



Santa Monica Coalition for a Livable City

STEERING
COMMITTEE
& ADVISORS

July 15, 2013

To: Planning Commission

From: The Santa Monica Coalition for a Livable City ("SMCLC")

mark armour
peter davidson
gale feldman
victor fresco
susan giesberg
diana gordon
dan jansenson
sherrill kushner
mary marlow
bea nemlaha
jacob samuel
lorraine sanchez
susan scarafia
jeff segal
carol sobel
maryanne solomon
doris sosin
linda sullivan
peter tigler
bill zimmerman

Re: Planning Agenda Item 6-A (DSP CEQA Parameters)

SMCLC urges the Planning Commission to recommend to the City Council that a Downtown Specific Plan first be drafted and reviewed before proceeding with a Downtown Program EIR ("PEIR") for several reasons.

It is a highly unusual process to commence environmental review of a specific plan BEFORE there is a plan to review. To do so now would be poor planning and severely limit public input. It would also directly contradict specific assurances made to residents by senior Planning Staff at a recent Downtown community meeting attended by over 300 residents, the Planning Commission, as well as Councilmembers who were present that a PEIR would only come after a Downtown Specific Plan ("DSP"): "We have not even drafted a plan yet, and even after we've drafted the Plan, we have to do a full program EIR." (See YouTube video, F. Stefan, 5.06.13, at minutes 5 to 6 on City website).

No reason has been given for why this recent promise to residents has been broken. No argument has been made as to why the sound practice of first drafting a DSP and then doing a PEIR based upon the Plan suddenly has been changed in favor of rushing a PEIR while the DSP is still in the process of being drafted. Indeed, the frequent use of tentative language in describing fundamentals of a draft DSP throughout the Staff Report, demonstrates that it is nowhere near complete and does not meet the CEQA requirement of a "stable, finite project description."¹

Significantly, the contracts between the City and its consultants (Torti-Gallas, Nelson\Nygaard, and Fehr & Peers respectively) do not propose environmental review before there is a draft Downtown Specific Plan. And early on under

¹ For example, "the DSP [sic] considers continuing the same 84 feet height limit adopted in the 1984 General Plan" (p.11); "considers a conservation district for the 3rd Street Promenade" (p.12); "considers raising heights to 50 feet along Ocean" (p.12); states that the "Expo Light Rail Station "could produce significant public parking spaces" (p.15); and states that "discussions to date haven't determined any specific guidelines for the "opportunity sites" or appropriate zoning envelope" (p.17)). These are all important planning issues yet to be determined that would change what the PEIR would analyze and alter the environmental impacts.

those contracts, two critical modeling studies were to have been done to help shape a Plan, neither of which has been done: 1) 3-D modeling of the entire Downtown sufficient to show how every parcel within its sub-area would look if each city block were developed to the heights and densities permitted under (a) current zoning, (b) LUCE rate of growth projections, and (c) all pipeline development projects; and 2) circulation impacts testing of the model using the same three development scenarios to determine whether every existing Downtown street so impacted could handle the increased traffic and parking flows.

Under these contracts, both of these analyses were deemed so important to the process of devising the Downtown Plan that they were to have been done at an early stage to inform decisions about any proposed changes in height and density, including decisions regarding the guidelines and building envelopes for the 8 so-called “opportunity sites.” As the Staff Report tells us directly, or by omission, none of this modeling has been performed.

We don’t know why this vital visual and circulation modeling has NOT been done and when they actually will be done in relation to releasing the draft Plan but the timetable is seriously off-schedule for them judging from the Torti-Gallas contract.

We need a specific timeline for each of the following: 1) when a draft of the DSP will be available; 2) when there will be a draft PEIR to review; and 3) when the missing modeling analysis will be done in relation to them.

As language in the staff report itself repeatedly demonstrates, there are also a number of other important areas and key planning decisions that have not yet been determined for a draft DSP that would also need to be studied in a PEIR. None of these matters have been included in the staff recommendations for the PEIR. Consequently, we now face a serious risk of not studying them in a PEIR. To do the PEIR and the DSP simultaneously seriously risks having both of them be defective, all in an attempt to rush through the process.

It is also hard to understand how proceeding “simultaneously” with environmental review before there is a Plan and the draft Plan itself would or could work. How will the two processes inform each other? How could a program EIR purport to study things that the Plan itself hasn’t yet formulated, such as a conservation district for the Third Street Promenade – the EIR drafters can’t come up with this on their own. Will the planning staff have to interface frequently with the EIR consultants to explain changes to the draft Plan– a kind of a shifting target? And will these discussions all occur outside of the usual public process by which we residents ordinarily would have a draft

Plan to critique its merits or weaknesses before an environmental review that studied it?

To ask these questions is to understand just what a strange, inchoate process it could be to proceed simultaneously here and just how fraught with incomplete, information and analysis if all of the necessary information for CEQA purposes is not included.

