

**Santa Monica Chamber of Commerce DSP Subcommittee's  
DSP EIR Scoping Comments and Preliminary Comments on the DSP Framework**

The Chamber of Commerce's DSP Subcommittee's comments on the scope of the DSP EIR scope are included below. In addition, we have provided preliminary comments on the DSP Framework, which we understand is the project description for the DSP. We anticipate submitting additional comments on the draft DSP when it becomes available for public comment.

In general, we are concerned by the excessive level of detail that is included in the DSP Framework. We urge City Staff to focus the DSP on the maximum development standards and general policies for Downtown development, uses and circulation and to include the detailed use regulations, sidewalk width regulations, building envelope regulations, loading and vehicular access locations and other very specific standards and guidelines in the Zoning Ordinance and/or Downtown-specific design guidelines. The DSP will govern development in Downtown for the next 20 years, and like the existing Bayside District Specific Plan, should allow the City to exercise reasonable discretion in reviewing individual projects taking into consideration site-specific circumstances.

**A. Importance of Density Near Transit and Last Mile Linkages**

The DSP should clearly explain the LUCE's goal of linking land use and transportation planning by focusing new development in a few specific locations in the City including in the districts served by the Expo Light Rail line. (LUCE, Executive Summary, p. 9) The DSP Framework does not emphasize this necessary component of the LUCE's plan for the City. The LUCE states that it is vital to capitalize on the new Expo Light Rail stations by creating new complete sustainable neighborhoods with transit as a focal element, green connections and pathways, a variety of housing types and jobs, enhanced creative arts and institutions, and local-serving retail and services." (LUCE p. 2.1-12)

The DSP EIR should study the traffic and other environmental benefits of focusing new development near transit, including the Light Rail station, and prioritizing land uses and patterns that generate high transit ridership near major transit stops. (LUCE Policy T13.1, p. 4.0-49; LUCE p. 2.1-42) The DSP EIR should also analyze whether the LUCE's trip reduction and sustainability goals could be achieved if the DSP were to preclude sufficient density near transit. Our understanding is that these benefits can only be achieved by clustering housing, employment, local-serving retail and services around the Expo Light Rail line. (LUCE Goal LU5, p. 2.1-14) Conversely, we assume that not allowing sufficient density near transit would have adverse environmental impacts. The DSP EIR should address this.

In addition, a key component of the Light Rail's success will be the circulation connections to and from the Light Rail station, including last mile linkages. The DSP

should identify these linkages and discuss their importance for making the Light Rail useable for residents, employees, and visitors throughout the Downtown.

## **B. Studying Economic and Fiscal Impacts as Well as Feasibility**

The DSP should stress the importance of a vibrant, thriving Downtown to Santa Monica's economic and fiscal health and include a commitment to ensuring the Downtown maintains its competitive advantage. ("Goal D1: Maintain Downtown's competitive advantage as a premier local and regional shopping, dining, and entertainment destination, and support its evolution in order to respond to changing market conditions" LUCE p. 2.6-10.) The City should, as part of the DSP process, study the economic and fiscal impacts of the DSP Framework and the various alternatives studied in the DSP EIR.

The impacts that the proposed use regulations and level of contemplated community benefits will have on the Downtown economy should be carefully studied as part of the DSP process. The DSP Framework includes one page entitled "economic diversity" (DSP Framework p. 86) and almost all of the discussion on this page relates to fees, community benefits and other exactions to be imposed on new development. There is little to no discussion about the need to make sure that new development under the DSP will be feasible, which is necessary for the LUCE's vision for the Downtown and the City's goals for its economic and fiscal health to be achieved.

## **C. Hotels**

The DSP should highlight the importance of new hotels to the Downtown consistent with the LUCE's direction to encourage new or expanded hotels and other visitor-serving uses in the Downtown. (LUCE Policy D 1.4, p. 2.6-10) Hotels are an especially attractive land use because they generate substantial City revenue and have low traffic impacts (including peak hour traffic). And, there is strong market demand for additional hotel rooms in Santa Monica. For these reasons, the City Council expressly prioritized the development of hotels. (February 12, 2013 City Council Meeting) The DSP Framework includes very little discussion of the importance of hotels in the Downtown. Similar to the LUCE, the DSP should include updated data about the demand for hotel rooms in Santa Monica and information about hotels' economic and fiscal benefits to the City.

