/conduits equipped spaces consistent with the City's recently adopted requirements for electrical vehicle parking in new buildings.
- Urban Runoff Reduction/Filtering. The Project will either institute onsite storage of rainwater and reuse of such water for purposes such as landscape irrigation or alternatively pay an urban runoff reduction fee to the City for public infrastructure improvements that will benefit water quality on a community-wide basis consistent with the City's urban runoff requirements. (DEIR at p. 3.9-23.)
- Drought Tolerant Landscaping. The grounds of the Project will be planted with drought tolerant, native plants consistent with our Southern California climate and environment.
- Energy Efficiency. The Project will include sustainable design features to reduce power demand including "energy efficient heating, ventilation, and air conditioning (HVAC) systems, operable windows to increase air flow, high-performance building envelope to maximize insulation, lighting systems with occupancy sensors and dimmers, and water-efficient equipment and plumbing infrastructure...passive design strategies, which use ambient energy sources (e.g., daylight, wind, etc.) to supplement electricity and natural gas to increase the energy efficiency," and solar panels on the roof tops. (DEIR at p 3.5-20.)

Rachel Kwok, Environmental Planner
August 17, 2020
Page 13

- Elimination of Surface Parking. As explained in the DEIR, the Project's "elimination of surface parking lots on the Project site would reduce the amount of pollutants potentially exposed on the Project site during storm events (e.g., nutrients, oil and grease, metals, organics, pesticides, non-chemical pollutants such as trash, debris, and bacteria)." (DEIR at p. 3.9-30.)

APP-11
Cont.

Transportation/Mobility

- Robust Transportation Demand Management. The Project's DA will undoubtedly impose a robust TDM Plan reflective of its location within approximately 0.50 miles of the Expo LRT Downtown Santa Monica Station and will maximize alternate forms of mobility (e.g., public transit, bicycling, walking, etc.). (DEIR at pp. 3.7-40 and 3.7-42 to -43.) The TDM Plan will appropriately include measures "to encourage walking, biking and public transit use and reduce vehicle trips" and "would aim to achieve a 2.2 Average Vehicle Ridership (AVR) target." (*Id.* at p. 3.7-42.) The TDM strategies are expected to include "unbundled parking, onsite bicycle facilities (i.e., shower, racks, and lockers), transit pass subsidies, and participation in a Transportation Management Association" as well as a "guaranteed ride home program, a TDM coordinator, ridesharing, flexible work hours, transportation information center, wayfinding signage, and a commuter club." (*Id.* at p. 2-53.)
- Facilities to Promote Bicycling, Walking and Other Forms of Active Transportation. The Project will provide approximately 231 bicycle parking spaces for guests, employees, customers and residents. (DEIR at p. 2-45.) Shower and locker facilities will be provided for use by Project employees to encourage modes of active commute including bicycling and walking. (*Id.* at p. 2-45.)
- Transportation and Pedestrian Infrastructure Funding. The Project's community benefits package is anticipated to include a substantial financial contribution to the City for funding of future transportation and pedestrian improvements in the Downtown. (DEIR at p. 3.13-57)
- Transit-Oriented Development. This is a smart-growth, transit-oriented development in every sense. This is a mixed-use project providing an excellent balance of uses (housing, retail, restaurant, hotel, and cultural uses) in a transit-rich environment. The Project is located within 0.5 miles of the Expo LRT Downtown Santa Monica Station, and within 0.25 miles of 13 fixed-route bus stops, with additional bus stops within walking distance. There is a robust network of bicycle facilities within the vicinity of the Project including

APP-12
Cont.

Rachel Kwok, Environmental Planner
August 17, 2020
Page 14

Class II (i.e., striped) bicycle lanes on Ocean Avenue and 2nd Street that connect to a bicycle network including to bicycle lanes on Arizona Avenue, Broadway and Colorado Avenue and the City's Bike Center at 2nd Street and Colorado Avenue. (DEIR at p. 2-14 and p. 3.13-53.) The proposed Project will also integrate pedestrian-friendly widened sidewalks and will embrace a TDM plan that would promote vehicle trip reductions. (*Id.* at p. 3.7-42.) In this regard, the site is ranked as "walkers' paradise" (91 out of 100) by walkscore.com. As the DEIR concludes, "[t]he proposed Project is a mixed-use compact infill development in the City's Downtown, which is served by high quality transit and bicycle/pedestrian facilities and is a Transit Priority Area (TPA)." (*Id.* at p. 3.7-39.) By locating new housing and commercial uses in the City's transit-rich Downtown, the Project would encourage walking, biking, and public transportation, and reduce reliance on car travel.

APP-12
Cont.

Complete Neighborhood

LUCE Policy LU2.2 encourages development to capitalize on the Expo Light Rail to create vital new complete sustainable communities with transit as a focal element, green connections and pathways, a variety of housing types and jobs, enhance creative arts and institutions, and local-serving retail and services. (DEIR at p. 3.7-41; LUCE at p. 2.1-12.) LUCE Policy D7.1 encourages, "a broad mix of uses that create dynamic activity in both the daytime and evening hours including retail, hotels, office, high-density residential, entertainment and cultural uses in the Downtown." (LUCE, p. 2.6-12.)

The Project will do so by providing a broad mix of uses at the street level including commercial, retail, restaurant, open space, and cultural uses. The ground floor uses are oriented to serve pedestrians – including residents, area workers, hotel guests, coastal visitors, and general passersby. (DEIR at p. 3.7-41.) Further, LUCE Land Use Policy LU6.2 envisions the Downtown as "a thriving, mixed-use urban environment for people to live, work, be entertained, and be culturally enriched." (LUCE at p. 2.1-15.) This project implements that vision.

APP-13

DCP Policy LU7.1 encourages developers to provide uses that benefit business employees, residents, vitality and quality of the Downtown. (DCP at p. 33.) The Project implements all of these policies by providing a varied mix of quality uses within the City's Downtown. The Project uses include hotel guest rooms and services, retail shops, restaurants, spa, meeting and banquet hall, a Cultural Use Campus, residences, open space, landscaping, and a rooftop observation deck. (DEIR at pp. 2-19 to -22.)

Rachel Kwok, Environmental Planner
August 17, 2020
Page 15

Employment

As the LUCE acknowledges: “local employment . . . serves as the foundation for [a community’s] long term economic growth and stability” and locating new employment near transit reduces vehicle trips while creating a healthy job base. (LUCE at pp. 3.1-7 and 3.4-7.) During today’s deep economic crisis, the need for local employment is greater than ever.

The LUCE specifically calls for new hotel development or expansion in the Downtown in immediate proximity to the Third Street Promenade, restaurants and other tourist-serving facilities. (*Id.* at p. 3.4-9.) This Project will provide up to 120 new hotel rooms in the Downtown.

The Project will provide a wide range of new employment opportunities directly within the City’s commercial core through the redevelopment of the Property with a full-service hotel, restaurants, retail and cultural use facility. (DEIR at p. 2-54.) The Project also provides significant new construction-related employment opportunities. (*Id.* at p. 4-11.)

The Project’s community benefits package is proposed to include local hiring programs for construction workers and permanent jobs. This will benefit members of the community by providing new local employment opportunities and further reduce VMT.

Economic and Fiscal Benefits

- Importance of Tourism. The LUCE calls out the importance of tourism: “The Hotel/Tourism sector is a major contributor to the City of Santa Monica, both as a source of private employment and as a major contributor to the General Fund through the generation of Transient Occupancy Taxes (TOT) and retail sales taxes.” (LUCE at p. 3.4-8.) “[V]isitors produce tax revenues that are estimated to represent 15 to 20 percent of the current revenues contributed to the City’s General Fund.” (*Id.*) “Luxury/deluxe hotels . . . constitute one of the strongest performing visitor-oriented economic sectors in Santa Monica.” (*Id.*) The Project would include a full-service labor union-friendly hotel complete with meeting and banquet space and a hotel spa. (DEIR at p. 2-22.)
- Enhanced Visitor Destination. LUCE Policy D1.4 encourages the expansion of hotels and other visitor-serving uses in the Downtown. (LUCE at p. 2.6-10.) The Project supports this goal by constructing a hotel and providing additional visitor-serving uses Downtown, such as restaurants, retail, cultural institutions and a roof-top observation deck that would have panoramic views of Santa Monica and the Pacific Ocean. (DEIR at p. 2-22 to -23.) The DEIR recognizes

APP-14

APP-15

Rachel Kwok, Environmental Planner
August 17, 2020
Page 16

that the Project will “generate new visitor spending to support local businesses, including dining, shopping, and entertainment venues.” (*Id.* at p. 2-19.)

- Tax Revenue. The Project will contribute to the economic health of the City by generating “significant new local tax revenues” including transient occupancy taxes and sales taxes. (DEIR at p. 2-19.)

Iconic Design

The Project design is led by the extraordinary architects at Gehry Architects. They have studied the site, the community, the urban fabric and the environment like no other set of architects. The design is world-class.

The Project would redevelop the Project Site, including its substantial sea of surface parking, “into an iconic high-rise mixed-use property with public paseos, plazas, and ground floor commercial and cultural uses.” (DEIR at p. 3.1-32.)

As the DEIR attempts to express: “The design of the proposed Project would create a human-scale experience at the ground-level” as “the proposed Project incorporates ground-level retail/restaurant uses and a Cultural Use Campus,” “[p]ublic entrances would be oriented towards widened sidewalks and along site pedestrian-only paseos,” and “[t]he use of a range of building heights and sizes would provide an attractive appearance along with the incorporation of design approaches consistent with the surrounding area, while contemporary design with modulated façades to provide visual interest.” (*Id.* at p. 3.1-51.) This understates the architectural excitement that drives this project.

Consistency with General and Specific Plans

- Consistency with LUCE Goals and Policies. As noted above, the Project is consistent with multiple goals and policies of the LUCE, reflecting Citywide strategies for integrated land use and transportation planning to achieve sustainability goals. (DEIR at pp. 3.7- 41 to -46.) The Project also implements LUCE Policy D1.5 which calls for new investment to be focused in key areas of Downtown, including the Project site, that are accessible to transit, accommodate mixed-use development, contribute to the pedestrian-oriented environment and can support substantial community benefits. (LUCE at p. 2.6-10; DEIR at pp. 3.7- 41 to -46.) As discussed repeatedly above, the

APP-15
Cont.

APP-16

APP-17

Rachel Kwok, Environmental Planner
August 17, 2020
Page 17

Project includes desired uses in the Downtown, including housing, hotel, cultural uses and other visitor-serving uses.

- Consistency with DCP Requirements and Policies. The Project is consistent with the DCP's standards and policies, reflecting the vision for Downtown Santa Monica and implementing the LUCE's goals and policies at the district level via land use and development regulations. (DEIR at pp. 3.7-46 to -47.) The Project implements the specific DCP standards and policies pertaining to the project site as an Established Large Site, including with respect to the DCP's three identified priority community benefits for the Project Site -- affordable housing, cultural institution and historic preservation. (*Id.* at p. 2-15.)

APP-17
Cont.

III. TRANSPORTATION

A. The Project Is Both Consistent With And Furthers All Regional And City Transportation Plans, Programs, Ordinances, And Policies Relevant To The Project.

