

From: [jim.gerstley](#)
To: [Planning Commission Comments](#); [Richard Mckinnon](#); [Nina Fresco](#); [Leslie Lambert](#); [Shawn Landres](#); [Jim Ries](#); [mario.fonda.bonardi@smgov.net](#); [Elisa Paster](#)
Subject: Planning Commission item 9-A 9/2/20 Miramar
Date: Wednesday, September 2, 2020 1:04:04 PM
Attachments: [MES Miramar Planning Commission Item 9-A on 9.2.20 Agenda.pdf](#)

EXTERNAL

I agree with Michael Soloff's letter to the commission, which I've attached for reference.

My take on the project still is

Car entrances: should be located on the commercial streets: Wilshire Blvd and Ocean Ave.

California Av parking entrance will add to air and noise pollution for those living in residences on the north side of California. At certain times cars trying to get into this lot may create congestion that backs up traffic on the California Incline and PCH. Entrance on 2nd St will increase traffic congestion as well as air and noise pollution for the proposed low income housing as well as for our building at 1118 3rd St. It will further increase congestion on adjacent streets if residents have to bypass 2nd St due to hotel traffic. It also increases potential for pedestrian interaction at 2nd and Wilshire--a popular corner for entry to the farmer's market and for Emeritus as well as hotel guests heading into downtown.

New building heights along 2nd, Wilshire and California should not exceed the typical allowed downtown height [around 40 ft] for maximum integration with the surrounding residential community. This can easily be achieved by reducing/eliminating the number of condos. My understanding is this is mainly a hotel project to modernize the hotel and achieve 5 star status. Do we really need more very high end condos, around \$8million each? We need a lot more affordable housing and that should be pushed for in the development agreement.

I agree with Michael Soloff's analysis and the development agreement should not be approved as is, based on his analysis. Local residents are going to have to pay severely for traffic inconvenience and pollution, traffic safety, loss of views, loss of sunlight and fresh air when buildings are taller than existing condos. These losses should be mitigated in the design as much as possible. And maximum benefit must be extracted from the developer for this privilege.

James Gerstley
1118 3rd St

MICHAEL E. SOLOFF
337 14TH Street
Santa Monica, CA 90402

Re: Item 9A on 9.2.20 Agenda of the Santa Monica Planning Commission

Dear Commissioners:

The proposed Miramar Project before you tonight raises important public policy issues. At least for tonight, however, I will not weigh in on those issues (and my failure to do so should not be read as implying my views on those issues). Rather, I write to you in my personal capacity only to explain that it is unnecessary and premature for you to reach those policy issues because:

1. the proposed Development Agreement materially fails to comply with the affordable housing provisions of the Downtown Community Plan (“DCP”) and the Santa Monica Municipal Code (“SMMC”) applicable to this “Large Site” project; and
2. Planning Staff has not yet engaged in the requisite informed and determined negotiating process with respect to the community benefits package.

I also provide additional personal views regarding what I believe are certain missing or problematic features of the proposed Development Agreement.

I. THE PROPOSED DEVELOPMENT AGREEMENT FAILS TO COMPLY WITH THE DCP’S LARGE SITE AFFORDABLE HOUSING REQUIREMENTS

The DCP identifies “Affordable Housing” as one of the three “Preferred On-Site Benefits” for the “Large Site[]” located at “1133 Ocean Avenue” (i.e., the Miramar Project site).¹ The DCP further provides that when “Affordable Housing” is one of the “Preferred On-Site Benefits” at the “Large-Sites,” the “Housing projects should provide substantially more affordable housing units *than required for qualified Tier 3 projects by the DCP.*”²

The developer³ and Planning Staff assert that the proposed Development Agreement complies with these DCP provisions simply because it requires the developer to deliver a 42 unit off-site affordable housing project, and 42 units is substantially more than the 18 units the developer would be required to deliver on-site for qualified Tier 3 projects of the same size.⁴ The

¹ DCP at p. 30, Table 2A.4.

² DCP at p. 29, Table 2A.3 (italics added).

³ It is the developer’s obligation to “[i]nclude in the application submittal comprehensive responses to how the project meets each of the priorities described in [Chapter 2A of the DCP].” DCP at p. 29.

⁴ Staff Report at pp. 25-26. While the Staff Report erroneously refers to “the project’s minimum 15-unit affordable housing obligation (per the Affordable Housing Production Program),” *id.* at 25, the actual minimum requirement is 18 on-site units. This is because (1) the DCP requires

developer and Planning Staff are wrong, however, because they fail to take into account the full set of requirements for affordable housing imposed by the DCP (including the provisions of SMCC § 9.10.070 that are incorporated by reference into the DCP⁵).

First, the developer and Planning Staff ignore the fact that the proposed affordable housing project is off-site, thereby triggering increased affordable housing requirements under the DCP. In particular, when the market-rate units are in a building at least 70' in height, and the affordable housing units are provided off-site, the DCP requires that the affordable units constitute at least 35% “of the total number of units *in the project*” (i.e., 35% of the combined number of both market rate and affordable units).⁶ Accordingly, given that 60 market-rate condominiums are on-site, the DCP would require that this project provide a minimum of 33 offsite affordable units, even if it merely had to meet the DCP’s minimum requirements for qualified Tier 3 projects.⁷ Therefore, contrary to the inaccurate touting by the developer and Planning Staff, the proposed affordable housing project provides a mere nine affordable units more than the minimum number required.

Second, and even more importantly, the developer and Planning Staff ignore the fact that the proposed affordable housing project fails to comply with the DCP requirements that (1) “[t]he average number of bedrooms for all of the affordable housing units combined shall be equal to or greater than the average number of bedrooms provided for all of the market rate units,”⁸ and (2) “[a]n affordable housing unit shall have a minimum total floor area of no less than the average floor area of comparable market rate units in the project.”⁹

In particular, the average number of bedrooms in the proposed affordable housing project is 1.88.¹⁰ It is almost certain that—in contravention of DCP requirements—this figure does not equal or exceed the average number of bedrooms planned for the 60 ultra-luxury condominium units. While the actual number of condominium bedrooms is not provided in the agenda

that on-site affordable rental units constitute at least 30% of the total units in a qualified Tier 3 housing project of 70' or higher, *see* SMMC § 9.10.070(c)(1)(a)(i) & Table 9.10.070.A, (2) the developer plans to build 60 condominium units in a 130' tower, *see* Staff Report at p. 2, and (3) 30% of 60 condominium units equals 18 on-site affordable rental housing units.