The DSP EIR should include information about the traffic patterns for hotels and the traffic implications if additional hotels are not developed in Santa Monica (thus requiring those that plan to visit Santa Monica to make a day trip rather than an overnight trip). In addition, as part of the DSP process, the City should analyze the appropriate parking standards for hotel uses including the ability to share parking spaces amongst various uses within mixed-use hotel projects. The LUCE encourages right-sizing parking to meet a project's peak demand and discourages the development of excess parking. The Downtown parking standards need to be updated to reflect

recent empirical data about peak parking demand in Downtown hotels and the fact that light rail is coming to Downtown Santa Monica.

#### **D. Ground Floor Uses/Proposed Block Frontages Regulating Plan**

The proposed Block Frontages Regulating Plan, which includes block-by-block minimum sidewalk widths and permitted ground floor uses in the first 20 feet of building depth (DSP Framework pages 36-38), is very specific and contains too much detail for a specific plan. We recommend that the City have the DSP contemplate such a plan but that the plan itself, including the detailed ground floor permitted uses list, not be included in the DSP. Instead, we recommend that this plan be included in the Zoning Ordinance. Including the Block Frontages Regulating Plan and the ground floor permitted uses in the Zoning Ordinance would allow the City the flexibility normally provided by a Zoning Ordinance with respect to ground floor uses.

In our preliminary review of the DSP Framework, we have identified the following concerns with the Block Frontages Regulating Plan:

- Northwest corner of 5<sup>th</sup> and Arizona (Post Office Site) -- This is the site of the Santa Monica Post Office and should be labeled as “Historic” or “Transitional” rather than “Retail Dominant.”
- Lincoln Boulevard -- The entire length of Lincoln Boulevard from Wilshire to the I-10 Freeway is designated as “Retail Dominant.” The City should consider reclassifying some of the “Retail Dominant” portions of Lincoln to “Transitional” or “Flexible,” especially where there are properties developed with existing buildings that do not allow for retail space due to their physical layouts.
- Residential should be allowed on the ground floor in the Transitional zone. It does not make sense to allow office but not residential on the ground floor in this zone. The Downtown design guidelines can provide guidance as to the design of ground floor residential units in order to encourage pedestrian-friendly design. The ARB can also provide guidance and input in reviewing particular projects.
- Residential lobbies should be allowed in all Block Frontage Zones. If necessary, regulations on the width of these lobbies could be considered where appropriate. The blanket statement on page 45 of the DSP Framework that residential lobbies should be located on north/south streets, where practicable, leaving the east/west streets for uninterrupted storefronts, is an example of a prescriptive requirement that should not be included in the DSP. While the DSP may want to include a policy about the generally preferred location for residential lobbies, the City should retain its discretion to approve residential lobbies where they are most appropriate for a particular project given the other ground floor uses, the site’s shape, and the context.

- Parking access should not be regulated as part of the Block Frontages Regulating Plan. The appropriate location for parking access varies based on the uses on the site, the site's length and width, the site's other potential parking access points, and the site's immediate context. While the DSP or Zoning Ordinance may include a general policy about site access for various blocks, the City should retain its discretion to approve parking access in the best location as part of the project's review process (especially for projects that will have project-specific EIRs that study the traffic impacts related to the location of driveways).
- Many of the minimum sidewalk widths contemplated in the Block Frontage Regulating Plan may be too wide, especially considering the built environment on the block (which may be unlikely to redevelop during the life of the DSP) or the depth of the adjacent parcel. This seems particularly true along Colorado Avenue and Lincoln Boulevard. Instead, we suggest a minimum width (e.g. 15-18 feet depending on the location) with a required average width in order to encourage larger gathering or seating areas along the sidewalk to promote activation.
- The Block Frontages Regulating Plan should not include a stringent 20 foot minimum depth requirement for the permitted ground floor uses. Instead, the plan should include a general guideline as to the minimum depth but allow the City discretion in approving ground floor layouts that meet the plan's intent of activating the street front.
- Because there are pending Downtown projects in various stages of review by the City, the City's DSP team should coordinate with the planners on the pending Downtown projects to make sure that the Block Frontages Regulating Plan is consistent with the City's direction with respect to ground floor uses and site access for the pending projects.
- The Block Frontages Regulating Plan needs to include flexibility for sites that are located in one or more zones, especially corner sites.

