



Santa Monica Coalition for a Livable City



*Santa Monica Architects for a Responsible Tomorrow*

February 4, 2019

Rachel Kwok ([Rachel.kwok@smgov.net](mailto:Rachel.kwok@smgov.net))

City Planner

1685 Main Street, Room 212

Santa Monica, CA 90401

### Request for Revision and Recirculation of DEIR for 4<sup>th</sup> and Arizona to Cure Inadequacies

Over four years ago a massive project of over 400,000 SF on over 2.5 acres of public land in the Downtown at 4<sup>th</sup> and Arizona premiered with proposed office, retail, hotel, and residential uses. Since then, the community interest and concern has intensified – from the huge turnout and speakers at the October 2015 City Council float-up that discussed the project and authorized an environmental impact report (EIR) to study its impacts, to the February 2017 scoping meeting and hundreds of public comments submitted to the City about the project. Many of the public comments decried the size of the project as being too impactful for the Downtown. A majority of residents who responded favored a **public** use on **public** land — a central public gathering space as a true benefit to the community in stark contrast to the project proposed.

Santa Monica Architects for a Responsible Tomorrow (SMa.r.t.) met with neighborhood groups and responded to the community desire for a reduced project with more open space on the site. In 2015 it submitted a “reduced project” alternative to the City that retained 75% of the site as an urban park gathering space, with the remaining 25% built to a maximum height of 4-stories/50’ and 90,000 SF, and 3 levels of subterranean parking. (Exh. 1)

In 2017, SMa.r.t. formally re-submitted its “reduced project” alternative along with a “public park” alternative for study in the EIR in response to the scoping process. (Exh. 2) This process is mandated by the California Environmental Quality Act (CEQA) so that the EIR consultants are made aware of the community’s project goals in order to select and analyze reasonable alternatives in relation to the project.

Likewise, when the Santa Monica Coalition for a Livable City (SMCLC) submitted its scoping letter to the City, we endorsed both SMa.r.t. alternatives for analysis in the EIR. We wrote:

“The magnitude of the proposed project, its central location in the Downtown, the fact that it is on public land, and has generated a very high level of community involvement make it even more imperative that a full range of alternatives be studied. This land is so critical to the Downtown that we have to get it right.” (Exh. 3)

As to the SMa.r.t. “reduced project” alternatives, we explained why the Draft EIR (DEIR) should study them:

“This is public land, the City is the steward of this land, and the Downtown, as it has been expanded to include Lincoln Boulevard (both sides) and to the I-10 Freeway to the south, lacks significant open space, especially in view of all the new mixed-housing proposed. If this opportunity is lost, it will be irretrievable. Santa Monica would be a diminished, blocker, more congested City as a result.”

We also emphasized the need for a range of reduced-size projects to be selected and analyzed as alternatives which would better fit the site, harmonize with its surroundings and create fewer significant environmental impacts than those caused by such a huge project dominating the Downtown. This is merely what CEQA requires: An EIR must select and analyze a reasonable range of alternatives, easily distinguishable in scope and significantly lesser in impacts from the project. (CEQA Guidelines, Section 15126.6 and Exh. 3)

Critical to the mobility and health of the Downtown is the amount of traffic that would be generated by this project as well as the cumulative traffic impacts of all of the other projects in the pipeline for Downtown. CalTrans cautioned the City in its scoping letter about the need for the EIR to study the project’s major traffic impacts and mitigations, especially as to the freeway exit ramps at 4<sup>th</sup> and 5<sup>th</sup> Streets and Lincoln Boulevard and the California Incline.

A core function of an EIR is to inform the public and the City of a reasonable range of alternatives that can remedy the serious environmental impacts of a project. The City Council needs to know viable alternatives before it can make a sound decision. Equally important, the public needs this information so it can weigh it against what the Council approves to determine whether to support or challenge the decision made.

Where the City is the steward of public land on which a project is to be built, it’s essential that an EIR be neutral, thorough, complete and conform to what the public reasonably requested and understood would be studied, including what was directed at the City Council float-up.

Conversely, what a City cannot do is essentially “stack the deck” in favor of the project by studying alternatives that are: 1) designed to be so similar in composition or impacts to the project’s height, square footage, FAR/lot coverage or mix of uses that they aren’t really alternatives; 2) insufficiently analyzed as to the true impacts so that reasonable comparisons among them, as well as to the project itself cannot be made; or 3) altered so significantly from the alternatives that the public or the Council wanted studied that they cannot emerge as an “environmentally superior” project.

Unfortunately, this DEIR is inadequate as it is fundamentally flawed in all 3 of these respects.

1. The Project Alternatives Vary Insignificantly from the Project in Mass, Uses and Overall Impacts that Are Unable to Be Mitigated

At the 2015 float-up hearing the City Council told the developer to remove 100,000 SF of the proposed 200,000 SF of office space from the project, but then gave it *carte blanche* as to what uses to replace it with (hotel, residential, retail). So the basic box of the project now at 357,000 SF remained fixed in height, footprint, building orientation and design.

As a result, the DEIR studied four “Large Building” Alternatives that look remarkably like the project and mirror the project’s impacts. DEIR Large Building Alternatives 4, 5, 6, and 7 are all described as “similar” to the project’s adverse and unmitigatable impacts — especially the traffic impacts. Alternative 4 (“No office”) replaces office space with hotel space; Alternative 6 (Residential) replaces the office space with

retail, the hotel with residential and actually INCREASES the project square footage by about 50,000 square feet; Large Building Alternative 7 (Adaptive Reuse of Bank of America) reunites the hotel, office, residential and retail uses included in the project.

Incredibly, Alternative 6 (Tier 2 Compliant) proposes a “monster” residential project of almost 400,000 SF, by increasing the FAR to 3.5 and occupying most of the site, leaving virtually no ground floor open space. How does an Alternative for a huge residential project with virtually no open space get selected when it was previously rejected as “infeasible” by the Council?

While Large Building Alternative 5 (84-foot) does decrease the height and square footage, it retains the same intensity of uses so its impacts are just as significant as the project’s and similarly can’t be mitigated.

In order to understand the degree of similarity of each of these Alternatives to each other and to the project, we prepared a matrix that compares them as CEQA Guidelines recommend, but which was not done in the DEIR. (Exh. 4)

By contrast, the Table of Alternatives that the DEIR included did not give project specifics and instead used vague and imprecise language such as “similar” or “less” to describe how the Alternatives compared to the project. No explanation of what these terms meant or any quantification was given which precludes a meaningful comparison of the Alternatives. Moreover, none of them have impacts that would be “significantly less” so one could reasonably discern which Alternative is actually better for the environment than the proposed project. (Exh. 5 )

In sum, Large Building Alternatives 4, 5, 6, and 7 are not alternatives at all. The range of alternatives studied is so narrow that they don’t constitute a real and qualified selection, let alone a rigorous examination of a reasonable range of alternatives that would “avoid or substantially lessen” the project impacts and lead to the selection of an environmentally superior project as CEQA requires.

