



December 15, 2011

**Submitted electronically**

Planning Commission  
City of Palos Verdes Estates  
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**Re: Final Environmental Impact Report (FEIR)– 504 Paseo del Mar Project**

Dear Commissioners:

On behalf of the Los Angeles Conservancy, thank you for the opportunity to comment on the 504 Paseo del Mar Project (Moore House) Final Environmental Impact Report (FEIR). The Los Angeles Conservancy is the largest local historic preservation organization in the United States, with over 6,500 members. Established in 1978, the Conservancy works to preserve and revitalize the significant architectural and cultural heritage of Los Angeles County through advocacy and education. Since 1984, the Conservancy's all-volunteer Modern Committee has worked to raise awareness about Los Angeles County's unique collection of mid-twentieth-century modernist structures that shaped the tastes and architectural trends of the entire nation.

As detailed in our comments on the Draft EIR (December 10, 2010), we strongly feel feasible preservation alternatives exist that can rehabilitate the Moore House to meet most of the project objectives while retaining its eligibility as a historic resource. The Conservancy is concerned that such an alternative was not properly evaluated in the FEIR. Further, the additional information and analysis provided fails to demonstrate and make compelling arguments that a preservation alternative is infeasible in this instance.

**I. Impacts on Historic Resources**

Completed in 1959, the Moore House is an outstanding and immediately recognizable work of master architect Lloyd Wright (son of Frank Lloyd Wright). The house features dramatically angled roof overhangs, walls clad in locally quarried Palos Verdes stone, and expansive windows to take advantage of ocean views -- characteristics that link it to the context of its site and setting. Though modern in design, the Moore House is quite compatible within the neighborhood in terms of scale and massing. The Moore House was been identified in the Draft EIR as a historic resource eligible for listing in both the California Register of Historical Resources and the National Register of Historic Places. Therefore, the demolition of the Moore

House through the proposed project constitutes a significant adverse impact on the environment under the California Environmental Quality Act (CEQA).

## **II. FEIR is flawed because it fails to evaluate a feasible preservation alternative -- a requirement of CEQA**

Despite the Conservancy's comments submitted on the DEIR, along with those from over three-hundred other concerned individuals, the FEIR has not made any attempt to evaluate a feasible preservation alternative that both meets most of the project objectives and eliminates or substantially lessens significant adverse impacts to historic resources. Lacking a true preservation alternative, the FEIR fails to satisfy the fundamental requirements of CEQA and provide the City with sufficient information to properly evaluate feasible alternatives and is therefore flawed.

A key policy under CEQA is the lead agency's duty to "take all action necessary to provide the people of this state with historic environmental qualities and preserve for future generations examples of major periods of California history."<sup>1</sup> To this end, CEQA "requires public agencies to deny approval of a project with significant adverse effects when feasible alternatives or feasible mitigation measures can substantially lessen such effects."<sup>2</sup> The CEQA Guidelines require a range of alternatives to be considered in the EIR that would feasibly attain most of basic project objectives but would avoid or substantially lessen the project's significant adverse environmental effects. Courts often refer to the EIR as "the heart" of CEQA because it provides decision makers with an in-depth review of projects with potentially significant environmental impacts and analyzes a range of alternatives that reduce those impacts.<sup>3</sup>

### **a. FEIR uses faulty reasoning to claim that an analysis of a feasible preservation alternative was explored**

As with the DEIR, the FEIR fails to evaluate a single sincere preservation alternative that conforms to the *Secretary of the Interior's Standards* (Standards) or maintains the Moore House's continued eligibility for listing in the California and National Registers in order to avoid significant adverse impacts to a historic resource. The FEIR states that "several commenters have commented that Draft EIR fails to analyze a "true preservation" alternative, but that analysis is contained in the analysis of the No Project Alternative, which would retain the Moore House in its current state, and, to a lesser degree, in the analysis of the Reuse Alternative, which retains the exterior character-defining features of the residence and only alters some of the interior spaces."<sup>4</sup>

Stating that the No Project Alternative represents a bona fide preservation alternative is a faulty claim. As part of CEQA, the No Project Alternative is required for all environmental impact reports and never makes an attempt to meet any of project objectives. The Reuse Alternative

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<sup>1</sup> Public Resource Code, Sec. 21001 (b), (c).

<sup>2</sup> *Sierra Club v. Gilroy City Council* (1990) 222 Cal. App.3d 30, 41; also see PRC §§ 21002, 21002.1.

<sup>3</sup> *County of Inyo v. Yorty* (1973) 32 Cal.App.3d 795; *Laurel Highlands Improvement Association v. Regents of the University of California* (1993) 6 Cal.4<sup>th</sup> 1112, 1123.