Consistent with the requirements of CEQA, the DEIR's transportation analysis assessment focuses extensively on the Project's consistency with the expansive regional and City transportation plans, programs, ordinances, and policies relevant to new development projects. These plans, programs, ordinances, and policies establish a comprehensive framework for use in CEQA documents for assessing a project's transportation impacts. Overall, the DEIR confirms that the Project furthers the sustainable circulation goals and mobility policies.

As correctly identified in the DEIR (at pp. 3.13-29 to -36), the regional and City plans, programs, ordinances and policies relevant to the Project include the following:

- the Southern California Association of Governments' ("SCAG") Regional Transportation/Sustainable Communities Strategy ("2016-2040 RTP/SCS"),
- the Santa Monica Municipal Code's bicycle parking requirements,
- the City's Transportation Demand Management ("TDM") requirements,
- the City's Transportation Impact Fee,

APP-18

Rachel Kwok, Environmental Planner
August 17, 2020
Page 18

- the City's Land Use and Circulation Elements of its General Plan ("LUCE"),
- The City's Downtown Community Plan, the City's Bike Action Plan, and
- the City's Pedestrian Action Plan.

The DEIR then provides an in-depth analysis of the Project's consistency with each of these transportation plans, programs, ordinances, and policies and confirms that the Project is consistent with all of them. Specifically:

"Impact Statement T-1: As a mixed-use development in the transit-rich and pedestrian-oriented Downtown, the proposed Project would be consistent with applicable programs, plans, ordinances, and policies addressing the City's circulation system, including vehicle, transit, bicycle, and pedestrian facilities. Therefore, impacts associated with the proposed Project would be less than significant." (DEIR at p. 3.13-53.)

This conclusion is supported by Tables 3.10-3 and 3.10-4 (DEIR at pp. 3.10-32 to 3.10-43), which demonstrate the Project's consistency with the 2016-2040 RTP/SCS and LUCE respectively, and by the analysis on pages 3.13-53 to 3.13-57 of the DEIR. To reiterate, a few of the DEIR's findings as to the Project's consistency with key transportation plans and policies are repeated below:

- "The proposed Project supports the RTP/SCS goal of maximizing mobility and accessibility by locating a mixed-use development within close proximity to transportation services within 0.5 miles of the Downtown District including the Downtown Santa Monica Station as well as along the Big Blue Bus and Metro Rapid service routes." (DEIR Table 3.10-3 at p. 3.10-32.)
- "The proposed Project would maximize the productivity of the multimodal transportation system as it would develop a mix of uses on an urban infill site within the Downtown District in close proximity to public transit including the Downtown Santa Monica Station. Additionally, the Project site would complement the Downtown's pedestrian network through the provision of 22,407 sf ground-level open space as well as creation of expanded sidewalks along 2nd Street to improve pedestrian circulation through and around the site. The proposed Project would provide a

Rachel Kwok, Environmental Planner
August 17, 2020
Page 19

minimum of 231 bicycle parking spaces for site visitors, employees, and residences to support bicycling.” (DEIR Table 3.10-3 at p. 3.10-32.)

- “The Project site is located in the transit-rich Downtown District of the City, which is well served by existing transit provided by the Metro E (Expo) LRT line, Big Blue Bus, and Metro Rapid. The Project site is not located in a residential neighborhood... [T]he Project site is adequately served by transit and transportation infrastructure.” (DEIR Table 3.10-4 at p. 3.10-34.)
- “[T]he proposed Project would encourage employees, residents, and visitors to use existing bicycle facilities throughout the City through implementation of a TDM plan and the provision of onsite bicycle amenities such as secure bicycle parking, including short-term and long-term bicycle racks and lockers, showers, and personal locker facilities. Therefore, the proposed Project would support the goals and actions of the *Bike Action Plan*.” (DEIR at p. 3.13-56-57.)
- “The proposed Project would also provide approximately 22,407 sf of publicly-accessible ground-level open spaces allowing pedestrian access through the site and to surrounding areas, enhancing connectivity throughout the Project site, and improving the public’s pedestrian experience.” (DEIR at p. 3.13-57.)

APP-18
Cont.

The bottom line is that the Project will encourage and facilitate biking, walking, and the use of public transportation, and make a positive contribution to the environment from a transportation policy perspective. The Project’s consistency with applicable transportation plans and policies holds true with regard to its contributions to cumulative transportation impacts.

B. The DEIR Appropriately Analyzes Transportation Under The Level Of Service (“LOS”) Methodology.

The DEIR’s use of the long-standing LOS methodology for evaluating the Project’s transportation impacts is appropriate given that the City had not yet transitioned to VMT as its primary transportation impact metric at the time the DEIR was released for public review. Per the CEQA Guidelines and as stated in the DEIR, “...VMT analyses must be implemented Statewide by July 1, 2020. The Notice of Preparation (NOP) for the proposed Project was issued December 21, 2018, prior to the adoption of CEQA Guidelines Section 15064.3, and the DEIR was released before July 1, 2020.

APP-19

Rachel Kwok, Environmental Planner
August 17, 2020
Page 20

Therefore, a VMT analysis is not required for the proposed Project.” (14 Cal. Code Regs. 15064.3(c); DEIR at p. 3.13-29.)

After publication of the DEIR, the City Council adopted VMT-based significance thresholds per the requirements of the CEQA Guidelines. The thresholds are stated in Tables 3.13-4 and 3.13-5 of the DEIR for informational purposes.² As confirmed in the CEQA guidelines and caselaw, the City’s adoption of VMT thresholds does not impact the legal sufficiency of the DEIR. The background rule regarding amendments to the CEQA Guidelines is that “[n]ew requirements in amendments will apply to steps in the CEQA process not yet undertaken by the date when agencies must comply with the amendments,” and if “a document meets the content requirements in effect when the document is set out for public review, the document shall not need to be revised to conform to any new content requirements in guideline amendments taking effect before the document is finally approved.” (14 Cal. Code Regs. § 15007(a) and (d).) In *Long Beach Sav. & Loan Assn. v. Long Beach Redevelopment Agency* (1986) 188 Cal.App.3d 249, 261, n. 12, the court said that “[f]airness and the need for finality... requires that the propriety of respondents’ actions be measured against those regulations in effect...the date when respondents presented the negative declaration for public review,” even though project approval took place after the new guideline took effect. Therefore, as noted in the DEIR, VMT thresholds adopted by the City prior to certification of the Project’s final EIR “would apply prospectively to future projects (i.e., pending projects such as the Project would not be subject to the new thresholds).” (DEIR at p. 3.13-39.) The VMT analysis provided in the DEIR is for informational purposes only, and transportation impacts are properly analyzed under the previous LOS methodology.

APP-19
Cont.

C. The DEIR’s LOS Analysis Overstates The Project’s Traffic Impacts; Actual Traffic Impacts Are Likely To Be Far Less

As explained further in the attached memorandum prepared by licensed traffic engineer David Shender of Linscott Law & Greenspan Engineers (“LLG Memorandum”, included herewith as Exhibit “B”), the trip generation assumptions which form the basis of the DEIR’s LOS and street segment analyses result in a very conservative assessment of the anticipated traffic impacts of the Project. The LLG Memorandum is submitted by the Project Applicant as an informational supplement to the DEIR’s Transportation Section.

APP-20

² At the time the DEIR was released, the thresholds were proposed, but not yet adopted.

Rachel Kwok, Environmental Planner
August 17, 2020
Page 21

In considering the DEIR's transportation analysis, City decision-makers and the public should carefully weigh the following:

a. As detailed in the LLG Memorandum, the DEIR significantly overstates the Project's traffic impacts because: (i) the restaurant trip generation forecasts, which account for a substantial portion of the Project's overall trips (45%-51%), should be deeply discounted due to the Project's location in the Downtown with its diverse and proximate mix of uses, including the large number of restaurant patrons that will likely be walk-ins from nearby offices, residences and tourist attractions including those coming from elsewhere in the Project and (ii) the trip generation forecast of the Project's cultural use(s) is also almost certainly overstated to the extent it is based upon empirical data collected from stand-alone cultural uses which are not part of a mixed-use development project such as the Project and again therefore does not account for the significant walk-in and transit trip-making in Santa Monica.

APP-21

b. Despite studying a total of 40 intersections, the DEIR found significant unmitigable impacts at just four intersections in the approval year and six intersections in the future year. Almost all of these findings of unmitigable significant traffic impacts are a product of the City's conservative trip generation assumptions, and overly sensitive thresholds of significance, pursuant to which a single incremental trip or an imperceptible delay at certain intersections routinely leads to a finding of significant impact. Moreover, for three of the impacted intersections in the future year, as a practical matter the functioning of the intersections will be relatively good, based upon a capacity analysis, despite the poor LOS determination in the DEIR's conclusions.

APP-22

c. The DEIR appropriately does not recommend imposing any physical improvements to mitigate traffic impacts at the impacted intersections because the mitigations for vehicle delay would be contrary to City policies. For example, one potential mitigation would have resulted in increased hazards for pedestrians and bicycles in conflict with the LUCE and other City policies. (DEIR App. K at p. 58.)

APP-23

D. The Project Will Not Have Any Circulation Impacts With Respect To Hazards And Emergency Access.

The DEIR also evaluated the Project with respect to evaluation of the potential for design-related hazards and any impacts to emergency access and confirmed that the Project will have no adverse impacts in these areas. (DEIR at p. 3.13-78 and -80.) The DEIR reaches the same conclusion with regard to cumulative impacts in these areas. (*Id.* at p. 3.13-82.)

APP-24

Rachel Kwok, Environmental Planner
August 17, 2020
Page 22

IV. ALTERNATIVES

The DEIR evaluates a reasonable range of project alternatives in compliance with State CEQA Guidelines § 15126.6. The five alternatives studied in the DEIR are: the no project/no build alternative (Alternative 1), the retention of existing landmarks in place and development of the remainder of the Project Site with Tier II mixed-use housing developments (Alternative 2), reduction of the Project's height (maximum 84') and corresponding reduction in floor area while retaining the same circulation and open space elements of the Project (Alternative 3), the retention of existing landmarks and 101 Santa Monica Boulevard with Tier II mixed-use housing and commercial developments on the remainder of the Project Site (Alternative 4), and a revised circulation alternative (Alternative 5). The selected alternatives foster meaningful public participation and informed decision making consistent with State CEQA Guidelines § 15126.6(f).

APP-25

An EIR is not required to consider every conceivable alternative to a project. (State CEQA Guidelines § 15126.6(a).) At page 5-12, the DEIR properly explains the rationale for selecting the six alternatives studied. Furthermore, in Section 5.4, the DEIR duly identifies additional alternatives that were considered during the scoping process and rejected as infeasible or inconsistent with primary Project objectives and explains the reasons for each of those determinations.

The Applicant's overarching comments on the DEIR alternatives are set forth below. The Applicant's more detailed comments regarding each of the six alternatives are set forth in Exhibit "C", attached. As to the project alternatives taken as a whole:

1. With the exception of the No Project Alternative, none of the five remaining alternatives would eliminate the significant and unavoidable impacts identified in the DEIR. (DEIR Table 5-7 at pp. 5-126 to -128.) Stated another way, each of those project alternatives would still result in significant and unavoidable impacts, albeit to a marginally lesser degree in some cases.
2. The reduced density alternatives (Alternatives 2, 3, and 4) would require either the reduction of residential units or the reduction/elimination of hotel rooms, or both, inconsistent with the City's and Coastal Act's goals and policies encouraging the development of housing and visitor-serving uses in the City's Downtown.