Issues that first need to be resolved in a DSP include the relative balance of the Downtown for tourists and for residents. Yet the Staff Report describes Downtown as “a regional draw for retail and beach patrons and an international, national and statewide destination for tourists.” (at p. 6). If there is no resident mandate for a Downtown built mainly and increasingly for tourists, as SMCLC believes, then what would the PEIR study? Would it include a Downtown friendly to and for the use of residents, or, as one City consultant advised, a Downtown mainly for tourists with some residents present to add “authenticity” to the tourist experience? Additionally, the DSP must develop, and a PEIR then study, a preservation and conservation policy, adaptive reuse and development regulations to retain the existing scale and character of a mix of historic and new buildings in the Downtown core and treat them as prime assets. To do otherwise, would be to promote the loss of the unique character these assets provide and virtually guarantee their demise.

And as mentioned above, there is as yet no circulation component to the DSP that is one of the major areas a program EIR would be expected to study to determine all of the traffic impacts resulting from different levels of development. This is a critical weakness, and one left entirely out of the Staff Report. It’s hard to accept that in the absence of both the circulation and growth modeling to create the Plan that there is a “stable, finite project description” at this point under CEQA. CEQA requires rigorous environmental analysis of what a specific plan IS to be of value to decisionmakers and the public.

SMCLC urges that:

1. The Planning Commission recommend that a draft DSP be completed, circulated and reviewed before preparing a PEIR (Staff Report, Alternative 4);
2. If the Planning Commission believes that the simultaneous preparation of a PEIR and a draft DSP is wise, it very importantly should also recommend a “no project” alternative of no change to existing (actual) levels of height and density because the majority of

the Downtown has never been developed to 84 feet and is highly successful at this lower scale. The Staff Report recommends limiting the “no project” alternative to “no change to existing regulations,” but then states that whether the Downtown should “continue the same 84 feet height limit adopted in the 1984 General Plan” is still under consideration. (Staff Report at p. 11). Therefore, build-out based on the existing scale should also be studied. The ongoing success of our Downtown has been the retention of its unique, low-scale profile as manifested in the Third Street Promenade and by the preservation of Santa Monica Place. Therefore, the PEIR also needs to study (a) heights below 84 feet, (b) preservation, (c) adaptive reuse of existing structures and (d) a conservation district overlay, all of which would need to be part of and fleshed out in any draft DSP.

3. No basis has been shown under LUCE to study heights for the so-called “opportunity sites” above the existing and proposed 84 feet limitation. LUCE established a framework of only three development tiers citywide, not three tiers plus a fourth for “opportunity sites.” Tier 3 projects allowing the greatest level of height and/or density were to be the exception, justified by the greatest level of community benefits. Prior planning presentations to the Planning Commission have included “opportunity sites” as part of Tier 3 for the Downtown, which is consistent with LUCE. Under LUCE, what remains to be done is for a DSP to set the heights and densities for Tiers 2 and 3 of the Downtown. Nowhere in the extremely brief description of “opportunity sites” in LUCE does it say that these sites would be eligible for heights and densities over and above those to be determined for Tier 3. If it had, there would have been an enormous public outcry at the time.
4. If for any reason heights above 84 feet were to be studied for the “opportunity sites,” the PEIR analysis also should study reduced FARs for those sites, balancing greater height with lower density to achieve stated design goals of “activating ground floor plazas,” providing more “open space” at the ground floor, or more light and air to adjacent structures.
5. In no event, should a PEIR study heights and densities above those recommended by staff. To include heights and densities above that recommended by staff, (such as studying the 15- to 21-story heights and densities proposed by developers of the three hotels on Ocean Avenue), would turn the planning process on its head by making

developer “wish lists” the marker for what is studied. These heights and densities would fundamentally and negatively change the character and scale of Santa Monica. Residents have overwhelmingly and strongly opposed them. To include them, in opposition to the expressed views of residents and staff, would be an outrage and would not comport with a neutral planning process.

Conclusion:

We all know that what is studied has an enormous impact on final decision-making. Therefore, we urge you to recommend a planning process that prioritizes a draft DSP before a PEIR, and that recognizes the important role that you, as the Planning Commission and the public need to play in realizing a plan for the Downtown that will guide the City’s growth for the next 20 years. You have not been given one good reason to rush this process or reverse the usual process of a plan followed by environmental review of it.

Any PEIR as well as any draft DSP, must also consider keeping significant parts of the Downtown at its present scale of predominantly 1- to 3-story buildings and therefore lowering some of the existing heights and densities from the 1984 General Plan given the remarkable success enjoyed by the Downtown because of its pleasing scale and relationship to the rest of the City and the ocean. As the planning process moves forward, it is our obligation to guard and build upon what is unique and works, and not overdevelop our City in response to development pressures that will result in crippling traffic and unsustainable growth.

Sincerely,

Diana Gordon
Co-Chair

Cc: Rod Gould
Marsha Moutrie
David Martin
Francie Stefan
Neighborhood Group Leaders