<sup>4</sup> FEIR, 504 Paseo del Mar Project. III-3.

(Alternative B) also cannot be considered to be a bona fide preservation alternative because it also does not substantially lessen adverse impacts. Although it would retain the exterior of the Moore House, it would call for the destruction of the interior of the residence and therefore result in a loss of eligibility for listing in the National and California Registers.

The FEIR additionally states that “a ‘true preservation’ alternative does not meet the most fundamental objective for the project, in that it would not permit *any* new development or construction on the Project Site, given the current location and orientation of the existing residence.”<sup>5</sup> First, the Conservancy questions whether the fundamental project objective is for new development and construction on the project site, which would circumvent CEQA by prematurely excluding preservation alternatives from serious consideration.

Second, this claim is both unfounded and unsubstantiated. Historic properties can be rehabilitated, and sensitive additions incorporated, without jeopardizing their historic status. The Standards are used nationwide to guide hundreds of such rehabilitations and additions. The Conservancy, along with additional groups and individuals, also provided comments that a modified Reuse Alternative (Alternative B) could accomplish those goals, which would have created a feasible preservation alternative.

#### **b. FEIR fails to analyze a reasonable range of alternatives**

There have been no modifications to the alternatives as originally presented in the DEIR. As such, the FEIR fails to meet one of the fundamental charges of CEQA: to evaluate a “range of reasonable alternatives...which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project.”<sup>6</sup>

The FEIR states that, in addition to the No Project Alternative, “it also analyzes three alternatives specifically designed to potentially avoid or at least reduce the Proposed Project’s single significant and unavoidable impact: a reuse alternative, a partial reuse alternative and a relocation alternative.”<sup>7</sup> However, none of these three alternatives would result in the Moore House retaining its eligibility as a historic resource, despite the FEIR’s faulty claim that “each of these alternatives preserves, in whole or in part, the significant architectural and character-defining features of the existing residence.”<sup>8</sup>

### **III. FEIR Fails to Provide Sufficient Evidence that Preserving the Moore House is Infeasible**

The FEIR includes two technical reports prepared specifically in response to comments received on the DEIR. The Structural Engineering Feasibility Report (SEF Report) examines the feasibility of bringing the Moore House up to current seismic standards, while the Energy Performance Comparative Assessment (EPC Assessment) analyzes the energy performance of the proposed project alongside each of the four alternatives. For each of these reports,

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<sup>5</sup> FEIR, 504 Paseo del Mar Project. III-3.

<sup>6</sup> State CEQA Guidelines § 15126.69(a).

<sup>7</sup> FEIR, 504 Paseo del Mar Project. III-2.

<sup>8</sup> FEIR, 504 Paseo del Mar Project. III-2.

additional resources and concepts exist to enable a potentially feasible rehabilitation of the Moore House, but were not considered. As such, the FEIR has not provided sufficient evidence that the Moore House is incapable of being feasibly rehabilitated.

The SEF Report indicates that the architectural plans utilized were “‘Xerox’ type copies of the plans that were reported...to be on file with the Palos Verdes Estates homeowners association.”<sup>9</sup> This has led to some questions regarding construction details, such as the anchoring of veneers, in which the SEF Report states “there is no information in the plans indicating how the veneers are attached to the studs or showing where and how weep holes or screeds are to be constructed at the base of the veneer.”<sup>10</sup> This lack of clarity regarding construction detail presents a larger concern expressed in the FEIR in which “preparation of ‘as built’ construction plans, which would be required for any building permit, would require extensive removal of finishes to reveal the structure.”<sup>11</sup> The FEIR acknowledges that “as interior and exterior finishes are primary character defining features, their removal would be considered an adverse impact to the structural integrity of the existing residence.”<sup>12</sup>

The UCLA Library Department of Special Collections, which contains the Lloyd Wright Papers, is the repository for the original plans and construction drawings for the Moore House. The scope of materials related to the Moore House is likely more comprehensive than what is on file with the Palos Verdes Estates homeowners association, and may include construction details indicating particular construction elements concealed beneath veneers, finishes and cladding. These plans, for example, were consulted for the Energy Performance Comparative Assessment included in the FEIR. The Moore House plans and construction documents contained in the UCLA archives should be consulted to ensure the greatest possible understanding of construction details. Additionally, localized testing is available that results in limited disturbance of original materials and may be performed to ascertain the attachment details and existing conditions to better inform the approach for seismic retrofitting.