Unfortunately, this failure to study genuine “reduced project” alternatives may have been the result of the float-up process and specific direction given by the Council that amounted to a predetermination of the project. The Council gave the height, scope, design, and intensity of uses its stamp of approval well in advance of any environmental review. Signaling premature approval of the project’s characteristics creates bureaucratic and financial momentum behind it. This appears to have inappropriately constrained analysis in the DEIR. This also casts doubt on the integrity of the Development Agreement process and whether the City has inappropriately constrained its discretion by signaling pre-approval for the project before its environmental impacts became known.

In fairness to residents and our surrounding community, the City must consider truly reduced alternatives with reduced square footages and height with less intensity of uses that would also meet Downtown Community Plan (DCP) objectives.

## 2. The Large Project Alternatives Cannot Be Meaningfully Compared to Determine Lesser Impacts

As described above, by making all of its “Large Building” Alternatives too similar their impacts were essentially the same. So, for example, DEIR Table VI-37 states that Alternatives 4,5,6, and 7 have traffic impacts “similar” to the project itself (option 1 or 2) or that they have “less” impacts in other areas instead of quantifying what “similar” or “less” means. (Exh. 5) And if the traffic impacts can’t be mitigated, as the DEIR states, then there is no superior alternative among them.

Again, our matrix reveals how similar these Alternatives are in scope and impacts which is not surprising because the DEIR was simply “togglng” the uses, such that where one use went down, another intensity of use took its place. Leaving aside the “no project” and the “public park” alternatives, the remaining Large Building Alternatives would generate from 2,800 to 5,800 unmitigated daily car trips compared to the 4,100 to 4,900 unmitigated daily trips for the project. As such, none of them avoid or lessen the impacts to an insignificant level or offer mitigation possibilities.

The only reasonable conclusion to draw from this is that the proposed project and its “Tweedledum and Tweedledee” brethren are simply too massive for the site and the City’s existing infrastructure to allow the project or studied Alternatives to be built.

And what about the cumulative impacts of all of the other projects in the pipeline for the Downtown? The DEIR doesn’t sufficiently reveal the magnitude of the potential traffic impacts for them either as to the Downtown streets and exit ramps. How many additional daily trips will occur when all of these other projects with streamlined approvals under the DCP come on line? How will traffic citywide be impacted? The DEIR fails to adequately answer these vital questions.

### 3. Neither the SMa.r.t. “Reduced Project” Alternative or the Council “Modified Reduced Project” Was Studied in the DEIR

A qualified “reduced project” alternative is one that would be proportionately reduced in scale and mass from the project to meet community concerns and satisfy CEQA requirements.

SMCLC, along with many local neighborhood groups and residents, supported studying two alternatives proposed by SMa.r.t. One was a “public park” alternative with 10% buildable area and subterranean parking; the other was a “reduced project” alternative, including a 4-story hotel (84 rooms), 4-story residential (50 units), 12,000 SF of cultural space, and a central public gathering space. (Exh. 2) In either case, the community benefit was the nature of the entire project – leaving a majority of the site as contiguous open space for the community to use and enjoy.

The City Council had already seen the SMa.r.t. “reduced project” in October 2015 and it had also agreed that the EIR would study a “public park” alternative. The Council seems to have recognized the need for the EIR to consider a reduced project when it changed the SMa.r.t. “reduced project” alternative by increasing the building heights from 4 to 6 stories, and reducing the parking to only what was necessary for the uses shown. It then directed study of that “modified reduced project” in the EIR. As modified, this alternative included 100,000 SF of buildable space, affording conformance to DCP guidelines and triggering community benefits. (10.20.15 Council minutes/audiotape at 6:15 forward)

The DEIR did include a Public Park Alternative without parking or other uses (Alternative 2); and a SMa.r.t “public park” alternative as Alternative 3 (90% park area with 12,000 SF of retail uses and 3 levels of subterranean parking). Interestingly, the consultant chose non-community benefit retail uses, possibly so that an assertion could be made that SMa.r.t.’s “public park” alternative would not meet community objectives when the consultant could readily have picked uses that would.

But neither SMa.r.t.’s “reduced project” alternative or the Council’s “modified reduced project” were studied. Nor was anything remotely resembling them. Instead, Alternative 5 (84 feet) is only 140,000 SF smaller than the project, and the additional office and retail uses selected ratchet up traffic generation so that they are “similar” to the traffic impacts of the project. This defeats the intended purpose of SMa.r.t.’s “reduced project” alternative as well as the modified version that the City wanted to see so

that it could understand the lesser impacts of a smaller project that would still meet many of the DCP objectives and CEQA requirements.

This is impermissible “project directed” analysis and preordained outcome – all roads lead to Rome! This failure to accurately or fully study the SMa.r.t. “reduced project” alternative as well as the Council “modified reduced project” alternative results in there being NO alternative in the DEIR that genuinely represents a reduced project with significantly fewer impacts.

We have been down this road before with the Hines EIR on the Papermate site. To avoid a repeat road trip and similar outcome, our scoping letter reminded the City of the critical deficiencies in the Hines DEIR. (Exh. 3) We emphasized how important it was to have this DEIR properly study a qualified range of reasonable alternatives — ones that would include significant reductions in project size and impacts compared to the proposed project. Unfortunately, it’s Hines all over again - stacking the deck and steering towards a predetermined outcome before an EIR is even generated.

This DEIR fails to do the essential job of an EIR for the City or the public. SMCLC and SMa.r.t. call upon the City to adequately study a reasonable range of alternatives that actually **are** significantly reduced in size and impacts compared to the project, easily discernible from one another, and study the actual SMa.r.t. “reduced project” alternative.

This is the most important project in our Downtown. Projects on public land necessitate the fullest range of adequate environmental analysis and disclosure as to impacts and ways to lessen impacts, the greatest amount of accurate and complete information to facilitate public engagement, and ultimately a public vote. The City has already set that precedent for a public vote on the airport land we own with broad community support. We expect no less here.

For these reasons, we strongly object to the critical inadequacies in this DEIR and request that a revised DEIR that fully addresses our concerns be done and re-circulated.