APP-26

APP-27

Rachel Kwok, Environmental Planner
August 17, 2020
Page 23

3. As the baseline for assessing project impacts, CEQA utilizes the status quo, including extensive surface parking occupying prime real estate near the ocean in the City's employment center and transit-rich downtown, as its measuring stick. While the universally followed practice as reflected in this DEIR's baseline is fully consistent with State law, it is important to acknowledge that using the status quo as the baseline blindly assumes that the status quo baseline is preferred and environmentally "superior." In fact, as detailed in Exhibit C, numerous potential environmental benefits would be lost by maintaining the status quo.
4. Pursuant to State CEQA Guidelines Section 15043, it is still appropriate and lawful to approve a project although an EIR concludes that the project may cause significant unavoidable environmental impacts so long as the agency reviewing the project determines that the remaining significant impacts have been reduced as much as possible and that the benefits of the project outweigh any alternative that may further reduce those significant impacts. The Project Alternatives do not eliminate the identified significant impacts, and do not achieve the project objectives to the same extent as the Project. For example, all of the reduced density alternatives either reduce the number of housing units or reduce the number of hotel rooms, or both. Alternatives 1 and 2 would not include the proposed Project's cultural use campus, and Alternatives 4 and 5 would reduce the size and functionality of the campus, providing fewer cultural benefits to the City. Alternative 1, 2 and 4 do not include publicly-accessible pedestrian paseos providing for connectivity through the Project Site and enhancing the pedestrian experience. And, all alternatives other than Alternative 5 would eliminate the proposed publicly accessible rooftop observation deck. While Alternative 5 would provide many of the same benefits as the proposed Project, it would include require a driveway through the middle of the publicly-accessible Cultural Uses Campus courtyard, eliminating this valuable publicly-accessible open space and increasing the potential for conflicts between pedestrians, bicyclists and vehicles.

Overall, without the redevelopment of the proposed Project site, Alternative 1 would not serve the goals of the LUCE, the DCP, or the Coastal Act, and the urban land that comprises the proposed Project site would remain severely underutilized. Prolonging the status quo would be a missed opportunity for achieving additional housing, including affordable housing, a full-service hotel with a publicly-accessible observation deck, cultural uses, enhancements to the pedestrian experience around and through the Project Site, and other project benefits.

APP-28

APP-29

APP-30

HARDING LARMORE KUTCHER & KOZAL, LLP
ATTORNEYS AT LAW

Rachel Kwok, Environmental Planner
August 17, 2020
Page 24

It should be noted that while Alternative 3 was identified by the DEIR to be environmentally superior to the proposed Project, the Project would be more successful in accomplishing City goals and policies that are intended to generate future smart-growth outcomes, housing opportunities and sustainable development patterns that place higher densities in HQTAs transit rich areas. Notably, Alternative 3 would include substantially fewer (55 less) hotel rooms in the Coastal Zone where visitor-serving accommodations are identified in adopted plans as a priority use and would produce less housing in a transit and job-rich area of the City. As compared to Alternative 3, the Project would more fully support the Project Site's Established Large Site designation in the DCP given the Site's unique characteristics and potential to support beneficial growth within the City as accompanied by a range of community benefits. Moreover, as further described in Exhibit "C", Alternative 3 would not meet various Project objectives to the same extent as the Project, including the concern that Alternative 3 is not economically viable/feasible.

APP-31

In conclusion, the DEIR is thorough and comprehensive and satisfies all of the legal requirements under CEQA. If anything, the DEIR is overly conservative in its determination of impacts. Nonetheless, the many years of public input and design revisions in response to public hearings and community dialogue has produced an exceptional project with iconic design and substantial benefits for the community. We look forward to bringing this Project forward to final hearings before the Planning Commission and City Council.

APP-32

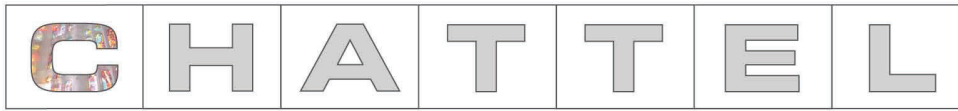
Sincerely,



Paula J. Larmore

Enclosures

cc: Roxanne Tanemori (w/ encl.)
David Martin (w/ encl.)
Susan Y. Cola (w/ encl.)
Ocean Avenue Partners, LLC (w/ encl.)
Gehry Partners, LLP (w/ encl.)
Robert Jay Chattel (w/ encl.)
David S. Shender (w/ encl.)
Amy R. Forbes (w/ encl.)



Chattel, Inc. | Historic Preservation Consultants

MEMORANDUM

DATE: January 27, 2020

TO: Roxanne Tanemori, AICP, Principal Planner
Planning and Community Development Department
City of Santa Monica

FROM: Robert Chattel, AIA, President
Olivia White, Associate II
Chattel, Inc.

RE: Ocean Avenue Project, Santa Monica, California
Conformance Recommendations

This memorandum provides conformance recommendations for the Ocean Avenue Project (proposed project), located at 101 Santa Monica Boulevard, 129 Santa Monica Boulevard, 1333 Ocean Avenue, 1337 Ocean Avenue, and 1327 Ocean Avenue (subject property, AINS: 4291-014, -016, -017, 018, -024, -025, project site). The proposed project consists of demolition of some existing buildings and surface parking lots, relocation and rehabilitation of two City of Santa Monica (City) designated Landmarks, new construction, and new subterranean parking. The Landmarks include 1333 Ocean Avenue (Queen Anne Landmark) and 1337 Ocean Avenue (Spanish Colonial Revival Landmark; collectively Landmark Buildings). This memorandum provides background information on the subject property, provides an overview of concept level design specifically focusing on the Landmark Buildings, and makes recommendations for future design development to achieve a project in conformance with the *Secretary of the Interior's Standards for the Treatment of Historic Properties (Secretary's Standards)*. Refer to Attachment A for contemporary photographs, Attachment B for historic photographs, Attachment C for the Statements of Official Action for the Landmark Buildings, Attachment D for project drawings, Attachment E for Landmark Buildings Sequence of Relocation. Project drawings contained in Attachment D are intended to depict the concept layout of the proposed project in plans, sections, elevations, and axonometric drawings. It should be understood that the narrative contained in this report further supplements the diagrammatic nature of the project drawings.

This conformance recommendations memorandum will be supplemented in future stages of the proposed project with a detailed conformance review of design drawings.

Background

The subject property is located on the southern portion of the block bounded by Ocean Avenue between Santa Monica Boulevard, Arizona Avenue, and Second Street. It contains two Landmark Buildings: the Queen Anne Landmark currently located at 1333 Ocean Avenue and the Spanish Colonial Revival Landmark currently located at 1337 Ocean Avenue. The Queen Anne Landmark was designated a City Landmark on May 14, 2001, under Criteria 1, 4, and 6. The Statement of



Official Action for designation (STOA; Attachment C) describes the significance of the subject property in detail:

The structure exemplifies, symbolizes, or manifests elements of the cultural, social, economic, political, or architectural history of the City in that it was constructed circa 1906 and retains sufficient architectural integrity and historical context to reflect the early residential development of the City. The subject property is one of the sole surviving property types along Ocean Avenue that illustrates the early history of Santa Monica.

The structure embodies distinguishing architectural characteristics valuable to a study of a period, style, method of construction or the use of indigenous materials or craftsmanship; or is a unique or rare example of an architectural design, detail, or historical type to such a study. This Queen Anne-style residence incorporates many of the trademarks of its type, including clapboard cladding, roof treatments with boxed eaves and exposed rafter tails, dentils, and a steeply pitched roof. The two-story shingled tower is another classic feature associated with this idiom.

The structure has a unique location and is an established familiar visual feature of the City in that it is a rare example of a turn-of-the-century property lining the original development along Ocean Avenue. The small remaining cluster of structures, including this property and the Gussie Moran House, mark some of the few surviving properties that illustrate what Ocean Avenue was like when it was once a eucalyptus lined street developed with late 19th and early 20th century residences.

Queen Anne Landmark Character-Defining Features

Below is a list of character-defining features of the Queen Anne Landmark. Character-defining features are based on the STOA as well as observations made on multiple site visits by Chattel.

- Siting on Ocean Avenue facing west
- Asymmetrical primary west elevation
- Horizontal wood clapboard siding and wood shingle siding
- Steeply pitched cross-gable roof
- Boxed eaves with dentils and exposed rafter tails
- Tower
- Partial length porch at first floor
- Integral porch on second floor of west elevation
- Recessed entry on west elevation

Below is a list of character-defining features which are no longer present or have previously been altered. These features have been identified through review of historic photographs assembled recently.

- Full height of tower, which historically extended to at or above the roof ridgeline and included a widow's walk
- Full length of second floor porch, now cut off at the north
- Open porch on first floor, now enclosed
- Brick chimney

Queen Anne Landmark Period of Significance

The period of significance of the Queen Anne Landmark is 1906, its year of construction. It was at this time that it retained all character-defining features of its style of architecture including open porch, wood clapboard siding and wood shingles, boxed eaves with dentils and exposed rafter tails, ornamented eave, and full height tower with widow's walk. This was also when this block of Ocean Avenue was primarily composed of residential buildings, many turn-of-the-century houses designed in the Queen Anne style, including the Gussie Moran House (1323 Ocean Avenue, circa 1891), the John and Georgina Jones Mansion (101 Wilshire Boulevard/ 1133 Ocean Avenue, 1888, no longer extant), and the Roy Jones House at (1007 Ocean Avenue, circa 1890, relocated to 2612 Main Street). See Attachment B for historic photographs of the Landmark Buildings and these turn-of-the-century houses.

The Spanish Colonial Revival Landmark was designated a City Landmark on August 9, 2004 under Criteria 1, 4, and 6. The Statement of Official Action for designation (STOA; Attachment C) describes the significance of the subject property in detail:

The property at 1337 Ocean Avenue is located within the original Town of Santa Monica Tract just west of the central business district. The subject property manifests elements of the City's architectural history in that the two-story Spanish Colonial Revival structure was built in 1926 and retains the essential physical features that constitute this style including stuccoed walls, red clay tile roof highlights, wrought iron balconettes, and arched shaped window and door openings. In the 1920s and 30s the period during which this property was built, this area of the City experienced a development boom as the City transitioned to a year-round resort community. The Spanish Colonial style of structure is especially popular during this era of the City's development and was key to the architectural history and character of the City...Thus, this property is particularly noteworthy in that when it was constructed, it extended the downtown commercial area northward at a time when Ocean Avenue was largely developed for residential uses in that direction. Furthermore, while the property is one of several multi-family dwellings of this style on Ocean Avenue, it is distinct in that it is the only example designed with a commercial space. Given these circumstances, the property reflects and manifests the evolutionary urban development of the City's architectural history, particularly along Ocean Avenue and maintains sufficient integrity to continue to reflect this development.

Spanish Colonial Revival Character-Defining Features

Below is a list of character-defining features of the Spanish Colonial Revival Landmark. Character-defining features are based on the STOA as well as observations made on multiple site visits by Chattel.

