



Santa Monica Coalition for a Livable City

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March 26, 2012

By U.S. Mail and Email

Mr. David Martin

Planning Director

City of Santa Monica

1685 Main Street, Room 212

Santa Monica, CA 90401

Dear Mr. Martin:

The Santa Monica Coalition for a Livable City (“SMCLC”) read with concern your statements to the *Santa Monica Daily Press* made on March 12th and reported in its March 13, 2012 article “Residents want a reduced Bergamot Transit Village” (copy attached).

CEQA requires that the ultimate project’s impacts be fully analyzed, not a project that is no longer on the table.

Yet on the very day that DEIR comments were due, you are reported as saying that the City is leaning towards “Alternative Three” in the DEIR for the Bergamot project. You then are quoted as saying:

“We have been working with the applicant to modify the project. This is the direction we’re moving forward with.”

In good faith, and following California law and the timetable set out by Santa Monica, SMCLC, dozens of neighborhood groups and hundreds of individuals throughout the City and surrounding communities in Los Angeles, as well as the City of Los Angeles itself, acting through its unanimous City Council, filed comments on the draft environmental impact report (“DEIR”) for the Bergamot Transit “Village” project on or about March 12, 2012.

These comments highlight fundamental problems with the DEIR, the Project studied in the DEIR and the DEIR’s failure to propose any true alternatives to the Project – alternatives of reduced size with lesser environmental impacts.

We are now even more concerned that well before the comment period ended, your department may have already decided on one of the alternatives in the DEIR (Alternative Three) -- "this is the direction we are moving forward with." A direction you stated that you were already working on with the applicant.

To move forward with a different project than that studied in the DEIR before the comment period ended and before such comments were fully considered, is improper and contrary to the spirit of CEQA and LUCE. The DEIR should have been amended and recirculated with the real project being negotiated as the project.

The purpose of a DEIR is to put forth, with detailed backup, analysis, and study, the project that the City *is* considering moving forward with together with "project alternatives that would minimize or eliminate the impacts associated with [the] proposed development." (Hines DEIR, Chapter 3.5, at 3-11). The project proposed in the DEIR must not be a stalking horse. Unfortunately, none of the alternatives, including Alternative Three, are true project alternatives (with fewer environmental impacts) and they are also given short shrift in the DEIR, for the reasons indicated in SMCLC's 3.12.12 Comment Letter. The weaknesses of the entire DEIR project alternatives analysis are greatly compounded by the fact that one of those alternatives may have been the real project that is being negotiated.

If Alternative Three is the real project the City and its planning staff has been moving forward with, *it* is the project that should have been the subject of the DEIR. Then in relation to Alternative Three as the real project, the DEIR should have discussed, in detail, project alternatives to *it* for review and consideration -- alternatives that would have been significantly less impactful to the environment (including traffic impacts) than Alternative Three (the "Project.")

Instead, residents, workers and surrounding communities who in good faith studied the DEIR and raised objections to it are left with a double whammy: a DEIR which does not propose any real alternative (except perhaps the existing zoning alternative Hines originally announced as its objective after it purchased the site in 2007) and an "alternative" which is that in name only. Alternative Three has the same height, mass and traffic impacts as the Project studied. Thus it is not a real alternative under CEQA, and by having made it the real project, the City has shortchanged the entire

Alternatives analysis by failing to include a reasonable alternative to **it**.

Let us be clear: While having a higher percentage of housing to commercial would be a positive step, and one SMCLC and many other groups and individuals have been pursuing, it is absolutely vital that the overall project also be reduced in size and impacts. That is NOT Alternative Three. As discussed in the DEIR, Alternative Three is the virtually the same size, the same footprint, and has identical serious traffic and other degrading environmental impacts as the Project. So it does not represent a true Alternative within the meaning of CEQA.

In our Comment Letter, as to Alternative Three, our attorney stated:

“[T]he range of alternatives studied in the DEIR is rather narrow. Excepting the existing zoning alternative, the two “realistic” alternatives to the proposal are similar in scale to the proposed development. Alternative 3, the “Residential” alternative, is only 4,000 square feet smaller than the proposed project.”

“Significantly, the descriptions of Alternatives 3 and 4 reveal the degree to which the DEIR fails to consider a reasonable range of alternatives to the proposed project. Both Alternative 3 and 4 are described as having the same footprint and orientation of buildings as the proposed project. (See DEIR 6-16, 6-35.) The two alternatives even have the same height as the proposed project, in spite of the supposed “reduced” nature of Alternative 4. Each of these alternatives has an identical impact on traffic, with 24 HCM and 11 CMA impacts measured against a 2012 baseline. (See DEIR 6-28, 6-46.) The proposed project will have 25 HCM and 12 CMA impacts, so the traffic impacts of all three are very nearly identical. Thus, these two “alternatives” fail to provide any true alternatives on this major negative environmental impact of the project. Unfortunately, they are not alternatives at all.” (Emph. added).

We also have concerns about comments attributed to you by the press as to the traffic impacts of Alternative Three. You stated that Alternative Three will lessen traffic. You are credited with saying:

“‘Alternative Three’ would increase the total number of residences from 325 to 498, hopefully creating less need for people to commute to the city, thus lessening traffic.