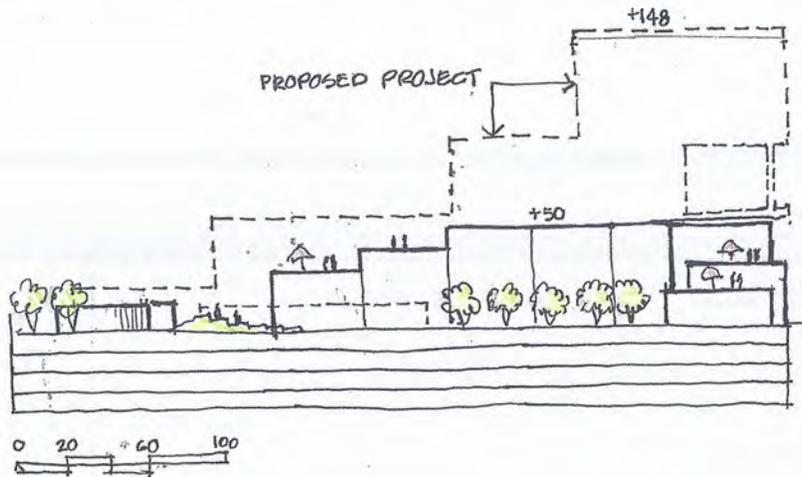
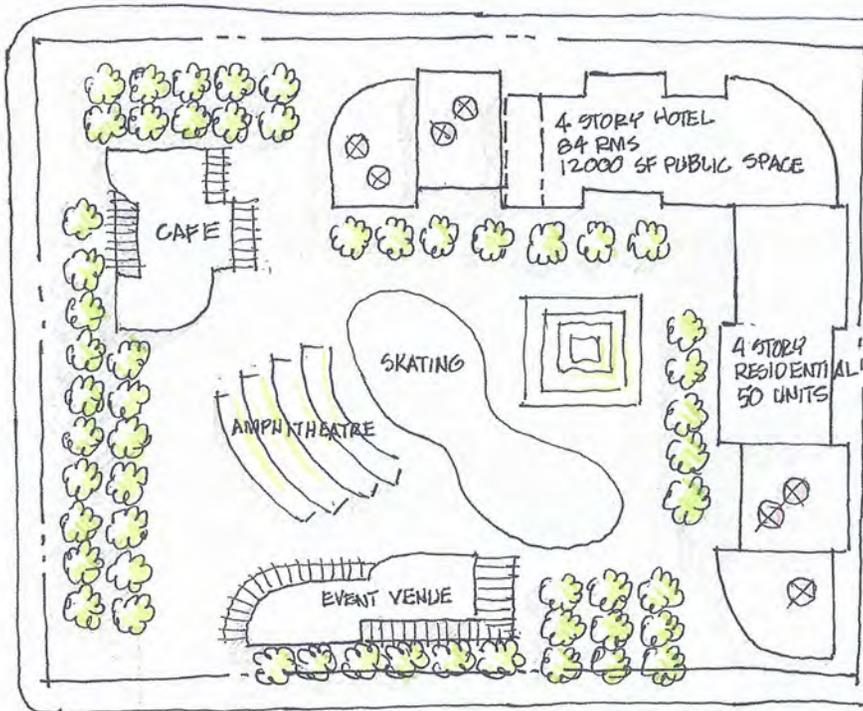
Thank you,

Diana Gordon  
Santa Monica Coalition for a Livable City (SMCLC)

Ron Goldman  
Santa Monica Architects for a Responsible Tomorrow (SMa.r.t.)

Cc: David Martin  
Rick Cole  
City Council  
Planning Commission  
Community Leaders  
Exhibits 1 – 5 (following pages)

# Exhibit 1



### Arizona/4<sup>th</sup>/5<sup>th</sup>: cost/income analysis

1. <b>COST</b>	land (residual cost)	\$ 40.0m
	subterranean garage (128,000 sf x 4 levels x \$100/sf)	51.2m
	park (83,000 sf x \$150/sf)	12.5m
	off-site construction allowance	3.0m
		<hr/>
	a & e (12%)	\$ 106.7m 12.8m
	10% contingency	\$ 119.5m 12.0m
	<b>TOTAL COST</b>	<b>\$ 131.5m</b>
2. <b>YEARLY INCOME &amp; EXPENSE</b>		
	land payment	( -3.3m)
	parking (1200 spaces x 85% occupancy @ \$18/day x 365)	\$ 6.7m
	parking maintenance & operating expense ( \$150,000/mo x 12)	( -1.8m)
	restaurant lease ( \$5m/yr @ 10% tax) (land lease)	.5m .4m
	event venue lease tax revenue ( \$2.5m/yr @ 10%)	.25m .2m
	hotel (84 rms x \$275 x 75% occupancy x 365 x 10% tax) (land lease)	.63m 1.0m
	tax increase (from properties fronting the park)	.5m
	financing ( \$ 90.1m cost @ 5%)	( -4.5m)
	<b>TOTAL NET INCOME</b>	<b>\$ .58m</b>

# Exhibit 2

Ron Goldman

---

**From:** Rachel Kwok <Rachel.Kwok@SMGOV.NET>  
**Sent:** Wednesday, February 15, 2017 3:42 PM  
**To:** Ron Goldman  
**Subject:** Re: FW: 4th and Arizona

Received. Thank you

----- Original Message -----

**From:** Ron Goldman <ron@gfarchitects.com>  
**Date:** Wed, February 15, 2017 1:38 AM +0700  
**To:** Rachel Kwok <Rachel.Kwok@SMGOV.NET>  
**Subject:** FW: 4th and Arizona

Resending as I rec'd a server error on first delivery attempt?

**From:** Ron Goldman [mailto:ron@gfarchitects.com]  
**Sent:** Tuesday, February 14, 2017 10:31 AM  
**To:** 'David Martin' <David.Martin@SMGOV.NET>  
**Cc:** Rachel.Kwok@smgov.net.  
**Subject:** 4th and Arizona

David and Rachel,

Santa Monica Architects for a Responsible Tomorrow are submitting the following E.I.R. alternatives to be studied for the Plaza at Santa Monica project.

1. Public Park Alternative

- 10% building site coverage (11,200 sq ft)
- 90% park area (100,800 sq ft) with minimum 67% soft surface
- Maximum building area of 12,000 sq ft
- Mix of 1 & 2 stories with maximum height of 30'
- 3 level of subterranean parking

2. Reduced Project Alternative

- 25% building site coverage (28,000 sq ft)
- 75% park area (84,000 sq ft) with a minimum 67% soft surface
- Maximum building area of 90,000 sq ft
- Maximum height of 4 stories and 50 ft
- 3 levels of subterranean parking

Please advise if you need any further clarification.