⁵ *See* DCP at pp. 29, 196.

⁶ SMMC § 9.10.070(C)(1)(a)(ii) (italics added); *see id.* at Table 9.10.070.A.

⁷ 60 condominiums and 33 affordable housing units would make a total project of 93 units. 35% of 93 units is 32.55 units. As the DCP requires that fractional affordable units be rounded up, in this case the minimum off-site requirement is 33 affordable units. *See* SMMC § 9.10.070(C)(1)(a)(i).

⁸ SMMC § 9.10.070(C)(1)(b)(ii)(1).

⁹ SMMC § 9.10.070(C)(1)(a)(iv); *accord id.* § 9.10.070(C)(1)(b)(ii)(2) (“Affordable housing units shall be no smaller than the average size of comparable market rate units in the project.”).

¹⁰ The proposed affordable housing project will have a total of 79 bedrooms in 42 units. *See* Staff Report at p. 26, Table 1. 79 divided by 42 = 1.88.

materials, it is hard to believe that the developer is planning to average less than 2 bedrooms per condominium when the average condominium size will be in excess of 2,800 square feet, and the developer hopes to sell the condominiums in 2026 at an average price of \$7.8 million.¹¹

Moreover, it is certain that—in contravention of DCP requirements—the units in the affordable housing project do not have total floor areas equal to or greater than the average floor area of comparably bedroomed condominium units (even if there are any condominiums planned with as few bedrooms as the proposed affordable units will have). Under the proposed Development Agreement, one bedroom affordable units will be 450 square feet, two bedroom affordable units will be 700 square feet, and three bedroom affordable units will be 900 square feet.¹² By contrast, the average condominium unit will be 2,845 square feet.¹³ Indeed, the total floor area of all 42 units in the proposed affordable housing project *amounts to less than 30% of the floor area that a qualified Tier 3 project of similar size would be required to provide under the DCP as offsite affordable housing units.*¹⁴

In short, whether viewed at the individual affordable unit level or in the aggregate, the affordable housing project called for by the proposed Development Agreement does not come anywhere close to delivering the affordable housing units required by the DCP for qualified Tier 3 projects similar in size to the proposed Miramar Project, let alone “substantially more” such affordable housing as is required under the “Large Sites” provisions of the DCP. Planning Staff therefore should withdraw the proposed Development Agreement from consideration by the Planning Commission. And, if it fails to do so, the Planning Commission should recommend to the City Council that it reject the proposed Development Agreement as out of compliance with the affordable housing requirements of the DCP.

II. CONSIDERATION OF THE PROPOSED DEVELOPMENT AGREEMENT IS PREMATURE AS STAFF HAS NOT YET ADEQUATELY NEGOTIATED A COMMUNITY BENEFITS PACKAGE

The DCP requires the City to negotiate for community benefits in development agreements. With respect to the Miramar Project site in particular, the DCP calls upon the City to negotiate for affordable housing, public open space, and historic preservation as the “Preferred Onsite

¹¹ See Ex. D to 8/8/20 Ltr. from Maurice Robinson & Associates to Planning Commission (reporting developer projects a \$7.8 million average sales price for the 60 condominiums in 2026 at \$2,742 / sq. ft.).

¹² See Proposed Development Agreement at Section 2.8.1(b)(3)(ii).

¹³ See footnote 10.

¹⁴ The total floor area of all 42 units in the proposed affordable housing project is 27,600 square feet. See Proposed Development Agreement at Sections 2.8.1(b)(3)(i)-(ii) (requiring 16 one bedroom units at 450 sq. ft. / unit, plus 15 two bedroom units at 700 sq. ft. / unit, plus 11 three bedroom units at 900 sq. ft. / unit). The total floor area of the DCP required 33 off-site affordable units with floor areas at least as large as the 2,845 square foot average floor area of the 60 on-site condominiums is 93,873 square feet. 27,600 square feet is just 29.4% of 93,873 square feet.

Community Benefits.”¹⁵ And as discussed above, the DCP further provides that, with respect to the affordable housing community benefit, large-site “[h]ousing projects should provide substantially more affordable housing units than required for qualified Tier 3 projects by the DCP.”¹⁶

The size of the community benefits the City can and should negotiate from the developer of the Miramar Project necessarily depends upon the size economic benefits flowing to the developer from that project. The greater the expected profits to the developer from the project design enabled by the development agreement, the greater the community benefits the City can and should demand. Maximizing the community benefits package associated with any proposed Miramar Project is particularly important given the City’s severe shortage of affordable housing—a shortage that led the State to conclude during the RHNA process that Santa Monica should create 6,153 new deed restricted affordable housing units during the eight year period from 2022-2030.

Despite this, the City appears to have negotiated the community benefits package before the Planning Commission tonight either without the benefit of any financial projections at all, or based solely on the unverified financial projections provided to it by the developer. Only at the last moment did the City retain HR&A to perform “an expedited independent review of a confidential financial feasibility analysis and supporting documentation provided to HR&A by The Athens Group (the ‘Developer’).”¹⁷ HR&A noted that it performed what review it could “within the time available,”¹⁸ and then transmitted its findings in a report dated August 21, 2020, that the City received after it already had completed the main Staff Report for tonight.

Based on that review, HR&A found a variety of questionable assumptions in the developer’s projections that, if altered in the manner suggested by HR&A, would result in projections of moderately to greatly more expected developer profit.¹⁹ This could mean that a significantly increased community benefits package is appropriate. Rather than even consider this possibility, the Supplemental Staff report instead argues—without citation to anything—that reasonable maximization of community benefits in a negotiated DA is somehow not a goal under the DCP.²⁰

This uninformed and misguided City negotiating approach is simply unacceptable. This is not the negotiating approach Commissioner Paster or Commissioner Ries should or would take in their day jobs when acting on behalf of their developer clients. You the Planning Commission (as well as the City Council) need to ensure that the City takes the same informed and determined negotiating approach on behalf of its clients—the people of Santa Monica—as developers and their representatives take in negotiating with the City. This means you must send

¹⁵ DCP at p. 30, Table 2A.4.