This is directly contrary to what the DEIR reports about Alternative Three. The size of the project remains the same at 763,000 sq. ft. According to the DEIR, the traffic impacts are virtually identical and it will not lessen traffic. It has the same additional, non-mitigatable traffic impacts as the project that was studied in the DEIR. It is not a real alternative under CEQA for the reasons we discussed in our Comment Letter.

Moreover, from the 5.20.10 Draft Development Agreement for the site that we have reviewed, there is no requirement that any of the residential units would be workforce housing or would be suitable for many workers, including first responders, and their families or partners. Instead, the small units appear to be mostly for non-family, non-long term residents -- the opposite of what workforce housing should be. Instead of creating a neighborhood or community, the housing appears likely to largely attract individuals without a lasting stake in our city.

The City needs to get its process in order. First, it released a highly confusing DEIR that included thousands of pages of traffic data relating to projects that were no longer proposed and therefore irrelevant. Now it turns out that the project proposed also may not be the real project. This is not just highly unusual, it raises the possibility that the entire DEIR process is a sham.

We believe the City needs to correct this core deficiency by circulating a new DEIR that provides appropriate, full analysis of the real project that is being negotiated along with meaningful alternatives to it that will have significantly less environmental impacts, including fewer traffic impacts as well as an adaptive reuse alternative.

Lastly, in any and all events, as discussed by SMCLC, dozens of neighborhood groups and the City of LA, there first must be a Bergamot Area Plan and a regional plan in place which demonstrate that the region's infrastructure can accommodate the real project that is being negotiated.

If there had been a good Area Plan in place, hopefully the objectives for this project site would have been clear and then project(s) and alternatives that actually met such objectives would have been fully reviewed in the DEIR.

Finally, this letter also constitutes notice to the City to preserve all writings as defined by Section 6252 of the CPRA relating to or arising from the redevelopment of the site at 1681 26th Street, Santa Monica from 2007 forward and continuing.

We reserve all rights.

Diana Gordon

Cc: Marsha Moutrie, City Attorney
Beverly Palmer, Strumwasser & Woocher
Rod Gould
City Council

3/12/12 DP article:

Source: Santa Monica Daily Press

Residents want a reduced Bergamot Transit Village

by Daniel Archuleta

March 13, 2012

CITY HALL — A coalition of neighborhood groups from Santa Monica and West Los Angeles made their case Monday for downsizing a proposed development on the east end of town that they say will create more traffic in an area already plagued by gridlock.

Their statements were made during a press conference on City Hall's lawn that they hope draws the attention of city planners as they continue to work with the developer of the Bergamot Transit Village that is slated to include a mix of residences and creative office space.

"This project is just too big," said Diana Gordon, co-chair of the Santa Monica Coalition for a Livable City. "This needs to be scaled back."

The major point of contention revolves around what they claim is the

lack of an area plan that mitigates the impact on traffic created by the new development, which will consist of five buildings.

The push to voice their concerns is taking place as City Hall works to create a final environmental impact report, a necessary step for the development to move forward.

Representatives from 17 neighborhood groups from across the Westside hand-delivered community comments to city officials, hoping to have their concerns addressed before the project progresses.

The uproar over the development has reached the ear of David Martin, Santa Monica's director of Planning and Community Development.

The draft report includes a number of alternative plans for what is expected to be 766,094 square feet of office space and residences. Martin said that his department is leaning toward "Alternative Three," which would increase the total number of residences from 325 to 498, hopefully creating less need for people to commute to the city, thus lessening traffic. The final project would be comprised of three buildings of residences and two for offices.

A major concern of the neighborhood groups was the ratio of housing to commercial space, which led Martin to push developers to increase the number of residences.

"We have been working with the applicant to modify the project," Martin said. "This is the direction we're moving forward with."

That may not be enough to appease community members from both cities.

Jay Handal, the president of the West L.A. Neighborhood Council, said that the sheer scope of the project is what irks his members.

"You cannot get a car through our district now," he said. "[Santa Monica officials] build without thinking about how it impacts the Westside."

What members of each community group really want is for the overall size of the development to be reduced, not modified.

Mary Marlow, a former chair of the Ocean Park Association, said that the project as is doesn't incorporate an area and regional traffic mitigation plan, something she feels is necessary if development in that part of the city is going to include other large projects.

She held steadfast to the notion that there isn't enough housing in Santa Monica to begin with, forcing many of the city's workers to live elsewhere and commute.

"There just aren't enough places to live here," Marlow said. "We're guaranteed we'll have more traffic."

Monday marked the final day the public can comment on the draft EIR before a final one is formalized.

The next step will have city officials reviewing the comments, ultimately including them in the final report.

That's exactly what those assembled Monday hope leads to enough critical mass to move City Hall to insist on a smaller end product.

"This is one of the most over-developed areas in Los Angeles County," said Lauren Cole, a member of the South Brentwood Residents' Association. "We already can't support the 200,000 commuters who enter Santa Monica every day."

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