Sincerely,

Thane Roberts AIA, Robert H. Taylor AIA, Mario Fonda-Bonardi AIA, Ron Goldman FAIA, Daniel Jansenson Architect, Samuel Tolkin AIA, Phil Brock Santa Monica Arts Commission

## Arizona/4th/5th - Reduced Project Alternative cost /income analysis 2/15/2017

### cost

land payment	40.0m	
garage: 112,000 sf x 3 levels x \$150/sf	50.4m	
park: 84,600 sf x \$200/sf	16.9m	
offsite:	1.5m	
a & e: 12% x 68.8m	8.3m	
10% construction contingency	<u>6.8m</u>	
<b>total cost</b>		<b>123.9m</b>

### yearly income

parking: 820 sp x 90% occ. X \$17.50 x 365 days	4.71m	
rent: 25,400 sf @ \$3.75 x 12 mos.	1.14m	
retail 14,400 sf		
restaurant 4,500 sf		
event venue 2,000 sf		
patios 3,000 sf		
kiosks 1,500 sf		
general fund taxes: \$15m X 1%	.15m	
restaurants, kiosks & event venue: 7.5m		
retail: 7.5m		
surrounding property increase: .5m		
	<u>6.67m*</u>	<b>\$7.35m</b>

### yearly expense

land		(-3.3m)	
construction financing: \$83.9m x .0325% x 1/2 avg over 40 yrs		<u>(-1.36m)</u>	
parking garage: maint & operating exp			
820 cars x \$500/space = .41m*		(-.45m)	
park operating & maintenance expense			
full-time maintenance employee (w/benefits)	(-150,000)		
coordinate programming (half time employee)	(-75,000)		
security	(-50,000)		
equipment & supplies	(-50,000)		
maintenance allowance	(-50,000)		
water & power (5,000/mo)	(-60,000)		
insurance	<u>(-25,000)</u>		
	(-460,000)	(-.46m)	
			<u>(\$-5.57m)</u>
<b>net income</b>			<b>\$+1.78m</b>

\* \$6.67m and \$.41m represent amounts  
in year 1, with 3% growth/yr  
over 20 yrs the average amounts  
are \$7.35m and \$-.45m

### tabulation:

park	84,600 sf
housing	30 units, 27,300 sf
retail	14,400 sf
restaurant	4,500 sf
event venue	2,500 sf
kiosks	1,500 sf
parking	820 cars

## Arizona/4th/5th - Public Park Alternative cost /income analysis 2/9/2017

### cost

land payment	40.0m	
garage: 112,000 sf x 3 levels x \$150/sf	50.4m	
park: 105,000 sf x \$200/sf	21.0m	
offsite:	1.5m	
a & e: 12% x 72.9m	8.75m	
10% construction contingency	<u>7.3m</u>	
<b>total cost</b>		<b>128.95m</b>

### yearly income

parking: 820 sp x 90% occ. X \$17.50 x 365 days	4.71m	
rent: 12,500 sf @ \$3.75 x 12 mos.	.56m	
restaurant 5,500 sf		
event venue 2,500 sf		
patios 3,000 sf		
kiosks 1,500 sf		
general fund taxes: \$8.0m X 1%	.08m	
restaurants, kiosks & event venue: 7.5m		
surrounding property increase: .5m		
	<u>5.35m</u>	<b>\$5.90m*</b>