- Siting on Ocean Avenue facing west
- Symmetrical primary west elevation
- Rectangular shape
- Stucco clad exterior walls
- Shed roofs clad in red clay barrel tiles
- Wrought iron balconettes
- Second floor balconies
- Arched window and door openings
- Arched wing walls
- Double sash multilight doors
- Centered entry

Below is a list of character-defining features which are no longer present or have previously been altered. These features have been identified through review of historic photographs assembled recently.

- Center entrance door surround with spiraled columns
- Wall ornamentation on first and second floors of west elevation
- Turned balusters at second floor balconies
- Multi-light windows on the west elevation (some remain)¹

Spanish Colonial Revival Landmark Period of Significance

The period of significance of the Spanish Colonial Revival Landmark is 1926, its year of construction. It was at this time that it retained all character-defining features of its style of architecture including center entrance door surround, wall ornamentation, turned wood spindle balconies, and multi-light windows. This is also when this block of Ocean Avenue retained a combination of turn-of-the-century residences as well as more contemporary mixed-use commercial buildings, such as the subject property. In addition, this time period was the height of the popularity of the Spanish Colonial Revival style; other buildings constructed in this style in Santa Monica include the Embassy Hotel Apartments (1001 3rd Street, 1927), the Santa Monica Professional Building (700 Wilshire Boulevard, 1928), and the Sovereign Apartments/Hotel (205 Washington Boulevard, 1928), all constructed soon after the Spanish Colonial Revival Landmark.

Proposed Project

Overview

The proposed project would redevelop an approximately 82,500-square foot (1.89-acre) site on the northeast corner of Ocean Avenue and Santa Monica Boulevard. The proposed project includes demolition of two commercial buildings: 1327 Ocean Avenue located on the lot immediately north of the Queen Anne Landmark and 101 Santa Monica Boulevard, three lots south of the Spanish Colonial Revival Landmark, and surface parking lots at 101 Santa Monica Boulevard. The proposed project also includes demolition of the rear structures (which are not City-designated Landmarks) at 1327 Ocean Avenue and 1337 Ocean Avenue. The proposed project would include a hotel, apartments, cultural uses, a public observation deck, retail/restaurants, open space, and subterranean parking. The proposed Cultural Use Campus would incorporate the Queen Anne Landmark and Spanish Colonial Landmark, which would be rehabilitated, restored, and relocated on the northern portion of the proposed project site along Ocean Avenue, and would include construction of a new building located to the east of the Landmark Buildings. The proposed project would include below-grade floor area that would be used for hotel, residential, retail/restaurant and cultural uses. The Santa Monica Boulevard and Second Street frontages of the project site do not contain historic resources.

Landmark Buildings Relocation

As part of the proposed project, the Landmark Buildings would go through a two-step relocation from their current locations to new locations on the project site. Following demolition and site preparation, the Landmark Buildings would be stabilized in preparation for a move to a temporary location. Temporary locations for the Landmark Buildings would be prepared near the current location of the surface parking lot on the 101 Santa Monica Boulevard site. Prior to the relocation of the Landmark Buildings, I-beam shoring would be installed in the crawl space beneath the bearing walls and posts would be installed to provide lateral support. The Landmark Buildings would then be carefully

¹ Some windows were originally single pane.

separated from their existing foundations, lifted and supported on a series of stabilized girders, and relocated to their temporary locations on the 101 Santa Monica Boulevard site. Refer to Attachment E: Landmark Buildings Sequence of Relocation. Refer to the construction details contained in the Environmental Impact Report for additional detailed information.

Once the Landmark Buildings are moved to their temporary locations, permanent foundations for the Landmark Buildings on the northern portion of the project site would be prepared. After their permanent foundations are prepared, the Landmark Buildings would be moved to their permanent locations for incorporation into the Cultural Use Campus. After the Landmark Buildings are placed on their permanent foundations, excavation would occur under and around them for construction of the basement level of the Cultural Use Campus and subterranean parking. The new building for the Cultural Use Campus would be constructed east of the Landmark Buildings, and the three buildings would collectively become one cohesive complex. The relocation of the Landmark Buildings would be guided by professional standards in *Moving Historic Buildings* by John Obed Curtis (National Park Service, 1979).

Landmark Buildings Relocation, Rehabilitation and Restoration

The proposed project includes rehabilitation of the Landmark Buildings with some restoration to incorporate them into the Cultural Use Campus. The proposed project includes a creative design to incorporate the Landmark Buildings into the Cultural Use Campus while still conforming to the *Secretary's Standards*. Below is an overview of the proposed treatment to the Landmark Buildings following their relocation and reinstallation on new foundations.

In evaluating historic properties, the National Park Service reviews whether a property has integrity, meaning whether a property is able to convey its significance. There are seven aspects of integrity: location, setting, design, materials, workmanship, feeling, and association. In the proposed project, the Landmark Buildings would retain all aspects of integrity following relocation and rehabilitation. However, in order for a property to retain integrity, it need not retain all aspects of integrity, but should retain several or most aspects.² The proposed project was designed to ensure the Landmark Buildings would continue to retain most aspects of integrity so that they would be able to continue to convey the significance as described in their respective STOA's. An integrity analysis following relocation is provided to provide further information on how the Landmark Buildings would continue to retain integrity in the proposed project.

Landmark Buildings Relocation

The proposed project includes relocation of the Landmark Buildings. The Queen Anne Landmark and the Spanish Colonial Revival Landmark would trade locations, with the Spanish Colonial Revival Landmark being located proximate to the current location of 1327 Ocean Avenue on the north end of the project site, and the Queen Anne Landmark being located proximate to the current location of the Spanish Colonial Revival Landmark. Both would retain their orientation toward the street as well as the approximate depth of their respective existing, historic setbacks.

In 1926 this block of Ocean Avenue was a combination of turn-of-the-century residences and newer commercial buildings. As evidenced by historic photographs and Sanborn Maps, immediately south of the Spanish Colonial Landmark was a one-story building, and the two lots south of the one-story building were two multi-story American Colonial Revival style residences. Currently, this block of Ocean Avenue is a combination of surface parking lots, and early to mid-twentieth century buildings, with the Gussie Moran House and the Queen Anne Landmark as the only remaining examples of buildings designed as single-family residences. Therefore, since the setting of the Landmark

² "How to Evaluate the Integrity of a Property," *U.S. Department of the Interior, National Park Service*, https://www.nps.gov/nr/publications/bulletins/nrb15/nrb15_8.htm.

Buildings has already changed substantially, relocating them would not have a negative impact on their integrity of setting.

The Spanish Colonial Revival Landmark was designated in part because it is associated with the continuation of the downtown commercial district toward the north in the 1920s. The STOA also identifies its relationship to the Gussie Moran House (1323 Ocean Avenue, built circa 1891, designated 1979), and the Queen Anne Landmark. Thus, the designation of the Spanish Colonial Revival Landmark is tied to its proximity to these adjacent Landmark Buildings. By retaining the Landmark Buildings, this historic pattern of development on Ocean Avenue is retained. The proposed new locations for the Landmark Buildings put them in closer proximity to the Gussie Moran House, which strengthens the visual understanding of the historic appearance of Ocean Avenue in the 1920s. In the proposed project, the Landmark Buildings would continue to convey the sense of Ocean Avenue in the 1920s as a street that contained a combination of early examples of residential architecture alongside newer commercial buildings.

The Landmark Buildings are being relocated on-site and adaptively reused as part of the proposed project as opposed to being relocated off-site. The proposed relocation is preferable because the Landmark Buildings will retain integrity of setting, as well as integrity of design, materials, workmanship, feeling, and association.

Once the buildings are relocated, they will be rehabilitated and incorporated into a new Cultural Use Campus. New construction would connect to both Landmark Buildings. A new one-story gallery entry lobby would be constructed between the Landmark Buildings, connecting with the south elevation of the Spanish Colonial Revival Landmark and the north elevation of the Queen Anne Landmark. New construction would be added to the east of the Landmark Buildings and would incorporate the east elevations of the Landmark Buildings to create a cohesive complex.

Queen Anne Landmark Rehabilitation and Restoration

In the proposed project, following relocation, the Queen Anne Landmark would retain its compass orientation facing west, its current setback from Ocean Avenue, and its proximate relationship to grade through retention of a raised foundation.

The primary (west) elevation of the Queen Anne Landmark would be restored based on physical evidence and historic documentation. The tower and widow's walk would be restored to its full height and would be clad in wood siding as it was historically. The enclosed porch on the first floor would be opened. First floor porch column capitals would be restored to their original appearance. The integral porch on the second story would be restored to its full length, extending in front of the north window. The gable ornamentation previously removed would be restored. The north window would be restored. The chimney would be accurately reconstructed above the roof only (to the extent permitted by Code) and the roof would receive new wood shingle roofing material.

The north elevation has previously received few to no alterations. In the proposed project this elevation would be altered to be incorporated into the Cultural Use Campus. A rectangular-shaped opening would occur roughly centered on the first floor to connect to what is proposed to be a gallery entry lobby. This opening would be approximately as wide as the eaves of the second-floor dormer and would remove four existing windows and an existing door at the first floor. The second-floor dormer would be retained, and all remaining exterior wall finishes would be retained and rehabilitated. See Attachment F for existing and proposed views of this elevation.

The east elevation has previously been altered through the addition of a door and bridge at the second floor. In the proposed project the door and bridge would be removed. In the proposed project, a rectangular-shaped opening would be cut at the proximate location of first floor windows

and door and would open into a hallway connecting to other portions of the new construction. The second-floor dormer would be retained and would be visible inside of the new construction.

The south elevation has previously been substantially altered. Currently the building has three gables at the second floor, though based on historic photographs it originally had one. The one original gable, roughly centered on the elevation, would be restored. At the first floor, porch supports and curved brick stairs (both of which are alterations) would be removed. While most of this elevation would be visible, a portion of the east end would be incorporated inside the new construction.

The building currently has a contemporary asphalt shingle roof, but historically had a wood shingle roof. Existing roofing material would be removed, and new flame-retardant wood shingles would be installed.

Spanish Colonial Revival Landmark Rehabilitation and Restoration

In the proposed project, following relocation, the Spanish Colonial Revival Landmark would retain its compass orientation facing west, its current minimal setback on Ocean Avenue, and its proximate relationship to grade. Currently there are terra cotta pavers in front of the centered entrance door which would either be salvaged and reinstalled or replaced in-kind following relocation. It currently has a slab on grade foundation and would have a new foundation proximate to its original grade following relocation.

The primary (west) elevation of the Spanish Colonial Revival Landmark would be restored based on physical evidence and historic documentation. This elevation originally featured several cast stone ornamentation features. This includes the center entrance door surround, which would be accurately reconstructed based on historic photographs and physical evidence. Cast stone sconces above the north and south windows at the first floor would be reconstructed. Cast stone wall ornamentation including a panel above the door and a round flourish at the top of the gable wall would be reconstructed. New compatible (i.e., historically appropriate) metal sconces would be installed on either side of the center entrance door surround. Where windows and doors have been altered, new compatible (i.e., historically appropriate) windows and doors would be installed and would have the same muntin pattern as they did historically. At the second floor, previously covered over open railings would be restored and cast stone balusters would be reconstructed.