¹⁶ DCP at p. 29, Table 2A.3.

¹⁷ Ex. B to Supp. Staff Report at 1.

¹⁸ Ex. B to Supp. Staff Report at 2.

¹⁹ Ex. B to Supp. Staff Report at 2-4.

²⁰ Supp. Staff Report at 1-2.

this development agreement back for further financial analysis (including reasoned consideration of the points raised by the developer in a letter sent to the Planning Commission on August 28 responding to HR&A) and further negotiation. The existence of public controversy over this particular project—and an impending City Council election—are not legitimate bases for refusing to insist on a proper negotiating process by the City on behalf of the people of Santa Monica, even if it takes some additional time to complete.

III. OTHER DEFICIENCIES IN THE PROPOSED DEVELOPMENT AGREEMENT

A. The Affordable Housing Provisions In The Proposed Development Agreement Are Improperly Structured

1. It Is Improper And Immoral To Use 9% Low Income Housing Tax Credits To Save The For Profit Developer \$11.7 Million

The proposed Development Agreement contemplates that the proposed affordable housing project may be financed in part through federal Low Income Housing Tax Credits allocated to the State of California. Exhibit B to the supplemental Staff Report lays out three financing scenarios—one using 9% tax credits, one using 4% tax credits, and one using no tax credits—and the size of the financial contribution the developer will make under each of these scenarios (over and above the \$12.75 million assigned value of the donated land).

The most valuable tax credits are the 9% tax credits, and under that scenario the developer would only have to contribute an additional \$3.04 million in gap financing (for a total of \$15.79 million including the assigned value of the donated land). 9% tax credits are in limited supply, however, such that affordable housing projects from around the State of California historically have to compete to obtain them in a zero sum game. 4% tax credits are less valuable, and under that scenario the developer would have to contribute an additional \$14.72 million in gap financing (for a total of \$27.47 million including the assigned value of the donated land). But 4% tax credits have been undersubscribed historically, such that any qualifying affordable housing project is able to receive them. Without any tax credits at all, the developer would have to contribute an additional \$27.55 million (for a total of \$40.3 million including the assigned value of the donated land).²¹

Given this background, and given the tatement in the Staff Report that the developer will bear the “cost of the 100% affordable housing project, including the land value, of \$27.4M to \$40.25M,” it seems obvious that the developer is prepared to go forward without obtaining the 9% tax credits.²² Given this fact, it would be both improper and immoral to allow the proposed affordable housing project to compete for 9% tax credits with other affordable housing projects across the State, and to prevent one of those competing projects from getting funded and built if this affordable project wins the competition, *for the sole purpose of saving the developer \$11.7 million*. Rather, the City should have the option of directing the project to compete for 9% tax credits and, if successful, *the \$11.7 million savings should be deposited into the City’s Housing*

²¹ See Ex. B to Supp. Staff Report.

²² Staff Report at p. 24.

Trust Fund for use in connection with another affordable housing project. 4% tax credits pose a somewhat different issue so long as they remain undersubscribed (thereby removing the moral objection to preventing another affordable housing project from being built elsewhere in the State simply to save money for the developer). But they too—as public funds—should be used only to maximize the production of affordable housing in the City that can be obtained using the total amount of funds the developer ultimately is willing to provide (given further negotiations and the necessity of any proposed Miramar Project actually complying with the affordable housing provisions of the DCP for Large Sites).

2. Any Proposed Development Agreement Should Include A Mechanism To Assure That Any Donated Land Will Revert To The City In The Event It Is No Longer Used For Affordable Housing

We all appreciate and respect the work that Community Corporation of Santa Monica (“CCSM”) does providing quality affordable housing in our City. However, when the City provides Housing Trust Funds to CCSM, that appreciation and respect does not preclude the City from imposing an effective legal mechanism to insure that it can reacquire the land underlying that project in the event it no longer serves as affordable housing (there, through repurchase rights based on the outstanding City loan balance). Similarly, whenever the City dedicates land it already owns to affordable housing (for example, the land at Mountain View Trailer Park), it again imposes an effective legal mechanism to insure that it can reacquire the land in the event it no longer serves as affordable housing (typically through an option to repurchase in that event for \$1).

Should the Miramar Project proceed, the City will in effect be paying for the land underlying the proposed affordable housing project through the additional development rights it is granting to the developer. Accordingly, there should be an effective legal mechanism by which the donated land returns to the City in the event it is no longer used for affordable housing (e.g., through a purchase option for \$1 in that event). It did not appear to me that Section 2.8.1 of the proposed Development Agreement provides for any such mechanism.

B. The Development Agreement Should Make Provision For Minority Contracting Requirements

Recent events have brought to the forefront of this City and this Nation’s mind the legacy of systemic racism against black people, including quite starkly the systemic economic racism that has precluded any narrowing of the income and wealth gaps between white and black Americans in the more than 50 years since 1968.²³ We all look forward to the scheduled initial report of the Black Agenda to City Council on September 8, and to their continuing leadership in addressing how best to attack all aspects systemic racism here in our City.

One possible approach to attacking systemic economic racism is for the City to adopt a minority contracting program for public contracts. While the nature and scope of any such program likely

²³ See, e.g., <https://www.washingtonpost.com/business/2020/06/04/economic-divide-black-households/>.

will be impacted by whether or not Proposition 16 on the November ballot passes, the City potentially could adopt a minority contracting program even without passage of that Proposition.

A development agreement is a public contract, and the City should be able to impose lawful minority contracting requirements on the developers of the Large Site projects (just as it plans to impose a local hiring program requirement in the proposed Development Agreement). Imposing such a requirement could constitute a meaningful initial step along the long road of addressing systemic economic racism given the size of the contracts that will be associated with the construction of such projects (e.g., more than \$400 million for the proposed Miramar Project alone²⁴).

For independently sufficient reasons set forth in Parts I-II above, the proposed Development Agreement should be withdrawn and further negotiated. This may also provide time for the City to adopt a minority contracting program. But if it ultimately is deemed wise to proceed with a development agreement for the Miramar Project prior to the City adopting a minority contracting program, the City should negotiate and include in the development agreement providing that a subsequently adopted minority contracting program would apply to the developer.

