



December 10, 2010

Submitted electronically

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Re: Draft Environmental Impact Report – 504 Paseo del Mar Project

Dear Ms. Kinsella:

On behalf of the Los Angeles Conservancy, thank you for the opportunity to comment on the 504 Paseo del Mar Project (Moore House) Draft Environmental Impact Report (DEIR). The Los Angeles Conservancy is the largest local historic preservation organization in the United States, with 6,000 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.

The Conservancy considers the Moore House to be an architecturally significant example of postwar modernism at the local, state and national levels. While the Conservancy sympathizes with the applicant's position, we are disappointed that the DEIR fails to present a good faith effort to avoid or substantially lessen adverse impacts to this historic resource. This is evidenced by the narrowly defined and subjective project objectives and the lack of a reasonable range of alternatives, let alone the consideration of a true preservation alternative. Feasible alternatives exist that could meet the owners' needs for a larger residence while retaining the character-defining features that make the Moore House a significant resource. To ensure the adequacy of the environmental review process, we urge the City to include and evaluate at least one bona fide preservation alternative in the Final EIR.

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 DEIR concludes that the Moore House is eligible for listing in both the National and California Registers as a representative work of Wright and as a significant example of mid-century modern design that retains a high degree of integrity. 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. Insufficient Evidence Exists that the Moore House is Incapable of Meeting Project Objectives

The proposed project would essentially serve the same function as currently provided by the Moore House: a custom single-family residence for a site on which a custom single-family residence currently exists. However, the underlying purpose of the project can be accomplished through rehabilitation, reuse and potential expansion of the existing residence. Virtually all of the physical constraints attributed to the existing structure can be addressed in a sensitive rehabilitation of the Moore House. This includes seismic upgrades and updating the heating and electrical systems, as well as providing a laundry room and/or enclosed access for the garage. The desire for a “safe, secure and reasonably spacious backyard,” could be accomplished through redesign of the large open space in the west side yard of the Moore House.

In order to meet the key project objective “to increase the safety features of the home through improved design and construction quality with incorporation of modern seismic, safety and other building code features,” the Conservancy recommends taking under consideration the flexibility available under the California Historical Building Code (CHBC).¹ The performance-based CHBC, devised for historic properties, requires an equivalent level of safety as new construction but permits identification of different options to achieve safety levels required under the prevailing code. The CHBC is specifically designed to address structural safety issues and is used extensively in the seismic retrofit of all kinds of historic buildings. As just one example, creative design solutions exist such as the addition of an unobtrusive railing to bring the height of the balcony ledge into compliance.

Furthermore, we question the claims stated in the DEIR for the proposed project to meet the fourth stated project objective, “to decrease the cost of water and energy and reduce the associated demand on local utility infrastructure,” through demolition of the existing 3,000-plus square-foot residential structure and replacing it with one almost 6,000 square feet in size.²

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, which is equally capable of incorporating similar sustainable design features. Solar panels, a tankless water heater, an efficient heat system, drought-tolerant landscaping and many of the features proposed for the new residence can be added sensitively to the existing Moore House. Furthermore, retaining the Moore House maintains the embodied energy in the structure’s initial construction and reduces the amount of construction waste from wholesale demolition that would otherwise go into a landfill. The current analysis in the DEIR also does not take into account the existing sustainable design features of the house, such as large overhangs that provide solar shading and site orientation that allows the occupants to benefit from passive cooling.

¹ Draft Environmental Impact Report for 504 Paseo del Mar Project. City of Palos Verdes Estates. October 12, 2010. II-19.

² DEIR, 504 Paseo del Mar Project. II-19.

a. Overly Narrow Project Objectives Improperly Limit the Full Consideration of Preservation Alternatives

It is well recognized that an overly narrow definition of project objectives undermines the purpose of CEQA by foreclosing consideration of less harmful alternatives.³ While consideration of a feasible alternative that updates the existing single-family residence for continued use would seem logical, two of the five objectives are so narrowly defined and subjective as to essentially eliminate any possibility of their being met by a preservation alternative. As recognized by the DEIR, a significant adverse impact—the loss of the Moore House—is the result of any attempt to meet these objectives.

We strongly feel that the applicant cannot legitimately justify demolishing the historically significant Moore House in order to meet their “personal aspirations” and “personal tastes and expectations” as stated within the DEIR.⁴ With project objectives so narrowly defined, it is virtually impossible to achieve a preservation outcome. For example, the third stated project objective calls for creating “uniformity of housing design style and lot coverage with surrounding neighborhood by building a custom designed Mediterranean style home better suiting the Applicant’s personal taste and blending with the aesthetic character of the neighborhood...”⁵ At its essence, this project objective is defined purely by personal taste. We recognize that the Moore House may not be to the owners’ tastes, but the project objectives cannot simply be assumed to be superior to the value of the historic resource that is being compromised.