Because the Block Frontages Regulating Plan will not be able to contemplate every conceivable situation where there might a project-specific or site-specific reason to deviate from the permitted ground floor uses allowed for the first 20 feet of the building and because the DSP is anticipated to govern development in the Downtown for the next 20 years, the specifics of the Block Frontages Regulating Plan should not be included in the DSP and the Block Frontages Regulating Plan should include an adjustment process for such situations.

We think it is especially important to consider how the Block Frontages Regulating Plan will apply to existing buildings and projects that involve historic preservation and adaptive reuse. Allowing flexibility in leasing existing buildings and adaptively reusing existing buildings is essential to the DSP's goal of preserving and enhancing Downtown's basic urban form. (DSP Framework, p. 17) The DSP EIR

should analyze the result if the Block Frontages Regulating Plan were to be imposed on existing buildings. This would result in some existing ground floor uses becoming legal, nonconforming uses and could prohibit or severely limit the ability to lease such space. This may also result in limitations on the adaptive reuse of historic buildings that were originally developed with ground floor uses that are not consistent with the Block Frontages Regulating Plan. The DSP EIR may find that application of the Block Frontages Regulating Plan to existing buildings, including projects involving adaptive reuse, would result in more demolition in these buildings (or the demolition of some of these buildings sooner than might otherwise occur) because the ability to lease/use the ground floor space would be severely limited.

### **E. Traffic, Circulation and Parking**

The DSP EIR should analyze a variety of vehicular circulation options for the Downtown, including identifying last mile solutions to make the Light Rail accessible to residents, employees and visitors throughout the Downtown. We are glad that the DSP Framework (p. 65) indicates that operations adjustments such as roadway lane re-configuration and one-way streets will be studied and look forward to reviewing the results of this analysis. Another important component in this analysis is how the parking standards and parking pricing will impact circulation patterns and traffic in the Downtown.

Updating the parking standards for the Downtown is an essential element of implementing the LUCE's vision for the Downtown. The walkability of Downtown, the mix of uses (both in the Downtown generally and within individual projects), and the coming of the Light Rail to Downtown are key factors to consider in developing parking standards for the Downtown. In developing the Downtown parking standards, the City should take into consideration the empirical data that it has reviewed in the context of approving recent projects in the Downtown. We are working on compiling excerpts from some of the EIRs and parking demand studies prepared for pending and recently-approved projects and will be providing them to you soon under separate cover.

The DSP EIR should study the traffic impacts of the proposed new Downtown parking standards as well as alternatives (including the current standards). Right-sizing the parking standards should help reduce traffic impacts, and the DSP EIR should address this. The DSP EIR should also study different parking pricing strategies, as this is likely to impact traffic and circulation in the Downtown.

The DSP should also identify where additional wayfinding signage for pedestrians, bicyclists and drivers of automobiles is needed. The DSP EIR should analyze where such signage would be most effective at directing drivers to available parking in order to reduce the number of vehicle trips circling the Downtown looking for parking. And, the DSP should provide direction for and prioritize implementation of wayfinding signage in the Downtown.