The north elevation has previously been minimally altered. In the proposed project it would receive few alterations and would be minimally visible due to its new location at the northern portion of the site, adjacent to the Gussie Moran House to the north which has a tall hedge in the front yard setback. It would retain its essential form and massing, though some windows may become blind windows to accommodate the function of the proposed interior galleries. This would be achieved likely through the installation of Mecho shade cloth on the interior, or by a similar, reversible method. On the interior of the building a wall would be installed inset of the windows.

The east elevation has previously been substantially altered with a one-story addition at the first floor, and a wood porch at the second floor. In the proposed project, these alterations would be removed. This elevation would receive an addition slightly narrower in massing than the historic building. This addition would connect the Landmark Building and new building by extending the gallery space on the interior. The addition is slightly inset from the north and south elevations of the Landmark Building to delineate the historic and new buildings. The addition would connect to the new construction to the east.

The south elevation has previously been altered. At the west end of the first floor, an inset archway where there was previously a door now contains a rectangular greenhouse window. The door in the

inset archway on the north elevation is intact. At the west end of the second floor, a window which was previously casement has been altered to become a hung window. The casement window in the same location on the north elevation is intact. At the east end of the south elevation, two windows have been added at the second-floor overhang. These windows are not present on the north elevation and historically did not exist. In the proposed project, the south elevation would receive alterations, and the majority of the elevation would remain visible.

At the first floor, where windows have been replaced, new windows would be installed to match historic. The greenhouse window in the inset archway would be removed and replaced with a door based on documentation. This door would be fixed shut. At the second floor, existing historic fenestration pattern would remain. Where windows have been replaced, new windows would be installed to match historic based on documentation. Windows at the second floor would be rehabilitated and fixed shut in-situ. In order to accommodate the proposed interior galleries, all of these windows would become blind through the installation of Mecho shadecloth on the interior, or by a similar, reversible method. On the interior of the building a wall would be installed inset of the windows. The shed roof on the east, cantilevered portion of this elevation would be retained. Non-original windows on the cantilevered portion of this elevation would be removed.

Terra cotta roof tiles on shed roofs of the building would be removed, salvaged, and reinstalled. Deteriorated or broken terra cotta roof tiles would be replaced in-kind to match historic.

Integrity of Landmark Buildings Following Relocation and Rehabilitation

Following relocation, the Landmark Buildings would retain integrity as described below:

Location-Both Landmark Buildings would be moved from their original locations to new locations on lots immediately adjacent to where each were originally constructed. Due to this relocation the Landmark Buildings would suffer some loss of location. However, since they are being relocated adjacent to their original location and would retain their compass orientation and proximate setbacks, overall the Landmark Buildings would continue to retain integrity of location.

Design-The Landmark Buildings are designed in two different and distinct period styles of architecture, and both were designed to face Ocean Avenue. Following relocation, the Landmark Buildings would retain their compass orientations facing west toward Ocean Avenue. The shape and massing of the respective Landmark Buildings would be retained. The Landmark Buildings would be incorporated into new construction, and exterior walls included on the interior of the new construction would retain and display original design and materials including exterior wall materials and fenestration patterns. Both Landmark Buildings were originally constructed with distinct historic ornamental features; some of which are extant, some which have been altered or removed. Missing historic features of the Queen Anne Landmark include the full height corner tower with widow's walk; full length second floor porch, now cut off at the north; open porch on first floor, now enclosed; first floor porch column capitals; gable ornamentation; and brick chimney. As part of the rehabilitation of the Queen Anne Landmark, all of these features would be restored or reconstructed based on physical evidence and documentation. Missing historic features of the Spanish Colonial Revival Landmark include center entrance door surround with spiraled columns, sconces above the north and south windows at the first floor, wall ornamentation on first and second floors of west elevation, sconces on either side of the center entrance door surround turned balusters at second floor balconies, and multi-light windows on the west elevation (some extant). Extant historic features will be retained and rehabilitated. As part of the rehabilitation of the Spanish Colonial Revival Landmark, all of these features would be restored/reconstructed based on physical evidence and documentation. As discussed in Materials below, extant historic features of both Landmark Buildings will be retained and rehabilitated. Therefore, the Landmark Buildings would retain integrity of design.

Setting-The Landmark Buildings have previously suffered losses of integrity of setting, as the lot adjacent to the Spanish Colonial Revival Landmark, which was previously a two-story single-family residence, then became a one-story commercial building, and subsequently the extant surface parking lot. As evidenced by historic photographs and maps, the lot to the north of Queen Anne Landmark was previously a one-story building at the front of the lot, this lot is currently occupied by a two-story commercial building that extends east the full length of the lot. Following relocation, the Landmark Buildings would be put in closer proximity to the Gussie Moran house, another early twentieth century building, which would be an improvement to their setting. Though relocated, the Landmark Buildings new locations would be proximate to their original locations and would still be located adjacent to each other. Both Landmark Buildings would retain their compass orientation and proximate setbacks. Therefore, the setting of the Landmark Buildings would improve following relocation and they would retain integrity of setting.

Materials-Following relocation, the Landmark Buildings would retain all existing historic materials except their original foundations but including historic wall materials, windows, doors, roofs, and ornamentation. The Queen Anne Landmark would retain its original wood siding and wood windows and frames. Bricks from the original foundation would be salvaged and reinstalled as veneer on a portion of the new foundation. Any materials in poor condition would be repaired or replaced in-kind. Previously removed historic materials including wood ornamentation on west elevation, wood shingle roof, wood open front porch, and brick chimney would be restored or reconstructed based on physical evidence and documentation. The Spanish Colonial Revival Landmark would retain its stucco exterior, red clay barrel tiles on shed roofs, original wood windows and doors, and wrought iron balconettes. Any materials in poor condition would be repaired or replaced in-kind. Previously removed historic materials including the center entrance door surround with spiral columns, cast stone sconces above the north and south windows at the first floor, cast stone wall ornamentation on first and second floors of west elevation, metal sconces on either side of the center entrance door surround, and cast stone turned balusters at second floor balconies, would be restored or reconstructed based on physical evidence and documentation. Therefore, the Landmark Buildings would retain integrity of materials.

Workmanship-Following relocation and rehabilitation, the Landmark Buildings would retain integrity of design and materials as described above. Therefore, the Landmark Buildings would also retain integrity of workmanship.

Feeling-Following relocation and rehabilitation, the Landmark Buildings would retain integrity of feeling because they would be relocated in closer proximity to the Gussie Moran house, which would strengthen their association with the early twentieth century pattern of development on Ocean Avenue related to their respective designations. Therefore, the Landmark Buildings would retain integrity of feeling.

Association-Following relocation and rehabilitation, the Landmark Buildings would retain integrity of association because they would continue to be able to convey their significance as early twentieth century resources associated with this period of development on Ocean Avenue. Therefore, the Landmark Buildings would retain integrity of association.

Recommendations

The compatibility of the proposed work will be reviewed in a future conformance review following the development of design drawings.

This conformance recommendations report documents character-defining features of the Landmark Buildings based on the respective STOA's and observations made during multiple site visits. Future design drawings should not alter or remove any character-defining features. All proposed restoration

to missing or altered features of the Landmark Buildings should be based on physical evidence and historic documentation. Restoration should not put back any feature which cannot be accurately documented, and no alteration should be made which would give a false sense of history. All proposed additions should be located on secondary elevations of the Landmark Buildings and should be reversible so that if they were to be removed in the future the essential form and integrity of the buildings would not be impaired.

Prior to removal of the Landmark Buildings from their current foundations, the existing conditions of the Queen Anne Landmark and Spanish Colonial Landmark would be documented through field photographs and written descriptions including documenting the Landmark Buildings' character-defining features. This documentation would be reviewed and approved by the Landmarks Commission Planning Staff liaison with consultation with other City staff as necessary before issuance of any permits.

Conclusion

The proposed project incorporates, rehabilitates and restores the Landmark Buildings, which ensures their long-term use and protection. Future design drawings should utilize the recommendations contained herein in order to ensure the proposed project conforms with the *Secretary's Standards* and would be subject to review for a Certificate of Appropriateness by the Landmarks Commission.

Attachments

- Attachment A: Contemporary Images
- Attachment B: Historic Images
- Attachment C: Statements of Official Action
- Attachment D: Project Drawings
- Attachment E: Sequence of Relocation

MEMORANDUM

To:	Paula J. Larmore Harding Larmore Kutcher & Kozal LLP	Date:	August 14, 2020
From:	David S. Shender, P.E. Linscott, Law & Greenspan, Engineers	LLG Ref:	5-12-0022-1
Subject:	Comments to the Draft EIR Prepared for the Ocean Avenue Project		

Engineers & Planners

Traffic
Transportation
Parking

Linscott, Law & Greenspan, Engineers

20931 Burbank Boulevard
Suite C
Woodland Hills, CA 91367
818.835.8648 T
818.835.8649 F
www.llgengineers.com

Pasadena
Irvine
San Diego
Woodland Hills

EXHB-1

This memorandum has been prepared to provide comments from Linscott, Law & Greenspan, Engineers (LLG) regarding the Draft Environmental Impact Report¹ (Draft EIR) prepared for the Ocean Avenue Project (the "Project"). Also reviewed is the Traffic Study² prepared for the Project, which is contained in Appendix K of the Draft EIR.

The Draft EIR's Level of Service ("LOS") analysis concludes that in the Future Year (2025) condition, only six of the 40 intersections evaluated in the Traffic Study would have Project-related impacts considered to be significant by the City of Santa Monica. The fact that only six intersections are impacted is notable based on the very conservative trip generation assumptions utilized in the Traffic Study which, combined with the City's highly sensitive thresholds of significance, result in a very conservative assessment of the relative transportation impacts of the Project. Indeed, any development plan for the site that generates a single incremental vehicle trip would likely be deemed to cause significant and unavoidable traffic impacts under the City's LOS methodology at five of the six affected intersections.

Trip Generation

LLG generally concurs with the trip generation forecast methodology provided in the Draft EIR and associated Traffic Study. At the same time, we believe that the trip generation data utilized in the Draft EIR are overly conservative as to Project impacts, for the following reasons:

1. Restaurant Trip Generation Forecasts Are Not Reflective of the Project's Unique Location and Mix of Uses. The vehicular trip generation forecast for the Project is provided on Table 3.13-7 of the Draft EIR. As noted in Table 3.13-7, the restaurant component of the Project accounts for a substantial portion of the estimated trips to be generated by the Project: 84 of 186 trips (45%) in the weekday morning (AM) commuter peak hour; 127 of 248 trips (51%) in the weekday afternoon (PM) commuter peak hour; and 127 of 259 trips (49%) in the Saturday midday (MD) peak hour. This relatively high

EXHB-2

¹ *Ocean Avenue Project Draft Environmental Impact Report*, City of Santa Monica, May 2020

² *Ocean Avenue Project Transportation Impact Analysis, Santa Monica*, Fehr & Peers, April 2020

proportion of Project-generated trips requires closer inspection of the assumptions used in forecasting trips for the restaurant component.