Thank you for your consideration of all of the foregoing personal views.

A handwritten signature in cursive script, appearing to read "Michael E. Smith". The signature is written in dark ink and is positioned in the lower-left quadrant of the page.

²⁴ See HR&A Advisors, Inc. Fiscal Impact Study and Economic Impact Study at 1.

From: [Raphael Lunetta](#)
To: [Planning Commission Comments](#)
Subject: Miramar Planning Commission
Date: Wednesday, September 2, 2020 1:15:41 PM
Attachments: [Fairmont Support Letter.pdf](#)

EXTERNAL

Hello,

Attached you will find my letter in support to the Miramar Planning Project.

Thank you,

Raphael Lunetta

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Raphael Lunetta | Chef Proprietor
Lunetta All Day | Lunetta Dining Room and Bar
JiRaffe Management and Consulting
310.892.9754 cell

L U N E T T A

September 2nd, 2020

Dear Planning Commissioners,

I am writing you ahead of today's September 2nd hearing. I have grown up in Santa Monica and have had three different businesses over the course of the last 25 years. I am resident of Santa Monica and I am honored and blessed to continue to have the ability to work and live in the city that I love and respect.

The Fairmont Hotel, Ellis O'Connor, Dustin Peterson and their entire team have always delivered amazing support, care and kindness to our small business community and many of our colleagues.

I have been in the hospitality industry as chef, owner, and consultant in Santa Monica for over 30 years and in the industry for over 38 years. I have had the honor to serve on the board of SMTT for the term of eight years. Spending that time on the board allowed me to understand the intricate dynamic between community, partnerships, and thoughtful business. The Fairmont under the leadership of Ellis and his team have and continue to inspire us all on a personal level, and with their generosity by continuously stepping up and sponsoring so many events and donating their personal time i.e. Santa Monica Ed Foundation, Santa Monica Historical foundation, Holiday events for our community, Guest Chef Events, Rett Syndrome, Chamber Dinners, and so many more. The Fairmont's display of partnership and care for our community should let everybody know how fortunate we are to have such a grounded organization in our city.

We are in full support of the proposed project. I believe that it will only enhance our city and it will be mutually beneficial for beautifying Santa Monica, supporting our business community, supporting a healthy opportunity for employment and our local economy. We wish them full support and look forward to seeing this project in its completion.

Kind Regards,

Thank you,

Raphael Lunetta

From: tiffanaw@gmail.com
To: tiffanaw@gmail.com
Subject: Planning Commission – Wed., 9/2 – Item 9-A: Miramar Redevelopment Project Recommendations
Date: Wednesday, September 2, 2020 1:19:26 PM

EXTERNAL

As a SM resident who lives at the corner of California and 4th, I have unfortunately seen the effects of the congestion and inconvenience, let alone the actual fiscal effects, from every one of these projects sprouting up in my very back yard. While I don't care the same amount about all the long term effects, I know my day to day life will be affected in even my walks with my dogs, down California. While I'm not physically driving to work each day due to COVID, the current traffic situation leading down to the CA incline is bad enough, this will make it exponentially worse. Please consider keeping all major entrances to the project on Ocean and Wilshire. California and the intersections of CA and 2nd as well as CA and Ocean have all that they can handle, and this is without the tourists that pour into our city in non-pandemic times.

Sent from my fancypants iPhone

From: dennyzane@aol.com
To: [Planning Commission Comments](#); [Mayor Kevin McKeown](#); [Sue Himmelrich](#); [Ted Winterer](#); [Gleam Davis](#); [Terry O'Day](#); [Ana Jara](#); [Kristin McCowan](#); [Terry O'Day](#)
Cc: [Lane Dilg](#); [David Martin](#); jeo.ping@smgov.net
Subject: Miramar Hotel project
Date: Wednesday, September 2, 2020 1:45:08 PM
Attachments: [The Bright Line hotel.docx](#)

EXTERNAL

Planning Commissioners, City Council members, city staff:

Attached find my letter of opposition to the proposed Fairmont Miramar Hotel project.

Denny Zane
310-570-5870
dennyzane@aol.com

Denny Zane

2402 3rd St., #106
Santa Monica, CA 90405

Santa Monica Planning Commission

Re: Item 9A Proposed Redevelopment of Fairmont Miramar Hotel

Position: Opposed

Commissioners:

I urge delay of the City's review of the proposed Fairmont Miramar Hotel until after the city's November elections. The city appears to be doing the project's owner/developer a favor by rushing these deliberations before the election. I believe this is procedurally unseemly and will undermine the public's trust in the objective nature of the city's review of the project. In addition, the potential approval by California voters of Proposition 15 in November will certainly and significantly improve the City of Santa Monica's fiscal outlook and allow the city to assess this project without exaggerated fiscal pressure. Of course, the project's development timeline makes anticipated new revenue irrelevant to the city's COVID-19 related fiscal duress or recovery. In fact, having the current Miramar hotel out of operation for 3-5 years will be a significant blow to the city's recovery plan. I have yet to find an analysis in the project documents of the implications to city revenues of a major hotel going offline during the COVID recovery period.

Opposition to the project: If you proceed, I urge commissioners to oppose the proposed redevelopment of the Fairmont Miramar Hotel with its \$850+ per night expected room rates and its inclusion of 60 condominiums on the upper floors of the project.

We should see the proposed project as much more than a hotel. We should see it also as a message, a very unfortunate message to our community and to the larger world about how we see the future of our city. We should also see it as a message to the developers of other hotel projects expected to be proposed on Ocean Ave., perhaps in the near term.

The property owner/developer of the Miramar project is asking a big favor from the City of Santa Monica. In fact, the city is being asked a very ostentatious favor that has no apparent public purpose and certainly no public benefit. You are being asked to allow this developer to build 60 ultraluxury condominiums on the highest floors of his proposed project, condominiums with wonderful ocean views, views through the palm trees of our fabled Palisades Park, and with ready access to our also fabled, but (if you say, yes) soon to be gentrified Promenade.

One wonders why the city would consider condos in a hotel at all, given that the same height and floor area could, from a city revenue point of view, better be used for additional hotel rooms. Why give the developer the right to build a non-TOT generating use when the same space used as hotel rooms (with the best views) would likely (certainly) command a higher room rate and therefore generate significant additional transient occupancy taxes?