## **F. Building Performance Standards, Regulations, and Design Guidelines**

The DSP Framework (pages 40-41) appears to contemplate including very specific detail about permitted building types, building orientation, performance standards and design guidelines for such building types in the DSP. Including detailed regulations (including maximum allowable shadow per linear foot and maximum floor plate ratios) in the DSP would stifle architectural creativity and frustrate the City's goal of encouraging high quality, unique design. We recommend that the City consider having the DSP contemplate performance standards and regulations to be included in the Zoning Ordinance and design guidelines to be included in Downtown-specific Design Guidelines but not include these specifics in the DSP. This would still accomplish the goal of having permitted building types and related performance standards and guidelines but would allow architects, especially for Tier Three projects, to think creatively about the best design for a project taking into consideration the site's location, its surroundings, and the project's uses.

Some of the specific, substantive concerns that architects in our DSP Subcommittee have raised are:

- With respect to the Urban Courtyard example on page 41 of the DSP Framework, the direction for pedestrian access and open space may not be appropriate for all courtyard-type buildings. For example, a covered (or partially covered), activated open space may be just as, or more, enjoyable than an open space that is entirely open to the sky.
- The Base, Middle, and Top concept on page 42 of the DSP Framework is not appropriate or workable for all new buildings in the Downtown, especially modern buildings and lower-scale buildings.

## **G. Opportunity Sites**

### *1. Alternative Densities*

For the opportunity sites with pending project applications, the DSP EIR should study, as an alternative, the densities and the mix of uses that are being proposed in addition to the densities discussed on page 49 of the DSP Framework and the densities allowed by Tier Three in the underlying zones. This will allow the public and decision-makers better information about the impacts related to development of the opportunity sites.

### *2. Site Specific Design Guidelines*

Given that any proposal for an opportunity site project that exceeds 84 feet would require a DSP amendment, a project-specific EIR, and a development agreement, it seems unnecessary for the DSP to include site-specific design guidelines for each of these sites, as is contemplated on page 50 of the DSP Framework. Instead, a better

approach would be to allow the Architectural Review Board, Planning Commission and City Council substantial discretion in reviewing opportunity projects proposed on these sites. Or, alternatively, any site-specific design guidelines should be included in a separate document (such as the Downtown Design Guidelines) so that the DSP would not have to be amended if the Architectural Review Board, Planning Commission and City Council prefer a project design that deviates from any such guidelines.

### *3. Opportunity Sites vs. Opportunity Projects*

The DSP should be clear that the additional, special regulations for opportunity sites only apply if the property owner chooses to pursue an “opportunity site project” (i.e. a project that exceeds the Tier 3 standards).

### *4. City Council’s August 13, 2013 Vote on the Scope of the DSP EIR*

Page 50 of the DSP Framework states that on August 27, 2013 the City Council determined that all opportunity sites should be no higher than 84 feet with an FAR of 4.0 and an incentive bonus of 1.0 (total 5.0) for uses that generate fewer automobile trips. This statement contains three errors: (1) the City Council’s vote with respect to the scope of the DSP EIR was on August 13, 2013, (2) with respect to height, the Council’s vote was that the DSP EIR should not study higher than 84 feet on the opportunity sites (the Council was clear that applicants could pursue a DSP amendment for projects above 84 feet), and (3) the Council’s vote with respect to the 1.0 FAR bonus was that it could be for uses that generate fewer automobile trips and for projects that offer circulation improvements. Further, the diagram on page 49 does not accurately reflect the Council’s vote with respect to the FAR to be studied on the opportunity sites and is unclear as to whether the DSP EIR will be studying a potential maximum FAR of 5.0 on the privately-owned site adjacent to the City’s site near the TOD (which was part of the Council’s decision on August 13<sup>th</sup>).

## **H. Incentives for Historic Preservation**

The DSP should include incentives for the preservation and adaptive reuse of historic resources. The DSP EIR should analyze how these incentives (or lack of such incentives) impact historic resources in the Downtown.

### **I. Miscellaneous**

#### *1. Housing Bonus*

The DSP Framework is unclear as to how the proposed housing bonus will be implemented. We recommend that the DSP or Zoning Ordinance clarify that the housing bonus is structured so that a project will receive one additional square foot of residential floor area for each square foot of residential space up to the maximum allowable FAR for housing projects as stated in the DSP. Structuring the bonus in this

manner allows a sliding scale with projects that include more housing receiving a greater bonus, subject to the maximum bonus limit.