As stated in the footnotes to the table, the vehicular trip generation forecasts for the Project are based on trip rates provided in the City's *Santa Monica Travel Forecasting Model Trip Generation Rates* document (the "TDFM"). The TDFM trip rates are the same rates that are used by the City to forecast vehicle trips for proposed restaurant uses throughout the City, but the rates do not consider the unique features of this Project including:

- The Project's expectation that a large number of patrons to its restaurant component will likely be walk-ins from nearby offices, residences, hotels and tourist attractions such as the Santa Monica Pier, Santa Monica Beach, and Third Street Promenade;
- The high level of public transit and bicycle facilities adjacent to, and in close proximity to the Project – including the Metro E (Expo) Line station at Fourth Street and Colorado Avenue (less than a half-mile away) – which will allow trips by restaurant patrons and employees to be made by modes other than the private automobile; and
- The likelihood of "internal capture" trips by restaurant patrons whose primary purpose for visiting the site is related to one of its other land uses (e.g., a resident residing in the residential component or a guest staying at the hotel) who will patronize one of the on-site restaurants based on its convenience.

EXHB-2
Cont.

Additionally, it is noted that the trip generation forecast for restaurant components in the Draft EIR during the weekday AM peak hour (84 trips) seems to be overstated as it is approximately two-thirds of the restaurant trip forecast for the weekday PM peak hour and Saturday MD peak hour. The weekday AM peak hour forecast seems relatively high considering that in this area of Santa Monica, most restaurants are not open during the weekday AM commuter period.

In summary, the traffic analysis provided in the Draft EIR likely overstates the potential traffic impacts of the Project due to the highly conservative assumptions regarding the trip generation potential of its restaurant component. Similar comments would also apply to the trip generation forecast of the Project's retail component as provided in Table 3.13-7. Therefore, we believe the forecasted impacts are likely to be significantly less than the actual impacts of the project.

2. Trip Generation Forecast for the Cultural Use is Likely Overstated. Table 3.13-7 of the Draft EIR notes that the trip generation forecast for the Cultural Use component of the Project is based on trip generation surveys conducted at six existing museums/cultural uses in California. The need for the trip generation surveys is because the City's TDFM document does not establish vehicle trips rates for a "cultural use" land use.

Page 29 of the Traffic Study provides additional information regarding the trip generation surveys conducted at the six existing cultural uses. While LLG generally concurs with the methodology used with respect to developing trip rates for the Project's cultural use, we believe the derived trip rates are overly conservative and were not refined/adjusted to reflect the Project's unique location and mix of land uses as described in the prior section regarding the restaurant trip generation forecast. The six existing cultural uses listed in the Traffic Study are the Los Angeles County Museum of Art (LACMA), the Museum of Tolerance, the California African-American Museum, the HABITOT Children's Museum in the City of Berkeley, the Santa Barbara Children's Science Museum (MOXI), and the Orange County Museum of Art. These are essentially stand-alone uses, that generate traffic, and not part of a mixed-use development which would encourage walk-in trips such as the Project. Further, several of these existing cultural uses do not have the high level of adjacent pedestrian traffic and local area bicycle and public transit services such as what characterizes the Project site.

By comparison, the City's TDFM document notes that it was prepared in part by starting with "base" trip rates provided in the *Trip Generation Manual* published by the Institute of Transportation Engineers (ITE), and then were adjusted to account for walk-in and transit trip-making in Santa Monica that are not accounted for in the mostly suburban-based trip rates provided in the ITE manual. It is not clear why a similar adjustment discount was not made to the derived cultural use trip rates used to forecast vehicle trips generated by the Project's cultural use component.

Finally, it is noted that the trip forecast provided in Table 3.13-7 for the Project's cultural use during the weekday AM peak hour (24 trips) seems rather high considering that the cultural use is not expected to be open to the public during the weekday AM peak hour especially given that there are only anticipated to be 24 employees for the cultural use. Moreover, the City requires a transportation demand management plan with an Average Vehicle Ridership target of 2.2 for new development in the Downtown where the Project is located.

EXHB-3

All this is to say the Project is likely to generate less traffic than assumed in the Draft EIR, and therefore the impacts are likely to be less than indicated in the analysis.

EXHB-3
Cont.

Project Impacts at Study Intersections

The Draft EIR evaluated the potential traffic impacts of the Project at 40 intersections during the weekday AM and PM commuter peak hours, as well as during the Saturday MD peak hour using the City of Santa Monica traffic analysis methodologies and thresholds of significance in effect at the time of the Notice of Preparation for the Draft EIR in December 2018. The effects of Project traffic were evaluated at the study intersections during the Approval Year (2020) and Future Year (2025) scenarios. Of the 40 intersections studied, only four intersections will experience significant impacts in the Approval Year and only six intersections will experience significant impacts in the Future Year. It is noted that one intersection – Second Street/Wilshire Boulevard – is expected to be impacted during the Approval Year scenario but not the Future Year scenario. Thus, a total of seven of the 40 study intersections would have significant impacts during the Approval Year and/or Future Year scenarios.

EXHB-4

The City's thresholds of significance under the LOS methodology are so sensitive that it is often very small increases (e.g., seconds of additional delay or few new vehicle trips) that cause an intersection to be labeled as significantly impacted. For example, for several of the intersections where the Project is said to have a significant and unavoidable impact, any net increase in average seconds of delay is deemed significant. It is within this context that the reported "significant and unavoidable" traffic impacts associated with the Project as identified in the Draft EIR must be viewed.

Further, the effect of Project-related trips at the identified impacted intersections are very modest or overstated during the affected peak hours. For example:

- Intersection No. 1: Palisades Beach Road & California Incline. Tables 5 and 6 in the Traffic Study indicate that the Project will cause a significant impact at this intersection in the AM peak hour in the Approval Year and Future Years, respectively. As explained above, the Project's trip generation forecast for the weekday AM peak hour is likely overstated, particularly during the weekday AM peak hour when many of the retail and restaurant uses, as well as the cultural use, will not be open to the general public. However, due to the City's hypersensitive significance thresholds (e.g., *any increase in delay* at an intersection forecast to operate at LOS E is deemed to be a significant impact), a finding of a significant impact at this intersection is essentially inevitable for

EXHB-4

any new development project at the Project site that generates a net increase in vehicle trips.

- Intersection No. 12: Second Street & Arizona Avenue, Intersection No. 16: Main Street & Olympic Drive, and Intersection No. 19: Fourth Street and Arizona Avenue. Table 6 in the Traffic Study indicates that the Project would cause significant traffic impacts at these intersections during one or more of the analyzed peak hours in the Future Year scenario. Further, these intersections represent three of the six overall intersections forecast to be significantly impacted by the Project in the Future Year scenario. What is unique about these locations is the actual operations at the intersections as identified in the Traffic Study are *relatively good* in consideration of the calculated volume-to-capacity ratios (v/c) listed in Table 6.

The v/c ratios are an expression of the actual volume of peak hour traffic traveling through an intersection as compared to the available roadway capacity. In intersection planning calculations, LOS are determined based on the calculated v/c ratios and generally correspond with a v/c of 0.6 to 0.7 as LOS B, a v/c of 0.7 to 0.8 as LOS C, a v/c of 0.8 to 0.9 as LOS D, a v/c of 0.9 to 1.0 as LOS E, and a v/c of anything above 1.0 as LOS F.

For example, at the Second Street/Arizona Avenue intersection, the calculated v/c ratio with Project traffic in the Saturday MD peak hour (i.e., the hour when the Project is determined to have a significant impact) is calculated to be 0.622 which, when analyzed in a planning intersection calculation would correspond with LOS B operations, and not the delay-based LOS D conditions shown in Table 6. This would indicate that the City can evaluate changes to traffic signal timing at the intersection to bring operations closer to the LOS B condition reflective of the v/c calculation as compared to the LOS D delay-based condition.

Another example is the Main Street/Olympic Drive intersection in the weekday AM peak hour and Saturday MD peak hour, whereby the reported v/c ratios in the Future Year with Project traffic scenario are 0.777 and 0.667, respectively. These v/c ratios would normally correspond with LOS C and LOS B intersection operations in a planning calculation, and not the LOS F conditions reported in the Traffic Study based on the delay-based calculation.³

³ LLG understands that some of the variances between calculated v/c ratios and the reported delay-based LOS values may be related to the Traffic Study's decision to conservatively not assume vehicle encroachment into bike and parking lanes on intersection approaches (permitted based on roadway markings) which results in improved operations but may not be reflected in the delay-based calculations.

EXHB-4
Cont.

In summary, the v/c calculations indicate that there is relative excess available capacity at these three intersections during the analyzed peak hours. Further, as shown in Table 6 of the Traffic Study, the relative change in the calculated v/c ratios at the affected intersections are fairly minor, meaning that excess capacity will remain even with Project trips added. LLG suspects there are modeling assumptions that lead to calculated impacts, that in fact will not be noticeable in practice. Drivers may not experience deteriorated delay conditions and it is suggested the EIR acknowledge the possibility that the impacts will likely be less than forecast, recognizing that the City's methodology requires a finding of significant impact.

EXHB-4
Cont.

Analysis of Alternatives

Section 6 of the Traffic Study provides the analysis of the various Project Alternatives evaluated in the Draft EIR. The following key conclusions are noted based on the analysis of the Project Alternatives provided in the Traffic Study:

- Alternative #2 (Tier 2 Mixed-Use Housing) and Alternative #4 (Retention of Existing Landmarks) would result in an *increase* in the number of vehicle trips generated at the Project site as compared to the Project. As shown in Table 11 of the Traffic Study, Alternatives #2 and #4 would significantly impact a greater number of intersections as compared to the Project.
- As stated in the Traffic Study, Alternative #3 (Reduced Density) would only reduce the number of vehicle trips generated at the Project site by approximately 12 to 16%. Further, Alternative #3 would result in the same number of significantly impacted intersections (four) as the Project in the Approval Year scenario. Also, while Alternative #3 would result in five significantly impacted intersections in the Future Year scenario as compared to six for the Project, the intersection that is not adversely affected by Alternative #3 is calculated to operate at very good operations on a v/c basis (0.667) with Project trips added and therefore, would maintain good operations with either the Project or Alternative #3.

EXHB-5

Conclusion

For the reasons discussed above, the Draft EIR's transportation analysis overstates the Project's limited net new trip generation and is therefore overly conservative. For the LOS analysis, the City's methodology, combined with its significance thresholds for evaluating potential traffic impacts, result in a highly conservative assessment of the relatively minor traffic impacts of the Project. Indeed, utilizing the City's highly-sensitive thresholds of significance, any redevelopment on the Project site that generates a single incremental vehicle trip would likely be deemed to cause a "significant and unavoidable" transportation impact – including the various alternatives studied in the Draft EIR.

EXHB-6

cc: File

EXHIBIT “C”
APPLICANT COMMENTS REGARDING PROJECT ALTERNATIVES

This attachment summarizes why, for important and sound policy and environmental reasons, the Project is superior to each of the individual Project Alternatives evaluated in the DEIR.

EXHC-1

A. Alternative 1 - No Project Alternative

Consideration of the No Project Alternative in this EIR is required by CEQA but in this case the no project option would result in the loss of reasonably foreseeable environmental benefits.. Alternative 1 would not serve the City’s vision for the Project Site and would provide none of the Project’s many public benefits.