But most egregious to me and many in our community, this hotel with its \$850 per night rooms and its \$10 M+ condos affordable only to multi-millionaires and billionaires will inexorably and fundamentally shift the identity and the demographics of who downtown Santa Monica and the Third Street Promenade serve and who it hopes to serve. It will "guccify" the Promenade and send a ripple of gentrification throughout the marketplace of our city.

Approving a hotel with 60 multi-millionaire and billionaire condos on top will also send a very clear message to the developer of the Frank Gehry Ocean Avenue hotel project and to the hotel proposal expected to follow at the Hampton Inn site, and perhaps to others not yet announced, that they, too, can expect to have city permission to include condos for multi-millionaires in their hotel projects.

What message will this send to the residents and voters of this city?

It will say that you, the current leaders of our city, are ready to *cross that bright line*, that line of demarcation where the Santa Monica we know and have known for forty years ends - and a new Santa Monica begins. After the message of exclusion and exclusivity this new Miramar has been sent and the bright line crossed, Santa Monica will be seen as likely, perhaps inevitably, becoming a city principally for the wealthy.

But it does not have to be.

The Santa Monica we know has been characterized these past forty years by its economic diversity and its willingness to fight to protect it; a city committed to justice. In Santa Monica there is, or was, an egalitarian spirit, a spirit that savors seeing low-income and very-low-income people of all races among our neighbors, often seniors, protected, doing well because the city was ensuring their ability to afford their homes, protecting them from being forced from their community so someone else could make big bucks. It was and I believe still is a city willing to fight for rent control, willing to invest in affordable housing, willing to fight for the rights of hotel and restaurant workers, willing to fight for the poor and care for the homeless, and willing to say no to gentrifying development.

Our commitment to protecting both the right and the opportunity for low income people to live and work near the coast was the cornerstone of a philosophy that earned us an identity as a leading progressive city.

We have had big blows to our ability to protect this identity, big blows that undermined our ability to ensure a real place for average people in the heart of this city. The first was the adoption by Sacramento of the Ellis Act and, second, the Costa-Hawkins Act, two laws which drove a Mack truck through renter security and long-term affordability of our housing stock. But, at least, these were acts taken by others, acts that we fought, and not self-inflicted wounds.

The Planning Commission and later the City Council will now choose whether to deliver a self-inflicted wound to that egalitarian spirit and whether to open the way for more and more exclusion and exclusivity.

Many Santa Monicans still treasure our long-standing economic diversity. When rent control was adopted by Santa Monica voters in 1979, in addition to protecting individual families and households, it was a protective shield against the gentrification of this community by the beach. That was the way most activists and most residents wanted it - both because it felt just, but also because it just felt right.

In the future when people look back upon the history of our city, there will be a bright line in our history when we became a city that chose to cater to the truly wealthy rather than a progressive city that served us all and cared about inclusion. It happened that night when city leaders approved a new hotel at Wilshire and Ocean Ave with 60 condos for multi-millionaires and billionaires and rooms with an average room rate of \$850 per night.

Forty-two affordable housing units is not nearly enough to offset the damage this project will do to our city.

I say, do not do it. Vote NO on the Miramar rebuild.

Sincerely,

Denny Zane

Former Mayor, City of Santa Monica

From: [Cody Nicholson](#)
To: [Leslie Lambert](#); leslie.lambert@smgov.net; [Shawn Landres](#); [Jim Ries](#); [Nina Fresco](#); mario.fonda@smgov.net; [Richard McKinnon](#); [Elisa Paster](#); [Planning Commission Comments](#); [Lane Dilg](#); [David Martin](#); [Jing Yeo](#)
Subject: MIRAMAR REDEVELOPMENT PROJECT
Date: Wednesday, September 2, 2020 1:47:59 PM
Attachments: [SMBTOALetter.docx](#)

EXTERNAL

Please see the attached letter from Santa Monica Bay Towers HOA, at 101 California Ave, Santa Monica.

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Sincerely,

Cody Nicholson - Onsite Manager
Santa Monica Bay Towers

September 2, 2020

Re: Planning Commission, Wed 9/2, Item 9-A: Miramar Redevelopment Project
Recommendations

Chair Lambert and Planning Commissioners:

The Santa Monica Bay Towers Homeowners Association (SMBTHOA) writes on behalf of the owners of units in the condominium building located at 101 California Avenue.

We write to express our deep concern with respect to the proposed redevelopment project. We strongly feel that this project as currently designed is incompatible with the interests and values of residents in the neighborhood surrounding the Miramar site and Santa Monica more generally. The proposed project runs directly counter to the priority that Santa Monica residents have always given to open space, low density, environmental sustainability and pedestrian mobility. These are the qualities that give Santa Monica its special character, which is placed at risk by the proposed project.

A fundamental deficiency is the decision to situate the main entrance on Second Street and the service entrance on California Avenue, rather than using the existing main entrance on Wilshire Boulevard. Illogically, this design will drive traffic away from a wide street that can accommodate significant traffic flow to two smaller streets that will not. This will result in intense traffic congestion on Second Street and California Avenue, resulting in increased air and noise pollution from standing and slow-moving vehicles, which in turn will impact adversely the public health and property values in the immediately surrounding neighborhood. In particular, the intense vehicular traffic will adversely impact the thousands of pedestrians and e-scooter riders that currently travel along California Avenue to the incline for beach access. Even under current traffic flow patterns, these adverse effects emerge on weekends and holidays and would therefore be exacerbated significantly by the proposed project.

An additional deficiency is the decision to locate the 130-foot building in the center of the site rather than closer to Wilshire Boulevard. Santa Monica has always wisely chosen to favor low-rise housing throughout the city and, as such, has confined high-rise buildings to a handful of sites in the near vicinity of downtown Santa Monica. It would be far more consistent with this historical policy, and underlying town planning principles, to locate the project's tallest building as close as possible to the existing high-rise buildings that run along Ocean Avenue immediately south of Wilshire Boulevard. Doing so would preserve the economics of the project while minimizing the visual obstruction and related environmental effects imposed on existing owners and tenants of commercial and residential properties in the immediate vicinity.