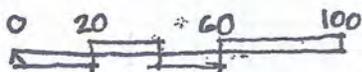
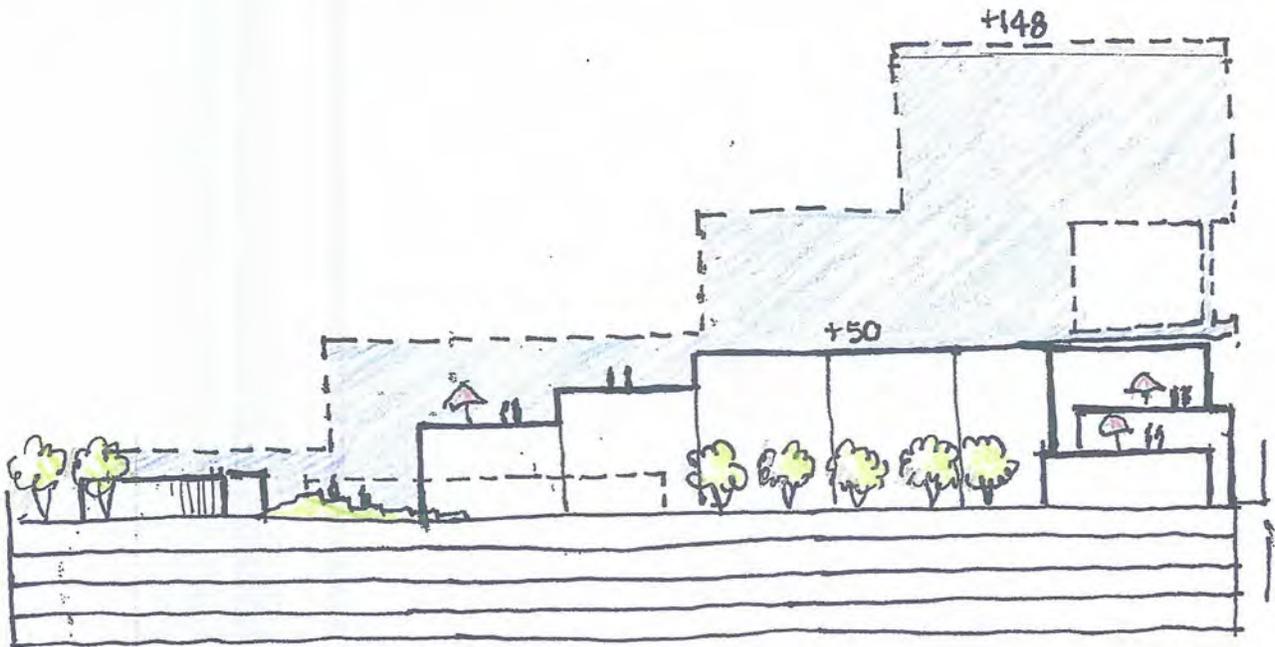
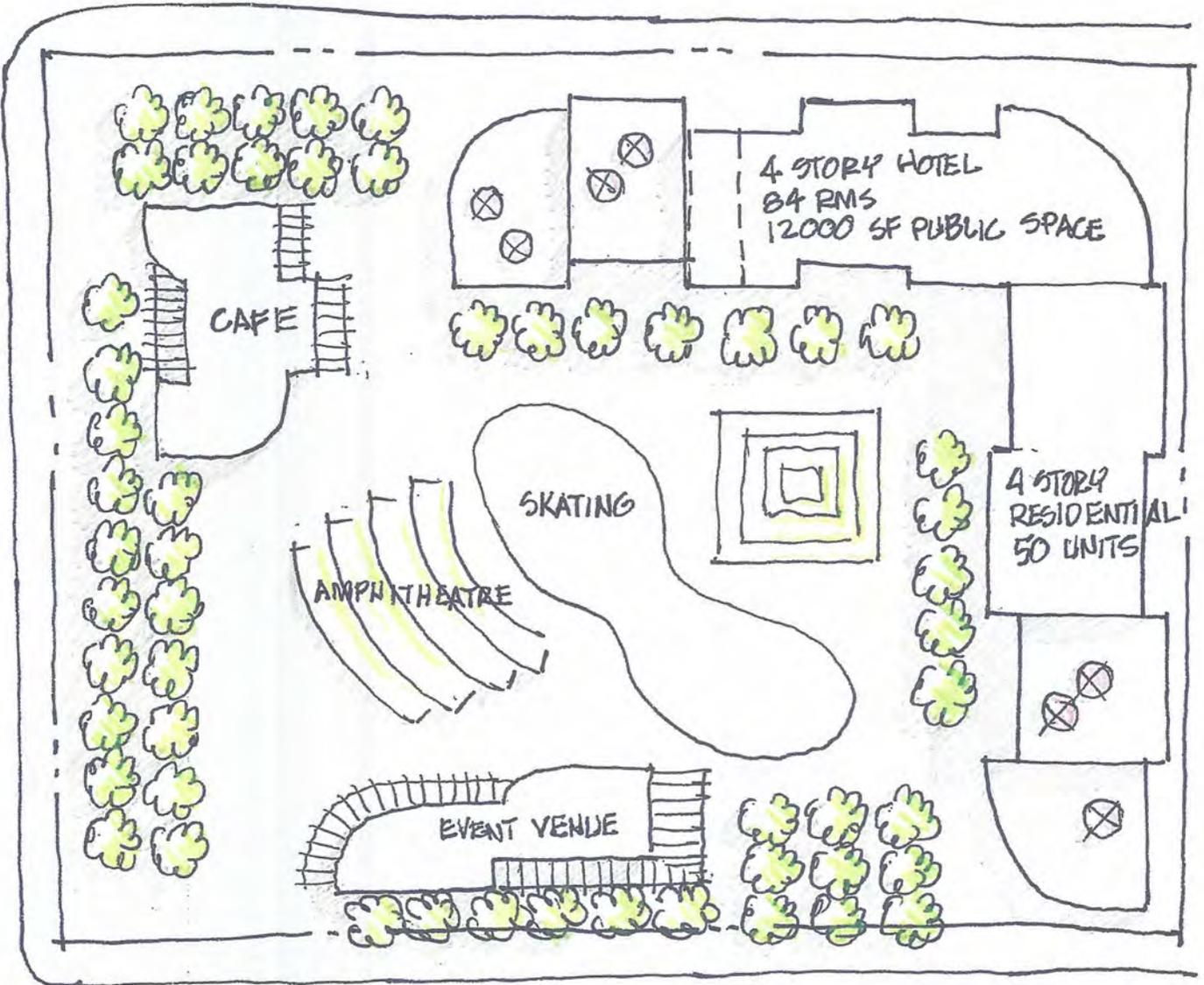
### yearly expense

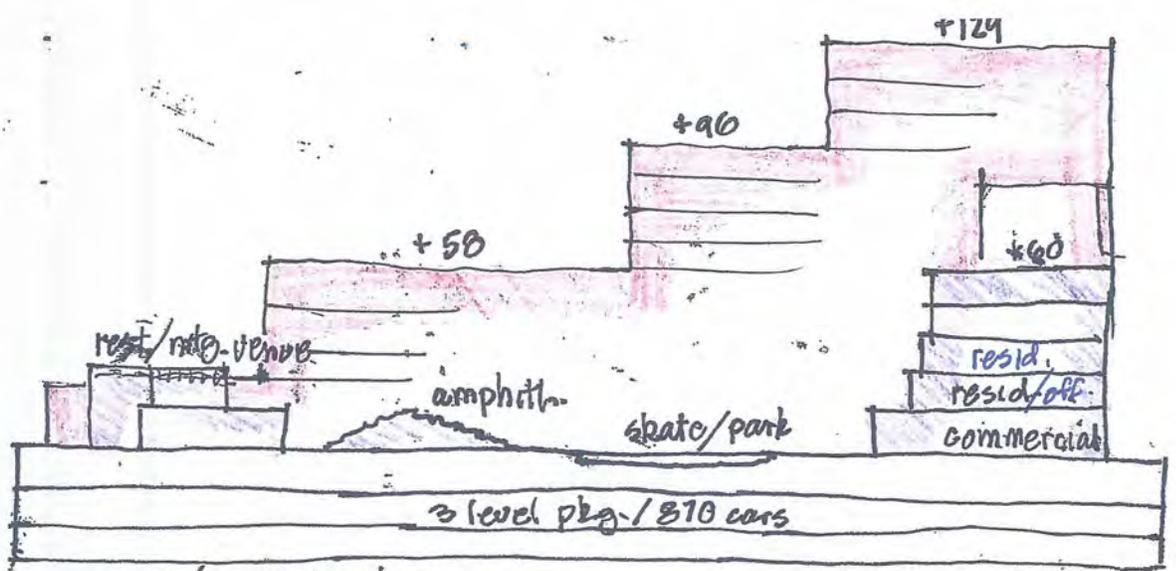
land		(-3.3m)	
construction financing: \$88.95m x .0325% x 1/2 avg over 40 yrs		(-1.45m)	
parking garage: maint & operating exp			
820 cars x \$500/space = .41m		(-.45m)*	
park operating & maintenance expense			
full-time maintenance employee (w/benefits)	(-150,000)		
coordinate programming (half time employee)	(-75,000)		
security	(-50,000)		
equipment & supplies	(-50,000)		
maintenance allowance	(-50,000)		
water & power (5,000/mo)	(-60,000)		
insurance	<u>(-25,000)</u>		
		(-460,000)	(-.46m)
			<u>(-5.66m)</u>
<b>net income</b>			<b>+\$0.24m</b>