The conclusion of the SEF Report states that “bringing the house into conformance with current building codes without substantially altering or destroying character defining features of the house: the stone, glass, and plywood, is unreasonable,” but not infeasible<sup>13</sup> While the author of the SEF Report is a qualified structural engineer, a structural engineer with experience in seismic retrofits of mid-century modern-era historic homes may perform a more extensive analysis and offer recommendations to utilize the California Historic Building Code to achieve the seismic safety requirements with minimal intervention. There may be other options available that have also not been explored, hence the current SEF Report does not show that a reuse of the Moore House is structurally or technically infeasible. The Conservancy would like to serve as a resource and work with the applicant to find a feasible preservation model.

While the EPC Assessment was prepared to address “the Proposed Project’s objective to decrease the cost of water and energy and reduce the associated demand on local utility

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<sup>9</sup> FEIR, 504 Paseo del Mar Project. Appendix C, page 1.

<sup>10</sup> FEIR, 504 Paseo del Mar Project. Appendix C, page 2.

<sup>11</sup> FEIR, 504 Paseo del Mar Project. III-4.

<sup>12</sup> FEIR, 504 Paseo del Mar Project. III-4.

<sup>13</sup> FEIR, 504 Paseo del Mar Project. Appendix C, page 10.

infrastructure,”<sup>14</sup> it fails to address the Conservancy’s request that “the DEIR should scrutinize any claimed environmental benefits of the proposed project through an analytical comparison of analogous benefits achieved through a rehabilitated Moore House.”<sup>15</sup>

Specifically, the EPC Assessment indicates that “the simulation for the Reuse Alternative does not consider any energy related modifications that may be imposed by the jurisdictional agencies.”<sup>16</sup> As such, the EPC Assessment inexplicably fails to examine the potential energy savings that could be achieved with the Reuse Alternative that includes the incorporation of common sustainable design features such as a tankless water heater, an efficient heat system with updated equipment, and insulation of ductwork and walls. Upgrades such as these represent some of the most readily available ways to make an older or historic home more sustainable and energy efficient, and it should be expected that the Reuse Alternative would include many of these features to meet one of the applicant’s project objectives.

Furthermore, some of these aforementioned energy saving features that would enhance the Moore House’s energy efficiency were not analyzed, yet are included in the assessment for the new project alternative. The resulting EPC Assessment, therefore, presents skewed results that cannot be considered to give a proper comparison between the Reuse Alternative with energy efficiency enhancements and the new project alternative.

#### **IV. It is the Lead Agency’s duty to ensure that significant impacts to historic resources be avoided if feasible**

Under CEQA the lead agency cannot merely adopt a statement of overriding considerations and approve a project with significant impacts; it must first adopt feasible alternatives and mitigation measures.<sup>17</sup> The Conservancy met with the project applicant to explore design modifications that would allow a feasible preservation alternative that meets most of their goals for expanded living space and improved outdoor amenities by reclaiming underutilized storage and void spaces and incorporating sensitive additions to Moore House. We greatly appreciate the applicant’s willingness to meet with the Conservancy and our pro-bono preservation architect.

The Conservancy can offer support for a design that has been put forth by the owner’s architect that might expand the existing house through compatible modifications which also maintain eligibility as an historic resource. The owner and owner’s architect dismissed this option due to specific items which they state are not allowed per the City’s ordinance and Art Jury including any changes to the roof shape or height. However, none of the items are listed in the ordinance or supporting documentation. It appears as though they may be purely subjective elements based upon past decisions and personal preferences of the Art Jury. A minimal height variance from the City’s requirements can be requested to attempt to address a preservation alternative. We urge the City to consider a mitigation measure that would allow such a preservation

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<sup>14</sup> FEIR, 504 Paseo del Mar Project. Appendix D, page 1.

<sup>15</sup> FEIR, 504 Paseo del Mar Project. III-17.

<sup>16</sup> FEIR, 504 Paseo del Mar Project. Appendix D, page 4.

<sup>17</sup> PRC §§ 21081; *Friends of Sierra Madre v. City of Sierra Madre* (2001) 25 Cal.4<sup>th</sup> 165, 185.

alternative that would save one of the City's architectural gems, and avoid a significant adverse environmental impact.

Thank you for the opportunity to comment on the Final EIR for the 504 Paseo del Mar Project. We urge the Planning Commission to require thoughtful and careful consideration of preservation alternatives that would retain and reuse the Moore House as part of the proposed project. Please feel free to contact me at (213) 430-4203 or [afine@laconservancy.org](mailto:afine@laconservancy.org) should you have any questions.

Sincerely,

A handwritten signature in black ink that reads "Adrian Scott Fine". The signature is written in a cursive, slightly slanted style.

Adrian Scott Fine  
Director of Advocacy