Lastly, we are concerned that the project reserves a comparatively small amount of open space that would be consistently available for use by members of the public. Given that the developer received an exceptionally generous variance from otherwise applicable 50-foot height restrictions, it is only fair that the project take more meaningful steps to reserve significant open space for all Santa Monica residents and visitors to enjoy.

During these challenging times, it is important that Santa Monica remain faithful to its historical commitment to an urban planning policy that takes into account the full range of community interests. We appreciate that the Miramar site is ready for redevelopment and are confident that an appropriately designed plan would make a positive contribution in line with Santa Monica values. The current proposed project is *not* that plan and we urge the Planning Commission to reject it.

Respectfully,

Members of the Board of Directors of Santa Monica Bay Towers Homeowners Association

From: [Rachel Maguire](#)
To: [Leslie Lambert](#); [Shawn Landres](#); [Jim Ries](#); [Nina Fresco](#); mario.fonda@smgov.net; [Richard McKinnon](#); [Elisa Paster](#); [Planning Commission Comments](#); [Lane Dilg](#); [David Martin](#); [Jing Yeo](#)
Cc: [Kay Ward](#)
Subject: Miramar project objections
Date: Wednesday, September 2, 2020 2:08:10 PM

EXTERNAL

Dear Planning

As a homeowner at 101 California Avenue, I want to express my extreme concern regarding the proposed development of the Miramar Hotel Project including traffic congestion, safety, aesthetics, and the overall negative environmental impact this project will have on this neighborhood.

Specifically:

-The plan of adding a parking garage with a California Avenue entrance is going to exacerbate an already noisy and congested area. Being as this location is the entrance and exit of the California Incline, it already sees a healthy amount of foot and automobile traffic. Adding a garage entrance on this two lane road is simply unsafe and unacceptable.

-Building a structure that obstructs the views from our building (and others) is not necessary and is in actuality diminishing the very fabric of Santa Monica, the value of our investment, and the quality of life of its property tax paying residents.

-Moving the entrance to a residential street (2nd Street) from a major thoroughfare like Wilshire or Ocean makes no logical sense. 2nd Street is in no way equipped to handle the type of traffic that a hotel of this size brings in (particularly given the plans to add condos and increase the structural square footage). From cabs, to ubers, to lyfts, to shuttles-the amount of vehicles that will in essence block a two lane road is extreme. We already have one hotel with an entrance on this block- we certainly don't need two.

I go on record firmly opposing these proposed changes to the Miramar Hotel and hope that you and the others with sway cc'd on this correspondence hear my voice and recognize that these plans do not benefit this community. Please feel free to contact me if you have any questions.

Best,

Rachel Maguire
101 California Avenue, Unit 602
Santa Monica, CA 90403
773-551-2642

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From: [Vivian Rothstein](#)
To: [Planning Commission Comments](#)
Subject: Miramar Hotel Renovation Development Agreement
Date: Wednesday, September 2, 2020 2:41:28 PM

EXTERNAL

Greeting Planning Commissioners: I am writing as a city resident of over 35 years to urge you to support the Modernization Agreement negotiated regarding the future of the Miramar Hotel.

In particular I feel the inclusion of over 40 units of affordable housing in the project going forward represents an invaluable benefit to our city and an investment in our community's diversity and sustainability.

Please support this project and continue Santa Monica's commitment to a inclusion.

Sincerely, Vivian Rothstein

From: [Strumpell Kent](#)
To: [Planning Commission Comments](#); [Leslie Lambert](#); [Richard McKinnon](#); [Mario Fonda-Bonardi](#); [Shawn Landres](#); [Nina Fresco](#); [Jim Ries](#); [Elisa Paster](#)
Cc: [Dustin Peterson](#)
Subject: Miramar Item 9-A – September 2 2020
Date: Wednesday, September 2, 2020 3:00:08 PM

EXTERNAL

Chair Leslie Lambert and Planning Commission,

Apologies for my late comment. I ask with that you vote to move the Miramar project proposal along to City Council for thorough review and final approval. I believe the proposal is a vast improvement and has the potential, with additional input, to be a positive transformation that will help our city meet our environmental, housing, climate and mobility goals.

I am aware that there is discussion among nearby neighbors about changes to Second St. and the unlikely prospect of traffic jams there. It's obvious from my inspection of the website renderings and the site plan that the potential for these problems was solved by the project planners and city staff.

Additionally, as someone who depends largely on my bicycles to commute and carry out tasks, I feel qualified to comment on the current state of affairs on Second. The location of the loading zone/trash removal dock there is very problematic. The maneuvering of large trucks is hazardous both for bikes and cars, forcing cyclists to dodge trucks and impatient motorists swerving across lanes. The relocation of truck deliveries to the subterranean area will undoubtedly eliminate these immediate dangers.

But the plan needs additional attention to cycling issues. The long-term bike parking located in the underground parking area is great for workers and hotel guests, but the project also needs to include secure, convenient short-term bike parking next to Ocean Avenue for the many patrons on bicycles that will be attracted to the inviting cafe and patio planned there. Expecting cyclists riding on Ocean Ave. to find the proposed underground bike parking on Second street is unrealistic. A project of this scale surely has the responsibility to find a great location for the kind of convenient, ground-level bike parking that says "cyclists welcome", thereby reducing car trips and helping the city meet its traffic reduction goals.

I hope the Miramar plan is thoughtfully considered by you on Wednesday night, given a positive vote, and passed forward to the City Council as quickly as possible.

Kent Strumpell
1211 Michigan Ave.
Santa Monica

From: [Jing Yeo](#)
To: [Planning Commission Comments](#)
Subject: FW: Agenda Item 9-A: Fairmont Miramar Project
Date: Wednesday, September 2, 2020 4:33:29 PM

From: Ellis Raskin <ellis.raskin@gmail.com>
Sent: Wednesday, September 2, 2020 4:33 PM
To: Leslie Lambert <Leslie.Lambert@SMGOV.NET>; Shawn Landres <Shawn.Landres@SMGOV.NET>; Richard McKinnon <Richard.McKinnon@SMGOV.NET>; Nina Fresco <Nina.Fresco@SMGOV.NET>; Mario Fonda-Bonardi <Mario.Fonda-Bonardi@SMGOV.NET>; Jim Ries <Jim.Ries@SMGOV.NET>; Elisa Paster <Elisa.Paster@SMGOV.NET>; Jing Yeo <Jing.Yeo@SMGOV.NET>; Heidi von Tongeln <Heidi.vonTongeln@SMGOV.NET>
Subject: Agenda Item 9-A: Fairmont Miramar Project

EXTERNAL

Dear Chair Lambert and Honorable Commissioners:

I am writing to you tonight as Chair of the Santa Monica Alliance for the Future, a coalition of Santa Monica residents, electors, and taxpayers who are committed to building a safe, sustainable, and equitable community for future generations. We are grateful for the hard work of countless city staff and community stakeholders to bring this project forward -- this project will advance public objectives for increasing economic investment and City revenue generation to support community services and needs; it increases market-rate and affordable housing production; and it supports business investment and job creation in Santa Monica.