\* \$5.35m and \$.41m represent amounts  
in year 1, with 3% growth/yr  
over 20 yrs the average amounts  
are \$5.90m and \$-.45m

### tabulation:

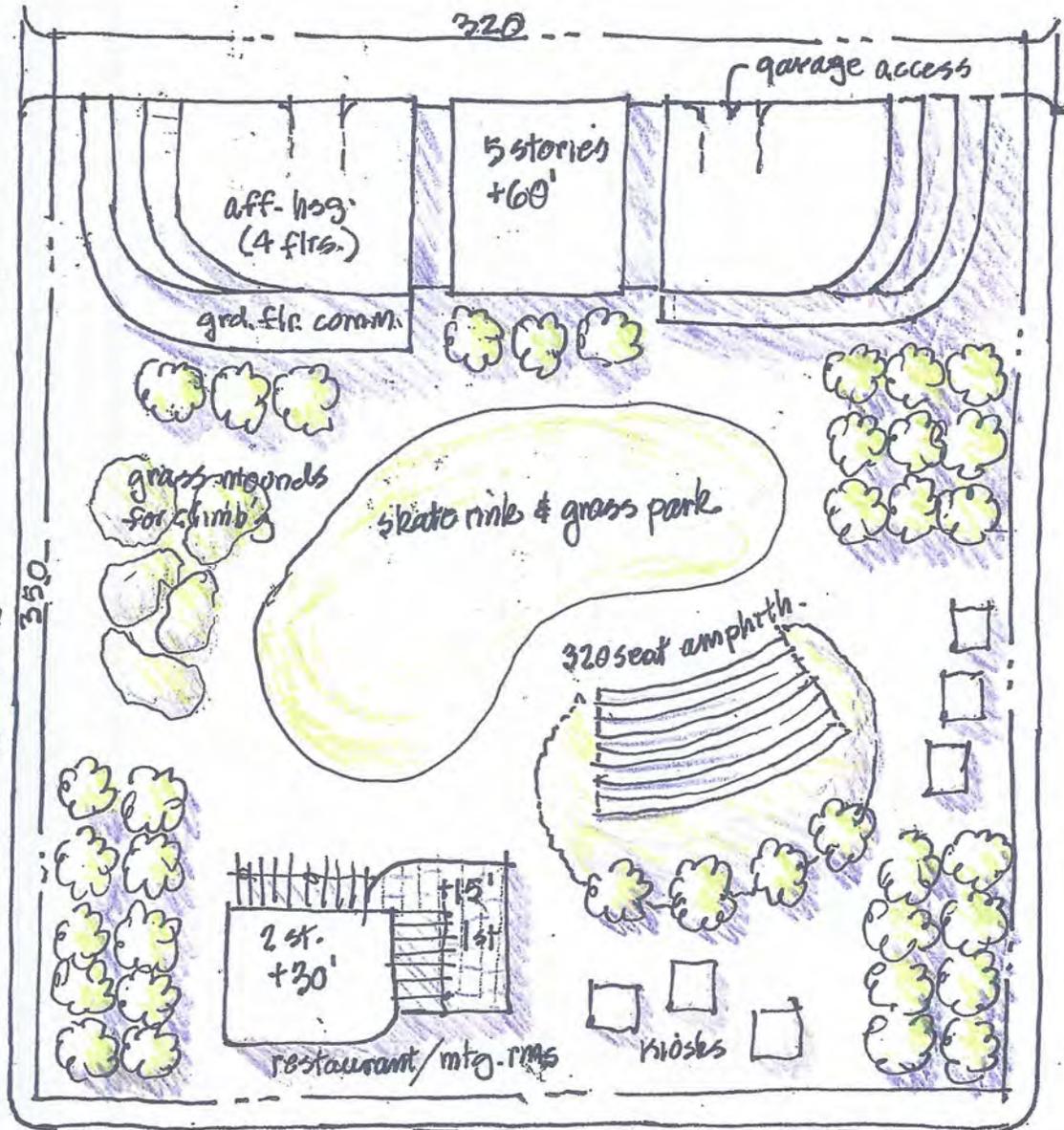
park	105,600 sf
restaurant	5,500 sf (4,000 sf ground floor)
event venue	2,500 sf
kiosks	1,500 sf
parking	820 cars





North/South section

- site area 112,000 sf
- open space - 75%
- bldg. coverage - 25%
- commercial 28,000 sf
- 5 story bldg: 22,500 sf
  - cultural (4000)
  - bicycle ctr. (1500)
  - retail (8500)
  - service (2500)
  - gar. ramps (2500)
  - restaurant (5500)
- site restaurant 4500 sf
- " kiosks 1000 sf
- residential 59,500 sf
- 56/74 affordable units
  - 6/8 - 3bd. @ 1100 sf
  - 17/22 - 2bd @ 900 sf
  - 17/22 - 1bd @ 700 sf
  - 16/21 - eff. @ 400 sf



Aragna/Farmer's Mkt

# Exhibit 3



Santa Monica Coalition for a Livable City

STEERING  
COMMITTEE  
& ADVISORS

February 26, 2017

## SMCLC Scoping Proposal for 4<sup>th</sup> and Arizona DEIR

mark armour  
victor fresco  
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

To ensure a robust environmental analysis, a transparent process, and a project that results in the greatest number of benefits and the least number of harms to Santa Monica's residents and businesses, it is critical that the DEIR include a reasonable range of alternatives. Well established case law and CEQA regulations clearly spell this out. An EIR must analyze a "reasonable range of alternatives to the project," with an emphasis on alternatives which "offer substantial environmental advantages over the project proposal." *Citizens of Goleta Valley v. Board of Supervisors*, 52 Cal. 3d 553, 566 (1990); *California Native Plant Society v. City of Santa Cruz*, 177 Cal. App. 4th 957, 982-83 (2009).

The magnitude of the proposed project, its central location in the Downtown, the fact that it is on public land, and has generated a very high level of community involvement make it even more imperative that a full range of alternatives be studied. This land is so critical to the Downtown that we have to get it right.

### Proposed Project

The proposed project is 357,000 square feet, including heights of up to 129 feet with 154,000 square feet of yet another luxury hotel, and 106,800 square feet of yet more high-density office space. There would be 52,500 square feet of public open space, which would include space on a second level not directly accessible from the street. Much of this "open space" is not pedestrian friendly and serves as tenant improvements for the hotel and office tenants.

This project represents only a minor 15% reduction from the original proposed project. It is a project that developers easily could have proposed on land they assembled and owned.