The Conservancy therefore requests that the project objectives be broadened to allow for the full consideration of preservation alternatives. For example, the first stated project objective could be redefined while remaining faithful to the applicant’s vision, to read “to create a single-family home site with a modern custom home in a quality neighborhood with expansive views of the ocean with enhanced design features and amenities.” The second stated project objective could be more broadly written to state: “to create a safe and secure space for outdoor activities.”

III. The DEIR Fails to Evaluate a Reasonable Range of Alternatives

Regardless of the narrowly defined project objectives, the DEIR 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.”⁶ The DEIR 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.

Of the four alternatives evaluated, only Alternative B, the Reuse Alternative, attempts to meet the Standards by retaining the exterior of the building. However, Alternative B would involve “interior demolition,” and the DEIR acknowledges the alternative still “could negatively affect the structure’s eligibility for listing in the National and California Registers.”⁷ Alternative C and Alternative D consider retaining only the street side façade or relocating the Moore House, respectively, but neither

³ See *City of Santee v. County of San Diego* (1989) 214 Cal.App.3d 1438 (holding that when project objectives are defined too narrowly an EIR’s treatment of analysis may also be inadequate).

⁴ DEIR, 504 Paseo del Mar Project. II-19

⁵ DEIR, 504 Paseo del Mar Project. II-19

⁶ State CEQA Guidelines §15126.6(a).

⁷ DEIR, 504 Paseo del Mar Project. VI-6.

would meet the Standards and both would jeopardize the building's continued eligibility for listing as a historic resource.

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."⁸ 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."⁹ 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.¹⁰ Lacking a true preservation alternative, the DEIR contains insufficient information for the City to properly evaluate feasible alternatives and is flawed.

IV. Feasible Alternatives Exist that Substantially Lessen or Avoid Significant Adverse Impacts on Historic Resources

The Conservancy, along with upwards of 100 of the nearly 280 concerned individuals who submitted comments on the Notice of Preparation in June, specifically requested that the DEIR evaluate an alternative that would expand the Moore House with "a sensitively scaled addition [which] could provide increased living space while minimizing impacts to the house's historic fabric and viewsheds."¹¹ Such a low profile addition might be partially subterranean and extend into the west side yard, rising no higher than the terrace level. A preservation alternative with a sensitive addition would meet the Standards, would avoid or substantially lessen significant adverse impacts to the Moore House, and could potentially meet most of the applicant's goals. Despite the numerous comments received that requested the evaluation of such an alternative, the DEIR has inexplicably dismissed this request.

A modified Alternative B could also be evaluated in the Final EIR as a rehabilitation alternative, where key spaces and character-defining features of the interior are retained while allowing for room consolidation and code and energy efficiency updates that meet the Standards. Modifications to the existing backyard and redesign of the west side yard may also provide the outdoor amenities desired by the applicant. As the DEIR identifies Alternative B as the environmentally superior alternative, a modified version that meets the Standards and reduces impacts to historic resources to less than significant levels could potentially mitigate all negative environmental impacts of the proposed project.

The Conservancy strongly believes that other potentially feasible alternatives exist and should be explored to retain the historic Moore House while also meeting the primary goals of the applicant. We can provide the applicant with resources and access to qualified preservation professionals, including architects, engineers and others who can assist in the development of design schemes that meet the applicant's space and use needs as well as address seismic, safety, and building code compliance.

⁸ Public Resource Code, Sec. 21001 (b), (c).

⁹ *Sierra Club v. Gilroy City Council* (1990) 222 Cal. App.3d 30, 41; *also see* PRC §§ 21002, 21002.1.

¹⁰ *County of Inyo v. Yorty* (1973) 32 Cal.App.3d 795; *Laurel Heights Improvement Association v. Regents of the University of California* (1993) 6 Cal.4th 1112, 1123.

¹¹ Los Angeles Conservancy. Comments on Notice of Preparation, 504 Paseo del Mar Project. June 8, 2010.

Thank you for the opportunity to submit comments regarding the Draft EIR for the 504 Paseo del Mar Project (Moore House). Please don't hesitate to contact me at (213) 430-4203 or afine@laconservancy.org should you have any questions.

Sincerely,

A handwritten signature in black ink that reads "Adrian Scott Fine". The script is fluid and cursive, with the first name "Adrian" being the most prominent.

Adrian Scott Fine
Director of Advocacy