Many commenters have emphasized that the proposed project consists of new development that has not existed before at the Project site. As explained in the staff reports and CEQA disclosures, the site already operates as a luxury hotel, and the development will not consist of a *new* hotel use at the site -- this is a crucial consideration when making findings to support the Commission's actions.

Furthermore, it also bears emphasis that some commenters also overlook the fact that Level of Service ("LOS") thresholds are being phased out of CEQA analysis (pursuant to the adoption of SB 743), and the project's EIR complies with that requirement by conducting a VMT analysis. Per Public Resources Code section 21099:

“Upon certification of [the administrative regulations that implement SB 743 (Guidelines section 15064.3)] by the Secretary of the Natural Resources Agency pursuant to this section, automobile delay, as described solely by level of service or similar measures of vehicular capacity or traffic congestion shall not be considered a significant impact on the environment pursuant to this division, except in locations specifically identified in the guidelines, if any.” (Pub. Resources Code, § 21099, subd. (b)(2).)

Best,

Ellis Raskin, Esq.

<https://www.futuresantamonica.org/>

From: [Eric Brazel](#)
To: [Richard McKinnon](#); [Leslie Lambert](#); [Elisa Paster](#); [Shawn Landres](#); [Mario Fonda-Bonardi](#); [Jim Ries](#); [Nina Fresco](#); [Planning Commission Comments](#); [Jing Yeo](#)
Subject: Item 9-A: Please help hotel workers build back better by supporting the Fairmont Miramar redevelopment
Date: Wednesday, September 2, 2020 4:39:30 PM

EXTERNAL

and Staff,

The Fairmont Miramar's redevelopment plan provides job security and health insurance to workers during the renovation. Most of all it gives Fairmont hotel workers like myself the promise of the best jobs in the industry and long-term job security. We have lost customers because of the pandemic, so in this moment what we need most is to know that we are going to build back better.

Eric Brazel
ericqbrazel@yahoo.com
1237 18th St.
Santa Monica, CA., California 90404

From: [Melissa Zak](#)
To: [Planning Commission Comments](#)
Subject: FW: Petition: Approve the Miramar
Date: Wednesday, September 2, 2020 5:08:24 PM
Attachments: [Miramar_YES petition - StandardText20200902-16807607582.pdf](#)

Melissa Zak | *Staff Assistant*

City of Santa Monica | City Planning

1685 Main Street, Mail Stop 28 | Santa Monica, CA 90401

From: Planning <Planning@SMGOV.NET>
Sent: Wednesday, September 2, 2020 5:05 PM
To: Roxanne Tanemori <Roxanne.Tanemori@SMGOV.NET>; Melissa Zak <Melissa.Zak@SMGOV.NET>
Subject: FW: Petition: Approve the Miramar

From: Esteban Garcia <esteban@abundanthousingla.org>
Sent: Wednesday, September 2, 2020 5:02 PM
To: Planning <Planning@SMGOV.NET>
Subject: Petition: Approve the Miramar

EXTERNAL

Hello,

My name is Esteban Garcia and I am communications manager for Abundant Housing LA; we're a nonprofit advocating for more housing.

We circulated a petition today and it has garnered 14 signatures. The list is attached.

Thanks for your consideration.

Best regards,
Esteban

--

Esteban García | (He/Him)
Communications Manager
Abundant Housing LA
P: 323-219-9516



515 S Flower Street, 18th Floor
Los Angeles, CA 90071

Miramar YES petition

Address	City	State/Province	Zip/Postal	Zip4	CountryCode	Name (First Last or Common Name)
1924 Euclid St A	Santa Monica	CA	90404	5291	US	Andy Liberman
1937 Euclid St U	Santa Monica	CA	90404	4699	US	Carter Rubin
290 N Hudson A	Pasadena	CA	91101	4427	US	Joshua Blumenkopf
2508 Kansas Ave	Santa Monica	CA	90404	5243	US	Natalya Zernitskaya
1422 19th St Apt	Santa Monica	CA	90404	2818	US	Sean Youssefi
2428 21st St	Santa Monica	CA	90405	2712	US	Brent Stoll
1725 Butler Ave	Los Angeles	CA	90025	4162	US	Lee Kaplan
1043 12th St	Santa Monica	CA	90403	4268	US	Ryan Ole Hass
1043 12th St Apt	Santa Monica	CA	90403	4269	US	Ryan Hass
2669 Olive St	Walnut Park	CA	90255	6323	US	Esteban Garcia
1735 La Senda F	South Pasadena	CA	91030	4926	US	Rachel Orfila
1911 17th St	Santa Monica	CA	90404	4725	US	Michelle Kennedy
	Santa Monica	CA	90405		US	Malcolm Miller
2222 10th St	Santa Monica	CA	90405	1308	US	Randolph Ruiz

From: [Melissa Zak](#)
To: [Planning Commission Comments](#)
Subject: FW: Petition: Approve the Miramar
Date: Wednesday, September 2, 2020 5:45:50 PM

Melissa Zak | *Staff Assistant*

City of Santa Monica | City Planning

1685 Main Street, Mail Stop 28 | Santa Monica, CA 90401

From: Planning <Planning@SMGOV.NET>
Sent: Wednesday, September 2, 2020 5:38 PM
To: Roxanne Tanemori <Roxanne.Tanemori@SMGOV.NET>; Melissa Zak <Melissa.Zak@SMGOV.NET>
Subject: FW: Petition: Approve the Miramar

From: Esteban Garcia <esteban@abundanthousingla.org>
Sent: Wednesday, September 2, 2020 5:05 PM
To: Planning <Planning@SMGOV.NET>
Subject: Re: Petition: Approve the Miramar

EXTERNAL

The petition language is below.