### Two Park/Open Space Alternatives

The EIR should study two predominantly open space alternatives to the proposed project. This is public land, the City is the steward of this land, and the Downtown, as it has been expanded to extend to Lincoln Boulevard (both

sides) and to the I-10 freeway to the south, lacks significant public open space, especially in view of all the new mixed-housing proposed. If this opportunity is lost, it will be irretrievable. Santa Monica would be a diminished, blockier, more congested City as a result.

We support study of the two park/open space alternatives from SM a.r.t. (Feb 14, 2017 SM a.r.t. submission to the City – R. Kwok). They specify both a “Public Park” alternative, including 90% park area and an “Urban Plaza” alternative, including 75% park area. The open space should be contiguous.

Both alternatives emphasize the public open space all at ground level, easily accessible from the street and include 3 levels of subterranean parking. It is important, that unlike Pershing Square, the design of the parking ramps or other features do not operate as a barrier or otherwise place the open space above grade so as to make pedestrian access more difficult and uninviting.

#### Reduced Project Alternatives

An analysis of alternatives to a proposed project is a critical component of an EIR. SMCLC believes that the EIR will confirm that the proposed project is simply too massive for the City’s existing infrastructure and will have massive unmitigable impacts. This makes it all the more important that the EIR’s alternatives analysis consider an appropriate range of reduced project alternatives that would significantly mitigate the environmental impacts.

We understand that the City has indicated that it will study two reduced project alternatives that are not predominantly a park or a plaza. Under CEQA these alternatives must “offer substantial environmental advantages over the project proposal.” To accomplish this, they must be of significantly reduced size to the proposed project, including in:

- height,
- square footage,
- FAR/lot coverage, and
- mix of uses

If they are not, then the environmental advantages offered would not be “substantial” in violation of CEQA.

In addition to being “reasonable” alternatives under CEQA, these two alternatives should also represent substantial environmental differences between themselves. Therefore, for example, the City has indicated that it may study a reduced project at 6 stories -- which must likewise similarly reduce

FAR, density, and square footage for it to be a truly reduced alternative project. Then, the other reduced project alternative studied should be reduced significantly from that. We would expect the height, the square footage, the FAR and lot coverage would be significantly reduced. Otherwise, the results could be preordained.

It would also be unacceptable to study as a second alternative a project that juggles the various non-open space uses so that as one use goes down another goes up to keep the environmental impacts relatively similar, not “substantially” different. This would be impermissibly gaming the system.

SMCLC raises this issue at the outset based on our previous experience reviewing the EIR for the Hines project (Papermate site). In our view the EIR for the Hines project did not include a reasonable range of project alternatives. Instead, it stacked the deck in favor of the oversized project the applicant wanted by studying alternatives that were too similar in impacts. Because of their similarity to the proposed project, the alternatives performed very similarly to the proposed project across the CEQA topic areas, and therefore they did not contribute to a reasonable range of alternatives.

We filed a CEQA lawsuit on that, and other grounds, which we voluntarily dismissed after the Council revoked its approval of the project in response to the referendum.

This is a project that will play a major role in defining the Downtown for generations to come. For all these reasons, we urge you to require a DEIR that fully studies the alternatives requested in this letter.

Sincerely,

*Diana Gordon*

Co-Chair, SMCLC

Cc: Rachel Kwok ([Rachel.kwok@smgov.net](mailto:Rachel.kwok@smgov.net))  
David Martin  
Rick Cole  
City Council  
Planning Commission  
Community Leaders

# Exhibit 4

DATA	Alternative Category too similar reinforcing inadequacies in Alternatives.					Alternative Exceeds Project, possibly contributing to Inadequacy of this Alternative.				
	Project Option 1	Project Option 2	Alt. 1 Existing	Alt. 2 Only Park	Alt. 3 Pub. Park	Alt. 4 Building ?	Alt. 5 Building Reduced Size	Alt. 6 Building Large Tier 2	Alt. 7 ?	SMA.r.t. Reduced Project
TOTAL BUILD S.F.	357,000	357,000	27,000	Site Demo	12,000	357,000*	216,188	391,820 sf	343,664	90,000
Net Change From Project (Opt. 1)	0	0*	-92.50%	-100%	-97%	0%*	-39%	9.75% more "	(4.75%)*	-75%
Building Coverage at Ground Floor	73.00%	73% *		0.00%	10% max.	73% *	73% *	87.5% "	73% *	25.00%
Total Vehicle Trips	4,892	5,675		129	980	4,626**	3,580	6,581 "	4,700**	est. 1,600
NET NEW PM Trips	4,091	4,874		-672	179	3,825**	2,779	5,780 "	4,351**	est. 1350
Intersection Failures / Future Year Failures	6 & 7	6*/7*		?	?	6*/7*	6*/7*	6*/7*	6*/7*	?
Compare Significant Unmitigated Areas^	6	6*				6*	6*	6*	6*	?
Bldg. Height (Ft./Fl.)	129 feet/11	129 feet/11*			20-30 feet.	129 feet/11*	84 feet/7	60 feet/5	129 feet/11*	50 feet/4
FAR					0.11 FAR	3.1875 FAR	1.93 FAR	3.5 FAR "	3.07	0.32 FAR est.
No. of Employees	591 emp.	710 emp.			21 - 91 (70)	500	312	?	600*	?
PUBLIC Open Space at Ground Floor	30,499 sf split into 6 areas	30,499 sf split into 6 areas*		2.57 acres 112,000 sf	2.31 acres 100,800 sf	30,499 sf split into 6 areas*	30,499 sf split into 6 areas*	14,000	30,499 sf split into 6 areas*	1.93 acres 84,000 sf
Open Space % of Ground Floor Area	27%	27%*		100%	90%	27%*	27%*	12.50%	27%*	75%
Parking Below Ground	820 spaces - 3 levels	820 spaces - 3 levels*		0	820 spaces - 3 levels*	820 spaces - 3 levels*	626 spaces	605 spaces	820 spaces - 3 levels*	820 spaces - 3 levels*
Exist. Uses to Remain	0	0*	27,232		0*	0*	0*	0*	12,000 ?	0
Res. Units	48	0			0	48*	48*	330	48*	?
Res. s.f..	40,300					40,300*	40,300*	338,820	40,300*	?
% Residential	11.30%					11.3% *	11.3% *	86%	11.3% *	?
Per Unit s.f..	839.6					839.6*	839.6*	1,026.70	839.6*	?
Bike Center	1,700	1,700*			1,700*	1,700*	1,700*	1,700*	1,564	TBD
Equip/Services	900 ???	5,700*				5,700*	5,700*	5,700*	5,244	TBD
Cultural	12,000	12,000*				12,000*	12,000*	12,000*	11,040	?
Retail/Restaurant	41,300	41,300*			10,300	41,300*	41,300*	90,600 ?	37,999	?
Retail	16,520	1,6520*				16,300*	16,300*	36,240 ?	16,542*	?
Restaurant	24,780	24,780*			10,300	25,000*	25,000*	54,360 ?	21,457	?
Hotel Rooms	240 rooms	240 rooms *				412 rooms	105 rooms	0	240 rooms*	0
Hotel SF	154,000	154,000 *				256,000	67,128		137,264 ?	0
Creative Off. s.f.	106,800	106,800 *					48,060		98,256*	?
Gym/Fitness		40,300								?

