



504 Paseo del Mar Project (Moore House)

Palos Verdes Estates City Council Appeal

Adrian Scott Fine, Director of Advocacy, Los Angeles Conservancy

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Thank you for the opportunity to comment, and for the public hearing of the Conservancy's appeal on the Final Environmental Impact Report (FEIR) for the 504 Paseo del Mar Project, otherwise referred to as the Moore House. The Moore House is an architecturally significant example of postwar modernism at the local, state and national levels. Completed in 1959, the Moore House is an outstanding and immediately recognizable work of master architect Lloyd Wright (son of Frank Lloyd Wright). It's extraordinarily unique and why we're here tonight.

Let me start by saying our fundamental reason for filing this appeal is based in California state law and CEQA compliance...requirements we do not believe have been adequately addressed, resulting in a flawed EIR process which fails to present a good faith effort to avoid or substantially lessen adverse impacts to this historic resource, the Moore House.

While the Conservancy sympathizes with the applicant's position in wanting to build a new house, the focus for our appeal and for the City of Palos Verdes Estates must be on the EIR process, and ensuring it is followed adequately. CEQA and case law demonstrate that the personal preferences and tastes of an applicant are not relevant and should not override the process.

The project's objectives are part of the problem here, which are intended to define and direct the overall analysis. However, two of the five objectives – calling for a new home that meet the owner's personal aspirations and of a design within the Mediterranean style -- are so narrowly defined and subjective as to essentially eliminate and limit any possibility of their being met by a preservation alternative and outcome.

The EIR also fails to meet one of the fundamental charges of CEQA: to evaluate a "range of reasonable alternatives...which would feasibly attain most [not necessarily all] of the basic objectives but would avoid or substantially lessen any of the significant effects of the project."

CEQA is clear on this point, and requires a preservation alternative to be studied and presented. There isn't one here. The EIR 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.

When wanting a bigger house -- as clearly defined by this project's description to nearly double

the square footage -- it's both logical and reasonable to analyze the potential for expansion through an addition. That alternative is not included in the EIR...which is why the Conservancy commissioned our own analysis to demonstrate just how this could be accomplished (which I'm providing in our submission of materials).

A preservation alternative with a sensitive addition would 1) meet the Standards, 2) would avoid or substantially lessen significant adverse impacts to the Moore House, and 3) could potentially meet many of the project's objectives. Despite the numerous comments submitted to the City from the Conservancy and approximately 300 others asking for this type of evaluation -- as I have stated --there is no such alternative found anywhere in the EIR.

In response, the Final EIR says the No Project Alternative fulfills this requirement. That is inaccurate and does not demonstrate a good faith effort, as a No Project Alternative is always required as part of CEQA and cannot be substituted or "fill in," serving double-duty as a preservation alternative. Independent of the EIR process, we have met with the owner to present a preservation alternative showing an addition. And as we've commented previously, Alternative B -- the environmentally superior alternative -- potentially could be modified to address this flaw in analysis.

The City is also vulnerable in that the EIR fails to provide sufficient evidence demonstrating that preserving the Moore House is structurally or technically infeasible. The structural engineering analysis claims that character defining features will be destroyed in the process of bringing the house into conformance with current codes and a seismic retrofit.

Although referenced, this assessment does not take into account available code flexibility by utilizing the California Historic Building Code. There is no analysis provided by the Cultural Resource consultant that confirms these statements. And further, while this assessment is made by a qualified structural engineer, it is one that is inexperienced and without expertise in working with historic resources.

This inherent flaw in the EIR and not fairly considering feasible alternatives to demolition is compounded further, as the City's Statement of Overriding Considerations is generic and unsupported by substantial evidence. All of the purported benefits are benefits to the applicant, not the public.

I already stated the issues with Point A, but Points B and C also have problems as the EIR does not account for energy and sustainability measures that can be equally achieved through reuse and retrofit of the existing Moore House; and neighborhood compatibility with the surroundings is not supported or evidenced as there are similarly-sized and scaled mid-century modern houses from the 1950s and 60s on the same street and within a stone's throw of the Moore House.

For all of these reasons we believe the only alternative available to the City Council is to deny the EIR, in order to remedy these flaws, and recirculate the EIR and project through a new process.