Thanks for your consideration.

Dear Planning Commissioners and City Councilmembers,

We support The Miramar project, at 1133 Ocean Avenue, which will include 312 guest rooms, 13,000 square feet of meeting space, 11,500 square feet of food and beverage spaces, 5,500 square feet of ground floor retail, an approximately 14,000 square feet publicly-accessible garden, up to 60 condominiums and a minimum of 42 affordable housing units at 1127-1129 2nd Street, Case No. 011DEV-003.

Santa Monica is facing a severe housing shortage, particularly of affordable housing, which The Miramar project will provide. It will also offer many benefits to the Santa Monica community, including public art, historic preservation interpretive features, local hiring program, internship program, community meeting space availability, sustainable design features, open space programming, enhanced development impact fee contributions, sustainable water infrastructure contribution, affordable lodging contribution, and an economic equity/opportunity fund contribution. Additionally, The Miramar and the affordable housing will be close to public transportation options and in

walking distance to many neighborhood amenities.

Santa Monica has eliminated the funds in the Housing Trust Fund, and so our only hope of providing desperately-needed affordable housing is through projects like this one. Santa Monica needs to use resources available in the City to provide housing, and this is a resource. Providing \$0 for affordable housing and then not allowing projects that build affordable housing (at no cost to taxpayers) to move forward, would be an embarrassment to the City.

The Miramar Project is also thoughtfully designed to be open and inclusive to the nearby community. Currently, a wall separates the Miramar from the Ocean and the neighborhood. By providing a space for neighbors and families to enjoy the Ocean and commercial businesses, the Miramar will be an asset to the City. The Miramar has many benefits for Santa Monica, and we urge the Planning Commission to approve the project.

On Wed, Sep 2, 2020 at 5:02 PM Esteban Garcia <esteban@abundanthousingla.org> wrote:

Hello,

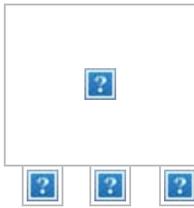
My name is Esteban Garcia and I am communications manager for Abundant Housing LA; we're a nonprofit advocating for more housing.

We circulated a petition today and it has garnered 14 signatures. The list is attached.

Thanks for your consideration.

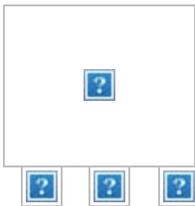
Best regards,
Esteban

--



Esteban García | (He/Him)
Communications Manager
Abundant Housing LA
P: 323-219-9516
515 S Flower Street, 18th Floor
Los Angeles, CA 90071

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Esteban García | (He/Him)
Communications Manager
Abundant Housing LA
P: 323-219-9516
515 S Flower Street, 18th Floor
Los Angeles, CA 90071

From: [Janice Biermann](#)
To: [Planning Commission Comments](#); [Leslie Lambert](#); [Shawn Landres](#); [Jim Ries](#); [Nina Fresco](#); [mario.fondabonard@smgov.net](#); [Richard McKinnon](#); [Elisa Paster](#)
Subject: NO
Date: Wednesday, September 2, 2020 5:52:52 PM

EXTERNAL

I have lived in Santa Monica for 47 years. I love it here.
Please do not let the Miramar project go through.
Sincerely,
Janice Biermann

From: [Jeanne Laurie](#)
To: [Leslie Lambert](#); [Shawn Landres](#); [Jim Ries](#); [Nina Fresco](#); [Mario Fonda-Bonardi](#); [Richard McKinnon](#); [Elisa Paster](#); [David Martin](#); [Jing Yeo](#); [Planning Commission Comments](#)
Subject: Miramar
Date: Wednesday, September 2, 2020 7:42:04 PM

EXTERNAL

Please, Santa Monica does NOT need another monster development. Mr. Dell has billions. Santa Monica doesn't owe him anything. Santa Monica has been going downhill at a gallop for 30 years. It accelerates every year.

This proposal is an atrocity. Like most construction proposals in Santa Monica, it caters to the rich, puts money in the hands of developers, then flowing to the city council, and screws the residents.

Do the honorable thing; be above reproach and bribes.

Represent the people of Santa Monica, instead of chasing the deep pockets.

Jeanne Laurie
Sunset Park

Fill your life with adventures, not things. Have stories to tell, not stuff to show.

From: [Meghmik Babakhanian](#)
To: [Planning Commission Comments](#)
Subject: Public Comment from Meg Babakhanian
Date: Wednesday, September 2, 2020 8:15:24 PM

EXTERNAL

Hello,

Please accept my comment for today's meeting. I had intended on providing an over-the-phone comment, but I have been waiting 3 hours and need to leave for dinner for my sister's birthday.

I would like to provide my support for the planned affordable housing that CCSM will be developing in partnership with the Fairmont Miramar. I've been to Santa Monica hundreds of times, to visit the beach, enjoy some of the restaurants, or to go one of the bars to socialize. Like most other visitors, I usually get off the freeway, pull into a parking lot, and don't really see the real community or interact with the local residents. It's easy to forget that behind the shiny lights and fancy restaurants, there is a vibrant working community who has contributed to the thriving city. CCSM is one of the organizations that constantly shines the spotlight on those working-class families and advocates for affordable housing for them.

On a professional level, I've worked with CCSM to help finance some of their previously developed communities, and I am here to attest to their hard work and dedication to helping build beautiful and well-managed affordable properties. They're always thinking of creative ways to serve the less-advantaged groups. For instance, while most of the affordable housing projects in California have targeted towards homeless individuals in the past few years, CCSM has not forgotten about the other minority groups in need. On one of their most recent projects, which is currently under construction, CCSM partnered with the regional center to set aside 12 units for the developmentally disabled. So when I heard that there is a public comment section during today's Planning Commission meeting, I wanted to share my experience working with CCSM and provide my support for building these 40 or so affordable units is an area that desperately needs it.

Best regards,

Meg Babakhanian
California Community Reinvestment Corporation
100 West Broadway, Suite 1000 | Glendale, CA 91210
Office: (818) 550-9809 | Cell: (818) 632-8264
Meg.Babakhanian@e-ccrc.org