*2. Location for Vehicular Site and Parking Access, Service and Loading*  
(DSP Framework, pp. 40, 46)

The DSP, similar to the LUCE, should include policies about the generally preferred location for vehicular site and parking access, service, and loading. However, the DSP should not prescribe the location for these activities to occur, including for the opportunity sites. The City should retain its discretion to approve a location that differs from the generally preferred location for these activities if the City determines that a different location is preferable because of the site's location, the project's uses, and/or the alternative location enhances circulation in the surrounding area. If the DSP prescribes the location for these activities and the City determines the prescribed location for such an activity is not appropriate for a particular site or project, a DSP amendment would be required.

For example, if the City generally prefers vehicular site and parking access from an alley, the DSP should include a general policy encouraging alley access but not requiring alley access for all sites/projects in all situations. This approach includes the generally recommended locations for these activities in the DSP but allows the City to retain its discretion to deviate from the general policy where appropriate.

*3. Promenade Conservation District*

The DSP Framework contemplates a Promenade Conservation District with maximum Tier Two development standards of 60 feet and 2.75 FAR. This is not consistent with the City Council's August 13, 2013 direction with respect to the development standards to be studied in the DSP EIR. The DSP EIR should study the Downtown Core standards for this area consistent with the Council's direction.

If the City is going to study the Promenade Conservation District in the DSP EIR as an alternative to the Council's August 13<sup>th</sup> direction, the City should consider whether 2.75 is the appropriate FAR for the 60 foot height limit and study exceptions to the 60 feet and 2.75 FAR development standards for locations and/or uses that may need incentives to be redeveloped. For example, additional height and FAR should be considered for the north block of the Promenade, which has experienced problems with vacancy, and for movie theaters on the Promenade. In addition, the current Bayside District Specific Plan and Zoning Ordinance allow up to 84 feet and 3.5 FAR (and the 50% FAR discount for residential uses) for projects that meet certain criteria, including the provision of housing or passageways. If the DSP EIR studies the Promenade Conservation District, it should study retaining these incentives for developing housing and passageways on the Promenade.

*4. Wilshire Transition*

The DSP Framework includes a maximum Tier Two height of 50 feet for the Wilshire Transition area. Given that the LUCE included a maximum Tier Three height of 60 feet for this area, the DSP should study, as an alternative, a Tier Three height of 60 feet with appropriate stepdowns to adjacent residential uses (or other building envelope regulations to allow sufficient light and air to adjacent residential uses).

#### *5. Maximum Height for Permitted Projections*

Pages 40 and 45 of the DSP Framework contemplate permitted projections at a maximum of approximately 14 feet above the roof level. If the DSP EIR is going to study the maximum height of permitted projections (which may be an unnecessary level of detail for a Program EIR), we recommend that the DSP EIR study a maximum height for permitted projections of approximately 18 feet (if not more), at least for elevator shafts, because such height is necessary to permit ADA access to rooftop amenities and use of modern regenerative type elevator technologies.

We recommend that any maximum height for permitted projections be included in the Zoning Ordinance, consistent with the current practice. The City should retain the ability to modify the maximum permitted projections (without requiring an amendment to the DSP) to accommodate changes in technology (e.g. solar infrastructure) and policy (e.g. encouraging the use of roof decks as meaningful open space). In addition, the standard for permitted projections should be measured from the maximum allowable height for the zone (and relevant tier) and not the base height of the appurtenance itself. For photovoltaic panels, the allowable permitted projection should be at least 14 feet to allow the potential for maximizing useable roof deck space that is shaded/covered by photovoltaic panels.

#### *6. Open Space*

We support the policy goal of encouraging and incentivizing the development of open space in the Downtown, activating the existing, underutilized open space in the Downtown, and having open space distributed throughout the Downtown. However, we do not understand the stated goal (DSP Framework p. 75) of having open space within a 2 ½ minute walk or less to all those who live, work, and visit Downtown.