1. The No Project alternative would result in continued use of the Project Site for undesirable surface parking and limited residential and commercial uses in the transit-rich downtown. This status quo does nothing to serve the City’s objectives or vision for the future and provides none of the benefits that the Project would bring.
 - a. The status quo is inconsistent with the DCP’s designation of the Project Site as one of only three sites in the Established Large Sites (ELS) Overlay designation because of its size and potential for significant community benefits in the areas of circulation, open space and cultural facilities. (DCP at p. 30; See also DEIR at p. 5-14.) “[T]he No Project Alternative would not achieve the goals of the LUCE and the DCP to maximize and broaden the mix of uses Downtown, to increase housing opportunities, to provide local and visitor-serving uses within the transit-rich Downtown District, and to enhance the public realm and street life.” (DEIR at p. 5-14.)
 - b. Retaining the existing conditions would not be consistent with best land use practice for urban environments, particularly in close proximity to the region’s major transportation infrastructure improvement such as the Metro Expo line. “[T]he No Project Alternative would not provide increased housing and overnight visitor accommodations in proximity to mass transit within the City or contribute to a development pattern that supports reduced VMT per capita, both called for by the SCAG’s 2016-2040 Regional Transportation Plan/Sustainable Community Strategy (RTP/SCS) and the LUCE.” (DEIR at p. 5-14.)
 - c. The Project Site currently includes just 19 residential units. Santa Monica, and the entire State of California, are in dire need of more housing, especially in job and transit-rich areas like the City’s Downtown. The Project would include 100 residential units,

EXHC-2

including both market-rate and deed-restricted affordable housing. Unlike the Project, Alternative 1 would not help the City meet its upcoming RHNA allocation, which will call for the production of nearly 9,000 units of housing over the next 8 years.

- d. The Project Site does not currently include any hotel uses despite its location in the Coastal Zone along Ocean Avenue where visitor-serving uses are priority uses. (DEIR at p. 5-14.)
 - e. The Project Site does not currently include cultural uses. The City and the public at large would benefit greatly from the Project's addition of a Cultural Uses Campus, which would implement LUCE and DCP policies including with respect to prioritizing a cultural institution at the Project Site. (DCP at p. 30.)
 - f. The existing conditions on the Project Site do not include publicly-accessible open space, pedestrian connections through the site, or a publicly-accessible observation deck.
 - g. Taxes, revenues and tourism would benefit greatly from the Project compared with the existing conditions.
 - h. The Project would bring additional construction and permanent jobs to the City.
2. While the DEIR correctly concludes that the No Project Alternative will not have impacts with regard to many study categories, this determination is merely a result of the fact that no new development would occur. While the analysis is legally adequate, in addition to the points made in the DEIR, the no project alternative does not take into account the environmental benefits that are lost by maintaining the status quo including:
- a. The environmental benefits of locating a mixed-use infill development within the Downtown, which is served by numerous high-quality transit options, as well as bicycle, and pedestrian facilities. Directing growth to existing transit-rich urbanized areas is an important strategy to reduce GHG emissions, largely due to reduced vehicle use, and helps fulfill the goals of SB 375 and the LUCE.
 - b. The environmental benefits of compliance with the Project's Transportation Demand Management Program, which will reduce vehicle ridership.

EXHC-2
Cont.

EXHC-3
Cont.

EXHC-4

c. The environmental benefits that would result from the Project's compliance with the City's Green Building Code and Energy Code as well as the City's Water Neutrality Ordinance and Runoff Conservation and Sustainable Management Ordinance requirements.

EXHC-5

d. The environmental benefits of removing surface parking lots.

EXHC-6

e. The environmental benefits of the Project's sustainability features, which include solar panels, EV charging stations and infrastructure, harvesting of stormwater for landscape irrigation, low-flow toilet fixtures in hotel and residences, bicycles parking and facilities supporting active transportation modes, and drought tolerant landscaping.

EXHC-7

f. This alternative would not prolong the useful life of the historic buildings through seismic retrofitting and other public safety improvements. Nor would this alternative assure that the following character-defining features of the two respective landmarks would be addressed:

Queen Anne-Landmark. Restoring the corner tower to its original height with its widow's walk; restoring the second floor porch on the west elevation to its full length; restoring the front gable ornamentation; restoring the brick chimney above the roof plane to its original height; replacing the current contemporary asphalt shingle roof with flame-retardant wood shingles; removing non-original dormers at the second floor which shall be removed for reconstruction of the original side-gable on this elevation, with a single dormer; and removal of various historically incompatible additions.

EXHC-8

Spanish Colonial Revival Landmark. Reconstructing the cast stone Churrigueresque-inspired decorative surround with flanking spiral engaged columns at the west elevation entrance to the building; reconstructing the decorative sconces; and removing various historically incompatible additions.

Pursuant to CEQA Guidelines Section 15126.6, where a project is other than a land use or regulatory plan, the "no project" discussion should compare the environmental effects of the property remaining in its existing state against

EXHC-9

environmental effects which would occur if the project is approved. The analysis should identify the practical result of the project's non-approval. It makes sense for the "no project" analysis to account for the potential positive environmental impacts of the Project.

EXHC-9
Cont.

B. Alternative 2 - Tier II Mixed-Use Housing Developments Alternative

A combination of three reduced density projects that conform to the DCP's Tier II development standards for the Ocean Transition (OT) and Bayside Conservation (BD) Districts and include the retention of the City-designated landmark buildings at their existing locations is an appropriate project alternative to be evaluated in compliance with CEQA. However, development of Tier II projects on this exceptional site would be a missed opportunity for the City and not accomplish the goals the City has set for itself in previously approved plans. The DCP identifies the site as one of just three ELS Overlay sites where larger developments (up to 130 feet tall with 4.0 FAR) may be located pursuant to development agreements with community benefits. (DCP at pp. 30 and 174.) Occupying the site with a collection of smaller-scale Tier II developments would be contrary to the City's vision for the location, which is one of very few in the City that could accommodate the pedestrian circulation improvements, iconic design, new hotel, additional housing, publicly-accessible space, and cultural uses that the Project would provide.

EXHC-10

1. Alternative 2 would not meet applicable policies of the LUCE, DCP, or the proposed LUP/Coastal Act to the same extent as the Project.
 - a. Alternative 2's elimination of the hotel uses included in the Project would be contrary to the Coastal Act's prioritization for overnight visitor accommodations in Santa Monica's Coastal Zone and with the LUCE and DCP policies encouraging new hotel uses in the Downtown due to their compatibility with other Downtown businesses, fiscal and economic contributions to the City and minimal traffic impacts. (DCP at p. 48; LUCE Policy D1.4 at p. 2.6-10).
 - b. Alternative 2 would not include publicly-accessible open space with pedestrian connections through the Project Site. Moreover, due to the larger building footprints and reductions in height called for by Alternative 2, this alternative would not provide the same level of building roofline variation (Policy LU15.10), varied building heights and architectural elements (Policy B1.5, D8.3, and D8.4), and preservation or opening of views into the Project Site or of the Santa Monica Bay as under the Project (Policy D10.2). (DEIR at p. 5-22.)
 - c. As discussed above, Alternative 2 would not fully implement the LUCE policy to focus new investment on the Project Site (Policy D

EXHC-11

1.5 at p. 2.6-10) and the purpose of the DCP's ELS Overlay designation for the Project Site to achieve community benefits that could otherwise not be achieved. It would not include the Cultural Uses Campus, pedestrian-oriented paseos and publicly accessible open space called for by the Project and envisioned by the DCP. (See DCP at pp. 26 and 30; DEIR at p. 5-37.)

EXHC-11
Cont.

2. Alternative 2 would not include the Project's rooftop observation deck, and therefore would not allow the public to access scenic views of the Santa Monica Bay, Santa Monica Pier, and Downtown, with distant views of the Santa Monica Mountains.

EXHC-12

3. From the perspective of cultural resource impacts, Alternative 2 would result in inferior outcomes.
 - a. Overall, this alternative, with three separate developments, is harmful to the continuing prominent presence on Ocean Avenue of the two landmark buildings being featured as integral parts of the Project and the valuable lessons of early Santa Monica patterns of development that will be told through integrated development of the Project Site as a whole. Rather than embracing those buildings and their historical value, this alternative inevitably would "pinch" towards the landmark buildings and also press for valuable street frontage for ground floor retail businesses in the new developments, resulting in a diminution of the street presence of the buildings, particularly the Queen Anne which is setback some distance from the Ocean Avenue frontage. In this regard, DEIR Figure 5-1 is quite telling.
 - b. This alternative also keeps the two landmarks in their current commercial usage unlike the adaptive reuse conceived of as part of a cultural campus that would strongly encourage and invite public visitors seeking a cultural experience on the Cultural Uses Campus. Similarly, this alternative would not incorporate the concept of an interpretive educational program that would help inform interested members of the public about the early residential and commercial development of Ocean Avenue and downtown, the architectural history, and the nearby designated landmarks. (See MM CR-1(15).)
 - c. As discussed above with respect to Alternative 1, Alternative 2 would not prolong the useful life of the historic buildings through seismic retrofitting and other public safety improvements. Nor would this alternative assure that specified character-defining features of the two respective landmarks would be addressed.

EXHC-13

4. Despite its reduced scale, Alternative 2 would generate 35 to 65 percent more vehicle trips than the Project because of its replacement of the

EXHC-14

Project's hotel, cultural uses and publicly-accessible open space with additional commercial space and housing. (DEIR at p. 5-41.)

EXHC-14
Cont.

5. As explained in the DEIR, Alternative 2 would fail to meet a number of Project objectives. Specifically:

- a. Alternative 2 would not meet “the Project objectives related to the provision of overnight visitor accommodations which are encouraged in the DCP and Coastal Act (Project Objectives 1, 2, 4, 12, 13).” (DEIR at p. 5-45.)
- b. There would be no pedestrian paseos through the site, including that the portion of First Court Alley adjacent to the Project Site would remain dominated by vehicles rather than converted into a pedestrian paseo providing connections to and through the Project Site. “Pedestrian orientation would also be compromised with the significant reduction in ground floor publicly accessible open space (Project Objective 7).” (DEIR at p. 5-45.)
- c. Alternative 2 “would not meet the objectives related to cultural institutions envisioned for the Project site and the Downtown (Project Objectives 1, 4, 8, 14).” (DEIR at p. 5-45.)
- d. “With the limitation in building height, this Alternative would not achieve the iconic architectural and urban design as encouraged in the DCP (Project Objective 6).” (DEIR at p. 5-45.)
- e. Alternative 2 may also not be as economically viable as the Project (Project Objective 12), would not provide as many fiscal and economic benefits (Project Objective 13), and would result in a loss of opportunity for significant community benefits (Project Objective 13). (DEIR at p. 5-45.)

EXHC-15

6. Moreover, Alternative 2 would itself still result in significant adverse impacts in all the same categories as the Project and would have greater LOS impacts. (See DEIR Table 5-7 at pp. 5-126 to 5-128.) The vast majority of the impacts where the DEIR identifies Alternative 2 as “environmentally superior” are “impacts” where the Project will itself result in less-than-significant impacts. (See DEIR Table 5-7 at p. 5-126.)