\* SAME as Project - Identical or within 2% sf indicating inadequacy of Alternatives studied.

\*\* Statistically SAME as Project - Either Within 2 - 5% of Project or indiscernible effect differentiation indicates inadequate Alternative.

^ Significant Unmitigated traffic impacts per Table XXXXXX consistent with Project indicate inadequate Alternative.

" Exceeds Project (Opt. 1) with similar or increased areas of impact, indicating inadequate Alternative.

NOTES:

- Project Option 1 is considered the DEIR's selected buildable project. DEIR does use Option 2 to measure statistics, but Opt. 1 & 2 do not vary in effect of data and are extremely similar.
- Data gleaned as accurately as possible from DEIR & Appendices, even though DEIR data may have inconsistencies or inadequate clarifications.
- FAR calculations exclude loading areas and outdoor dining areas per DEIR.
- Alt. 7, despite a 9.75% increase in s.f., reduces cultural, bike center and XXX.

# Exhibit 5

**Table VI-37  
Alternatives Comparison**

Impact Area	Proposed Project Impact Option 1	Proposed Project Impact Option 2	Alternative 1: No Project Alternative	Alternative 2: Public Park Only Alternative	Alternative 3: Public Park with Limited Retail/Restaurant Uses Alternative	Alternative 4: Project without Office Alternative	Alternative 5: 84 Foot Project Alternative	Alternative 6: DCP Tier 2 Compliant Alternative	Alternative 7: Adaptive Reuse of Bank of America Building Alternative
<b>Aesthetics</b>									
Visual Character/Visual Quality	LTS	LTS	Less	Less	Less	Similar	Less	Less	Similar
Light/Glare	LTS	LTS	Less	Less	Less	Similar	Less	Less	Similar
Shade/Shadows	LTS	LTS	Less	Less	Less	Similar	Less	Less	Similar
<b>Air Quality</b>									
Construction	LTS	LTS	Less	Less	Less	Similar	Less	Less	Similar
Operation	LTS	LTS	Less	Less	Less	Similar	Less	Greater	Less
<b>Construction Effects</b>									
Air Quality	LTS	LTS	Less	Less	Less	Similar	Less	Less	Similar
Noise	LTS	LTS	Less	Less	Less	Similar	Less	Similar	Similar
Transportation/Traffic	LTS	LTS	Less	Less	Less	Similar	Less	Similar	Similar
<b>Cultural Resources</b>									
Historic	LTS	LTSW/M	Less	Less	Less	Less	Similar	Similar	Less
Archaeological/Paleontological	LTS W/ M	LTS W/ M	Less	Less	Less	Similar	Less	Similar	Similar
<b>Geology/Soils</b>	LTS W/ M	LTS W/ M	Less	Less	Similar	Similar	Similar	Similar	Similar
<b>Greenhouse Gas Emissions</b>									
Construction	LTS	LTS	Less	Less	Less	Similar	Less	Similar	Similar
Operation	LTS	LTS	Less	Less	Less	Less	Less	Similar	Less
<b>Hazards &amp; Hazardous Materials</b>	LTS W/ M	LTS W/ M	Less	Less	Similar	Similar	Similar	Similar	Similar
<b>Land Use/Planning</b>	LTS	LTS	Less	Less	Similar	Similar	Similar	Similar	Similar
<b>Noise</b>									
Construction	LTS	LTS	Less	Less	Less	Similar	Less	Similar	Similar
Traffic Noise	LTS	LTS	Less	Less	Less	Similar	Less	Greater	Less
Operation	LTS	LTS	Less	Less	Less	Similar	Similar	Similar	Similar
Construction Vibration	LTS	LTS	Less	Less	Less	Similar	Similar	Similar	Similar
Operation Vibration	LTS	LTS	Less	Less	Less	Similar	Similar	Similar	Similar
Cumulative Traffic Noise	LTS	LTS	Less	Less	Less	Less	Less	Less	Less

**Table VI-37  
Alternatives Comparison**

Impact Area	Proposed Project Impact Option 1	Proposed Project Impact Option 2	Alternative 1: No Project Alternative	Alternative 2: Public Park Only Alternative	Alternative 3: Public Park with Limited Retail/Restaurant Uses Alternative	Alternative 4: Project without Office Alternative	Alternative 5: 84 Foot Project Alternative	Alternative 6: DCP Tier 2 Compliant Alternative	Alternative 7: Adaptive Reuse of Bank of America Building Alternative
Population and Housing	LTS	Less	Less	Less	Less	Similar	Similar	Similar	Similar
Public Services									
Fire Protection	LTS W/M	Less W/M	Less	Less	Less	Less	Similar	Less	Similar
Police Protection	LTS W/M	Less W/M	Less	Less	Less	Less	Similar	Less	Similar
Schools	LTS	LTS	Less	Less	Less	Similar	Similar	Greater	Similar
Recreation and Parks	LTS	LTS	Less	Less	Less	Similar	Similar	Similar	Similar
Libraries	LTS	LTS	Less	Less	Less	Similar	Similar	Similar	Similar
Transportation/Traffic	SU	SU	Less	Less	Less	Similar	Similar	Similar	Similar
Utilities and Service Systems									
Water	LTS	LTS W/M	Less	Less	Less	Greater	Less	Greater	Greater
Wastewater	LTS	LTS W/M	Less	Less	Less	Greater	Less	Greater	Greater
Solid Waste	LTS	LTS	Less	Less	Less	Less	Less	Greater	Less
Energy	LTS	LTS	Less	Less	Less	Greater	Less	Greater	Less
<p><i>LTS: Less Than Significant</i>  <i>SU: Significant and Unavoidable</i>  <i>Less: Impacts of the alternative are lower as compared to the proposed project.</i>  <i>Similar: Impacts of the alternative are the same or similar as compared to the proposed project.</i>  <i>Greater: Impacts of the alternative are greater as compared to the proposed project.</i></p>									