EXHC-16

C. Alternative 3 –Reduced (84') Height and Floor Area Alternative

An alternative to the Project that includes all the same land uses as the Project but with a reduced height of 84 feet and floor area is an appropriate alternative for study in the EIR. However, the reduced size of Alternative 3 would require the loss of 46% of the hotel rooms and 9 residential apartments and would therefore not serve City goals

EXHC-17

and policies to the same extent as the Project. The reductions in height and floor area would not be worth the corresponding reductions in public benefits given that the Project Site has been specifically identified as a location where taller, denser development with community benefits is desirable. Moreover, the Applicant does not believe Alternative 3, with its reduction of 55 rooms, would be financially viable.

EXHC-17
Cont.

1. Alternative 3 would provide 55 fewer hotel rooms than the Project (a 46% reduction) and would therefore not serve the Coastal Act goal of prioritizing visitor-serving accommodations in the Coastal Zone as well as the Project and would not implement the LUCE and DCP policies encouraging new hotel uses in the Downtown to the same extent as the Project. (DCP at p. 48; LUCE Policy D1.4 at p. 2.6-10).

EXHC-18

2. The significant reduction in rooms in Alternative 3 would result in substantially less fiscal and economic benefits to the City. (DEIR at p. 5-72.)

EXHC-19

3. Alternative 3 would include 9 fewer residential units than the Project and would therefore not help the City meet its RHNA allocation to the same extent as the Project. (DEIR at p. 5-65.) It would also not do as much to serve the LUCE goal of clustering housing in the transit-rich Downtown. (LUCE Goal LU5 at p. 2.1-14.)

EXHC-20

4. Alternative 3 would not include the Project's publicly-accessible rooftop observation deck, denying the public access to scenic views of the Santa Monica Bay, Santa Monica Pier, and Downtown, with distant views of the Santa Monica Mountains. (DEIR at p. 5-51.)

EXHC-21

5. Alternative 3 would not enhance the overall balance and mix of land uses in the Downtown consistent with the LUCE and DCP to the same extent that the Project would. (DEIR at p. 5-72.)

EXHC-22

6. Alternative 3 would not meet the Project objectives to the same extent of the Project. Given the substantial reduction in hotel rooms, "it would not fully [meet] the Project objectives related to the provision of overnight visitor accommodations which are encourages in the DCP and Coastal Act (Project Objectives 1, 2, 4, 12, 13)." (DEIR at p. 5-72.) Additionally, "it would not achieve the iconic and architectural design envisioned by the DCP (Project Objective 6). (DEIR at p. 5-72.) Furthermore, "Alternative 3 may not be [as] economically viable as the proposed Project (Project Objective 12) and would not provide as much fiscal and economic benefits to the City (Project Objective 13)." (DEIR at p. 5-72.)

EXHC-23

7. Moreover, Alternative 3 would itself still result in significant adverse impacts in all the same categories as the Project. (See DEIR Table 5-7 at pp. 5-126 to 5-128.) The vast majority of the impacts where the DEIR

EXHC-24

identifies Alternative 3 as “environmentally superior” are “impacts” where the Project will itself result in less-than-significant impacts. (See DEIR Table 5-7 at p. 5-126.)

EXHC-24
Cont.

D. Alternative 4 - New Tier II Mixed-Use Housing and Commercial Developments around the Existing Landmarks and 101 Santa Monica Boulevard Building

An alternative to the Project that includes retention of the City-designated landmark buildings and 101 Santa Monica Boulevard at their current locations with Tier II (50' height) mixed-use housing and commercial developments on the other parcels is an appropriate alternative for study in the EIR. However, as Alternative 4 demonstrates, the existing locations of the City-designated landmark buildings and the 101 Santa Monica Boulevard building constrain new development on the Project Site. Alternative 4 would essentially result in three separate projects without the benefits of comprehensive open space and circulation planning. There would be no hotel, a 20% reduction in residential units, a 27% decrease in the Cultural Uses Campus floor area and a 64% decrease in open space. Notably, Alternative 4 would not accommodate pedestrian paseos which provide porosity through the Project Site.

EXHC-25

1. Alternative 4's elimination of the hotel uses included in the Project would be contrary to the Coastal Act's prioritization for overnight visitor accommodations in Santa Monica's Coastal Zone and with the LUCE and DCP policies encouraging new hotel uses in the Downtown due to their compatibility with other Downtown businesses, fiscal and economic contributions to the City and minimal traffic impacts. (DCP at p. 48; LUCE Policy D1.4 at p. 2.6-10).

EXHC-26

2. Alternative 4 would include 20% fewer residential units than the Project and would therefore not help the City meet its RHNA allocation to the same extent as the Project. (DEIR at p. 5-93.) It would also not implement the LUCE goal of clustering housing in the transit-rich Downtown to the same extent as the Project. (LUCE Goal LU5 at p. 2.1-14.)

EXHC-27

3. Alternative 4 calls for a reduction in the size of the Cultural Uses Campus, reducing the community benefits that would be provided by the Project and further reducing consistency with the LUP, which calls for cultural uses in Subarea 5, where the Project Site is located. (See LUP Policy 201 at p. 154; DEIR at p. 5-92.) The reduced size of the Cultural Uses Campus and constraints imposed by the locations of the existing City-designated landmarks, requiring the museum to be “L-shaped” also reduce the functionality and programming flexibility/optionality for the Cultural Uses Campus.

EXHC-28

4. Alternative 4 would not provide the pedestrian paseos called for by the Project including that the portion of First Court Alley adjacent to the

EXHC-29

Project Site would remain dominated by vehicles rather than converted into a pedestrian paseo, limiting pedestrian connectivity to and through the Project Site. (DEIR at p. 5-91.)

EXHC-29
Cont.

5. Alternative 4 would not include the Project's publicly-accessible rooftop observation deck, and therefore would not offer public access to scenic views of the Santa Monica Bay, Santa Monica Pier, and Downtown, with distant views of the Santa Monica Mountains. (DEIR at p. 5-78.)

EXHC-30

6. Alternative 4 would not implement the LUCE policy to focus new investment on the Project Site (Policy D 1.5, p. 2.6-10) and the purpose of the DCP's ELS Overlay designation for the Project Site to achieve community benefits that would otherwise not be achieved. The DCP identifies the site as one of just three ELS Overlay sites where larger developments (up to 130 feet tall with 4.0 FAR) may be located pursuant to development agreements with community benefits. (DCP at pp. 30 and 174.) Occupying the site with a collection of smaller-scale Tier II developments would be contrary to the City's vision for the location, which is one of very few in the City that could accommodate the pedestrian circulation improvements, iconic design, new hotel, additional housing, publicly-accessible space, and cultural uses that the Project would provide.

EXHC-31

7. Alternative 4 would fail to meet a number of Project objectives or meet them to a lesser extent. Alternative 4 would not achieve project objectives related to the provision of overnight visitor accommodations (Project Objectives 1, 2, 4, 12, 13). Alternative 4 would not achieve the objective of helping to meet current and future housing demand in the City, including the demand for affordable housing, to the same extent as the Project (Objective 5). With the 101 Santa Monica Boulevard building remaining in place, it would be difficult to achieve the iconic architectural and urban design envisioned by the DCP (Objective 6). It would also be less likely to be economically viable (Objective 12) and provide fewer fiscal and economic benefits than the Project (Objective 13). (DEIR at p. 5-100.)

EXHC-32

8. Moreover, Alternative 4 would itself still result in significant adverse impacts in all the same categories as the Project. (See DEIR Table 5-7 at pp. 5-126 to 5-128.) The vast majority of the impacts where the DEIR identifies Alternative 4 as "environmentally superior" are "impacts" where the Project will itself result in less-than-significant impacts. (See DEIR Table 5-7 at p. 5-126.)

EXHC-33

E. Alternative 5 –Revised Circulation Alternative

An alternative to the Project that includes development of a project with the same size and mix of uses as the Project but with a revised vehicular circulation is an

EXHC-34

appropriate alternative for study in the EIR, particularly because this alternative responds to City Staff comments regarding the Project's proposed Ocean Avenue valet drop-off. However, Alternative 5's addition of a driveway on Ocean Avenue is substantially more impactful to the pedestrian experience along Ocean Avenue than a valet-drop off zone. It negates the fundamental circulation strategy of prioritizing pedestrians along Ocean Avenue, destroys the publicly-accessible courtyard designed as part of the Cultural Uses Campus, and compromises the hotel and Cultural Uses Campus' below-grade space.

EXHC-34
Cont.

1. Alternative 5 would require construction of a vehicle access ramp off Ocean Avenue that would cut through the middle of the publicly-accessible courtyard, which was strategically included in the Project as part of the Cultural Uses Campus, and would result in the loss of approximately 50% of the publicly-accessible open space planned for the courtyard. (DEIR at pp. 5-101, -103, and -105.) Alternative 5's introduction of a curb cut and driveway on Ocean Avenue (a) creates conflicts between vehicles and pedestrians on the sidewalk contrary to the Project's goal of prioritizing the pedestrian experience along Ocean Avenue, (b) reduces valuable publicly-accessible open space adjacent to Ocean Avenue, (c) introduces a vehicle ramp adjacent to areas planned for outdoor enjoyment and dining and (d) creates a barrier to viewing the restored south façade of the Queen Anne Landmark building. (DEIR at p. 5-103.)
2. As discussed above, Alternative 5 would have 890 SF less ground floor open space than the Project and would therefore be less consistent with LUCE Policy LU 4.6 calling for increased open space (see LUCE at p. 2.1-14), and DCP Policy 2D.1. (DEIR at p. 5-117.)
3. As discussed above, the additional vehicle entrance on Ocean Avenue called for by Alternative 5 would increase the potential for bicycle and pedestrian conflicts along Ocean Avenue, which would conflict with LUCE Policy LU15.5 regarding pedestrian and bicycle connectivity. (LUCE at p. 2.1-20; DEIR at pp. 5-117 to -118.)
4. Construction of the access ramp required under Alternative 5 would require a 2,000 square foot reduction in the below-grade space for the Cultural Uses Campus and hotel (DEIR at p. 5-101) and compromise their functionality. The ramp would run through the below-grade hotel ballroom which has been strategically planned both in terms of its size/dimensions and its location in relationship to the back of house and hotel core functions. The ramp's location does not allow proper connections between the ballroom back of house (kitchen) to the ballroom service corridor and also does not allow for the connection between the ballroom back of house to the gallery area (which will support functions in the Cultural Uses Campus). (DEIR at p. 5-103 to -104.)

EXHC-35

EXHC-36

EXHC-37

EXHC-38

5. Alternative 5 would not achieve several Project objectives to the same extent as the Project. “With the reduction of museum gallery space, this alternative would not meet the objectives related to cultural institutions to the same extent as the proposed Project (Project Objectives 1, 4, 8, 14). Further, with the inclusion of a new driveway on Ocean Avenue that would disrupt pedestrian flow in the Cultural Uses Campus, this alternative would not achieve the iconic architectural and urban design as encouraged in the DCP (Project Objective 6). Pedestrian orientation would also be compromised with this driveway and the reduction in publicly accessible open space (Project Objective 7).” (DEIR at p. 5-124.)
6. Moreover, Alternative 5 would itself still result in significant adverse impacts in all the same categories as the Project. (See DEIR Table 5-7 at pp. 5-126 to 5-128.)

EXHC-39

EXHC-40